



Criminal Justice Act 1988

CHAPTER 33

CRIMINAL JUSTICE ACT 1988

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Status: This is the original version (as it was originally enacted).

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SCHEDULE 1 — Amendments of Extradition Act 1870, Backing of Warrants (Republic of Ireland) Act 1965 and Fugitive Offenders Act 1967

Part I — EXTRADITION ACT 1870

- 1 In section 3(3) (restrictions on surrender) after the word “otherwise”...

- 2 The following section shall be inserted after section 11— Simplified...
- 3 In section 26, in the definition of “police magistrate”, for...
- 4 There shall be included in the list of extradition crimes...
- Part II — BACKING OF WARRANTS (REPUBLIC OF IRELAND) ACT 1965
- 5 The following section shall be inserted after section 2— Statement...
- Part III — FUGITIVE OFFENDERS ACT 1967
- 6 The following section shall be substituted for section 3— Relevant...
- 7 (1) Section 4 (general restrictions on return) shall be amended...
- 8 (1) The following subsections shall be substituted for subsection (2)...
- 9 In subsection (1)(a) of section 6 (arrest for purposes of...
- 10 (1) In subsection (1) of section 7 (proceedings for committal)...
- 11 The following section shall be inserted after section 7— Statement...
- 12 (1) Section 8 (application for habeas corpus etc.) shall be...
- 13 (1) Section 9 (order for return to requesting country) shall...
- 14 In subsection (1) of section 10 (discharge in case of...
- 15 The following paragraph shall be substituted for subsection (2)(b) of...
- 16 In subsection (1) of section 16 (application to Channel Islands)...
- 17 At the end of subsection (1) of section 19 (interpretation)...

SCHEDULE 2 — Documentary Evidence—Supplementary

- 1 Where a statement is admitted as evidence in criminal proceedings...
- 2 A statement which is given in evidence by virtue of...
- 3 In estimating the weight, if any, to be attached to...
- 4 Without prejudice to the generality of any enactment conferring power...
- 5 Expressions used in Part II of this Act and in...
- 6 In Part II of this Act “confession” has the meaning...

SCHEDULE 3 — Reviews of Sentencing—Supplementary

- 1 Notice of an application for leave to refer a case...
- 2 If the registrar of criminal appeals is given notice of...
- 3 Rules of court may enable a person to whose sentencing...
- 4 An application to the Court of Appeal for leave to...
- 5 The time during which a person whose case has been...
- 6 Except as provided by paragraphs 7 and 8 below, a...
- 7 A person in custody shall not be entitled to be...
- 8 The power of the Court of Appeal to pass sentence...
- 9 A person whose sentencing is the subject of a reference...
- 10 The term of any sentence passed by the Court of...
- 11 Where on a reference to the Court of Appeal under...
- 12 In the application of this Schedule to Northern Ireland—

SCHEDULE 4 — Confiscation Orders

Part I — OFFENCES IN RESPECT OF WHICH MAGISTRATES' COURTS MAY MAKE CONFISCATION ORDERS

Part II — ORDERS VARYING LIST OF OFFENCES

- 1 The Secretary of State may by order made by statutory...
- 2 A statutory instrument containing an order under paragraph 1 above...

SCHEDULE 5 — Drug Trafficking Amendments

Part I — AMENDMENTS OF DRUG TRAFFICKING OFFENCES ACT 1986

- 1 The Drug Trafficking Offences Act 1986 shall be amended as...
- 2 In section 7 (cases in which restraint orders and charging...
- 3 (1) The following subsection shall be inserted after subsection (5)...

- 4 (1) The following paragraphs shall be substituted for subsection (3)(a)...
5 Subsection (1) of section 10 of that Act (charging orders:...) ...
6 (1) Section 12 (application of proceeds of realisation and other...
7 In section 15 (bankruptcy of defendant etc.)—
8 (1) Section 16 (sequestration in Scotland of defendant etc.) shall...
9 In subsection (1) of section 17 (winding up of company...
10 The following section shall be inserted after that section— Insolvency...
11 In subsection (2) of section 18 (receivers: supplementary provisions)
for...
12 In section 19 (compensation)— (a) in paragraph (b)(i) of subsection...
13 The following subsection shall be inserted after subsection (5) of...
14 (1) The following paragraph shall be substituted for subsection (1)(d)...
15 The following sections shall be substituted for section 26—
Enforcement...
16 The following subsections shall be substituted for subsections (12)
and...
17 In section 40(4) (effect of Act in Scotland), in paragraph...
Part II — AMENDMENTS OF CRIMINAL JUSTICE (SCOTLAND) ACT 1987
18 The Criminal Justice (Scotland) Act 1987 shall be amended as...
19 In section 1 (confiscation orders) in paragraph (b) of subsection...
20 In subsection (6)(a) of section 11 (which applies the provisions...
21 In subsection (3) of section 16 (application of proceeds of...
22 In section 34(6)(d) (bankruptcy in England and Wales of person...
23 In subsection (5) of section 38 (order to permit entry...

SCHEDULE 6 — The Criminal Injuries Compensation Board

Status

- 1 The Board shall not be regarded as the servant or...

Membership

- 2 (1) The Board shall consist of such number of members...
3 (1) The Board shall pay to its members such remuneration...
4 Where a person ceases to hold office as a member...

Staff

- 5 The Board may, after consultation with the Secretary of State,...
6 Employment by the Board shall be included among the kinds...

Expenses

- 7 Any expenses incurred by the Board in discharging their functions...

Proceedings

- 8 The validity of any proceedings of the Board shall not...

Accounts and information etc.

- 9 (1) The Board shall— (a) keep proper accounts and proper...
10 (1) As soon as possible after the end of each...
11 The Board shall provide the Secretary of State with such...
12 The Secretary of State may give to the Board such...

SCHEDULE 7 — Compensation

Claims for compensation

- 1 (1) The Board shall not award compensation to a person...
- 2 Unless the circumstances appear to them to be exceptional—
- 3 If (a) the Board— (i) have previously awarded compensation in...

Procedure

- 4 (1) The Secretary of State shall make rules of procedure...

Applications for reconsideration of claims

- 5 (1) Where a claimant is aggrieved by the determination of...

Payment of compensation

- 6 (1) Except in prescribed cases, compensation, whether on an interim...

Deferment of determination

- 7 (1) The Board may only defer the determination of a...

Appropriate law

- 8 Subject to the provisions of this Part of this Act,...

Private medical treatment

- 9 In assessing compensation no account shall be taken of any...

Calculation of earning capacity

- 10 (1) For the purposes of assessing compensation payable under this...

Reduction of compensation by reference to social security benefits etc.

- 11 (1) Compensation, other than compensation in respect of funeral expenses,...

Reduction of compensation by reference to pension rights

- 12 (1) Compensation payable, other than compensation in respect of funeral...

Reduction of compensation by reference to damages etc.

- 13 Where the Board are satisfied that, by virtue of—

Miscellaneous rules

- 14 (1) The Secretary of State may by rules—

SCHEDULE 8 — Custodial Sentences for Young Offenders

Part I — AMENDMENTS

General

- 1 In any enactment for a reference to a detention centre...
- 2 In any enactment except— (a) section 21 of the Firearms...
- 3 (1) In any enactment except— (a) Part II of Schedule...

Army Act 1955 (c. 18) Air Force Act 1955 (c. 19) Naval Discipline Act 1957 (c. 53)

- 4 In subsection (6) – (a) of section 71AA of the...
- 5 In sub-paragraph (6) of paragraph 10— (a) of Schedule 5A...

Firearms Act 1968 (c. 27)

- 6 In section 21(1) and (2) of the Firearms Act 1968...

Employment Agencies Act 1973 (c. 35)

- 7 In section 13(7)(a)(ii) of the Employment Agencies Act 1973 for...

Juries Act 1974 (c. 23)

- 8 In Part I of Schedule 1 to the Juries Act...

Rehabilitation of Offenders Act 1974 (c. 53)

- 9 In section 5 of the Rehabilitation of Offenders Act 1974...

Criminal Justice Act 1982 (c. 48)

- 10 The following paragraph shall be inserted after paragraph (b) of...
Part II — TRANSITIONAL PROVISIONS
- 11 (1) Where— (a) before the date on which section 1A...
- 12 An offender who was sentenced to youth custody on a...
- 13 A person who at the commencement of section 1A of...
- 14 Rules under section 47 of the Prison Act 1952 may...
- 15 Where on the commencement of section 1A of the Criminal...
- 16 Nothing in this Act affects any right of appeal against...

SCHEDULE 9 — DETENTION OF YOUNG OFFENDERS IN SCOTLAND
PART I — AMENDMENTS

Prisons (Scotland) Act 1952 (c. 61)

- 1 In section 31(1) of the Prisons (Scotland) Act 1952 for...

Army Act 1955 (c. 18) Air Force Act 1955 (c. 19) Naval Discipline Act 1957 (c. 53)

- 2 In subsection (6)— (a) of section 71AA of the Army...
- 3 In sub-paragraph (6) of paragraph 10— (a) of Schedule 5A...

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)

- 4 In paragraph (b) of Part II (Persons Disqualified) of Schedule...

Criminal Justice (Scotland) Act 1980 (c. 62)

- 5 In section 41(2)(b)(ii) of the Criminal Justice (Scotland) Act 1980...
PART II — TRANSITIONAL PROVISIONS

- 6 An offender who was ordered to be detained in a...
- 7 A person who at the commencement of section 124 of...
- 8 Section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation...

SCHEDULE 10 — SUPERVISION

PART I — SECTIONS SUBSTITUTED FOR SECTION 12 OF
CHILDREN AND YOUNG PERSONS ACT 1969

- 12 Power to include requirements in supervision orders
- 12A Young offenders
- 12B Requirements as to mental treatment
- 12C Requirements as to education
- 12D Duty of court to state in certain cases that requirement in place of
custodial sentence

PART II — AMENDMENTS CONSEQUENTIAL ON SUBSTITUTION OF
SECTIONS SET OUT IN PART I FOR SECTION 12

PART III — AMENDMENTS OF SECTION 15

- 1 The following subsection shall be substituted for subsection (2A)—
- 2 In subsection (3), for “12(1) or (2)” there shall be...
- 3 The following subsections shall be substituted for subsection (4)—

PART IV — SECTION INSERTED AFTER SECTION 16

SCHEDULE 11 — Administration of the Probation Service Etc.

Amendments of Schedule 3 to Powers of Criminal Courts Act 1973

- 1 Schedule 3 to the Powers of Criminal Courts Act 1973...
- 2 In paragraph 4— (a) in sub-paragraph (1), for the word...
- 3 The following paragraphs shall be inserted after paragraph 6— Any
probation committee may also co-opt one or more justices...
- 4 Paragraph 7 shall cease to have effect.
- 5 The following paragraph shall be substituted for paragraph 10(3)(a)—
- 6 The following paragraph shall be inserted after paragraph 18(1)(a)—

Amendment of Local Government Finance Act 1982

- 8 In paragraph (1) of section 12(2) of the Local Government...

SCHEDULE 12 — Assessors of Compensation for Miscarriages of Justice

- 1 A person may only be appointed to be an assessor...
- 2 A person shall hold and vacate office as an assessor...
- 3 A person shall vacate office as an assessor—
- 4 A person may at any time resign his office as...
- 5 Subject to paragraph 6 below, the Secretary of State may...
- 6 The power conferred by paragraph 5 above shall only be...
- 7 An assessor shall be paid such remuneration and allowances as...

SCHEDULE 13 — Evidence Before Courts-Martial Etc.

Interpretation

- 1 In this Schedule— “procedural instruments” means— Rules of
Procedure under...

First-hand hearsay

- 2 Sections 23 and 24 above shall have effect in relation...

Documentary evidence

- 3 Section 25 above shall have effect in relation to proceedings...
4 In section 26 above— (a) the reference to criminal proceedings...
5 Without prejudice to the generality of any enactment conferring power...

Letters of request etc.

- 6 (1) In section 29 above “criminal proceedings” does not include...

Form of evidence and glossaries

- 7 For the purpose of helping members— (a) of courts-martial constituted...

Use of television links

- 8 (1) The Secretary of State may by order direct that...

SCHEDULE 14 — Body Samples – Northern Ireland

Scope of Schedule

- 1 This Schedule applies— (a) to an offence (whether at common...
2 The offences mentioned in paragraph 1(a) above are—
3 The offences mentioned in paragraph 1(b) above are—
4 (1) Subject to sub-paragraph (2) below, an offence not mentioned...
5 A person arrested under section 12(1)(b) of the Prevention of of...

Interpretation

- 6 (1) In this Schedule— “appropriate consent” means— in relation to...

Intimate samples

- 7 (1) An intimate sample may be taken from a person...

Other Samples

- 8 (1) Except as provided by this paragraph, a non-intimate sample...

Destruction of samples

- 9 (1) If— (a) a sample is taken from a person...

SCHEDULE 15 — Minor and Consequential Amendments

Criminal Law Act 1826 (c. 64)

- 1 Section 30 of the Criminal Law Act 1826 (which enables...

Offences against the Person Act 1861 (c. 100)

- 2 The Offences against the Person Act 1861 shall be amended...
3 There shall be omitted from section 44 (certificates as to...

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

4 In section 45 (bars to further proceedings) for the words...

Bankruptcy Act 1914 (c. 59)

5 Section 28 of the Bankruptcy Act 1914 (effect of order...

Land Registration Act 1925 (c. 21)

6 In section 49(1)(g) of the Land Registration Act 1925 (protection...

7 In section 112A(1) of that Act (inspection in connection with...

Children and Young Persons Act 1933 (c. 12)

8 In Schedule 1 to the Children and Young Persons Act...

9 References in that Act to the offences mentioned in Schedule...

Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)

10 The following paragraph shall be substituted for paragraph (iA) of...

Prison Act 1952 (c. 52)

11 The following paragraph shall be inserted after paragraph (a) of...

12 In subsection (3) of that section, for the word “or”...

Visiting Forces Act 1952 (c. 67)

13 In section 5 of the Visiting Forces Act 1952 (custody...

14 (1) In subsection (1) of section 12 of that Act,...

15 —In paragraphs 1(a) and 2(a) of the Schedule, after the...

Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)

16 In paragraph 4 of the Schedule to the Backing of...

Criminal Justice Act 1967 (c. 80)

17 The Criminal Justice Act 1967 shall be amended as follows....

18 In section 62— (a) in subsection (10) (subsequent release of...

19 In subsection (6) of section 67 (computation of sentences) for...

Criminal Appeal Act 1968 (c. 19)

20 The Criminal Appeal Act 1968 shall be amended as follows....

21 Section 9 shall be renumbered so as to become section...

22 (1) In subsection (2)(b) of section 10 (proceedings from which...

23 (1) In subsection (2) of section 11 (supplementary provisions as...

24 The following subsection shall be substituted for subsection (4) of...

25 The following section shall be inserted after section 18— Appeals...

26 In subsection (1) of section 19 (bail)—

27 In section 29(2)(b) (circumstances in which there may not be...

28 The following section shall be substituted for section 30— Restitution...

29 The following shall be substituted for the words in section...

30 The following subsection shall be inserted after subsection (2A) of...

31 The following shall be substituted in the first subsection of...

32 The following paragraph shall be inserted after paragraph 1 of...

Theft Act 1968 (c. 60)

33 In subsection (5) of section 28 of the Theft Act...

Genocide Act 1969 (c. 12)

34 In subsection (2) of section 2 of the Genocide Act...

Children and Young Persons Act 1969 (c. 54)

35 In subsection (1) of section 20A of the Children and...

36 In section 29 of that Act (recognisance on release of...

Tribunals and Inquiries Act 1971 (c. 62)

37 (1) In section 8(2) of the Tribunals and Inquiries Act...

Powers of Criminal Courts Act 1973 (c. 62)

38 The Powers of Criminal Courts Act 1973 shall be amended...

39 In subsection (1) of section 34A (power of Crown Court...

40 The following subsection shall be substituted for section 35(4)—

41 In subsection (4)(b) of section 43 (power to deprive offender...

42 In sub-paragraph (2A)(b) of paragraph 3 (which empowers a probation...

Legal Aid Act 1974 (c. 4)

43 In section 28(7A) of the Legal Aid Act 1974 for...

Juries Act 1974 (c. 23)

44 In subsection (1) of section 3 of the Juries Act...

45 In section 6(1) of that Act (summoning of jury in...

46 In section 20(4) of that Act (offences) after the word...

Rehabilitation of Offenders Act 1974 (c. 53)

47 In section 1(2)(a) of the Rehabilitation of Offenders Act 1974...

Criminal Procedure (Scotland) Act 1975 (c. 21)

48 In each of sections 171 and 368 of the Criminal...

49 In section 289G of that Act (which creates the standard...

50 In Schedule 1 to that Act (which lists offences against...

51 In the said Schedule 1 after paragraph (d) there shall...

Bail Act 1976 (c. 63)

52 In section 2(2) the following definitions shall be inserted before...

Sexual Offences (Amendment) Act 1976 (c. 82)

53 (1) The Sexual Offences (Amendment) Act 1976 shall have effect...

Internationally Protected Persons Act 1978 (c. 17)

54 The following sections shall be substituted for section 3 of...

55 The following subsections shall be substituted for section 4(1) of...

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

Judicature (Northern Ireland) Act 1978 (c. 23)

56 In section 49(6) of the Judicature (Northern Ireland) Act 1978...

Suppression of Terrorism Act 1978 (c. 26)

57 The words “or Part I of the Criminal Justice Act...

Interpretation Act 1978 (c. 30)

58 In Schedule 1 to the Interpretation Act 1978—

59 In the definition of “offence triable either way” in that...

Protection of Children Act 1978 (c. 37)

60 The Protection of Children Act 1978 shall be amended as...

61 (1) In subsection (1) of section 4 (entry, search and...

62 (1) In subsection (2) of section 5 (forfeiture) the words...

Justices of the Peace Act 1979 (c. 55)

63 At the end of subsection (1)(b) of section 61 of...

Child Care Act 1980 (c. 5)

64 In section 73(1)(b) of the Child Care Act 1980 (places...

Magistrates' Courts Act 1980 (c. 43)

65 The Magistrates' Courts Act 1980 shall be amended as follows....

66 In section 6(5) (display of notice of committal or discharge)...

67 In subsection (1) of section 37 (committal to Crown Court...

68 At the end of subsection (8) of section 102 (written...

69 (1) In subsection (3A) of section 128 (remand in custody...

70 The following subsection shall be inserted after subsection (2) of...

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

71 The Criminal Appeal (Northern Ireland) Act 1980 shall be amended...

72 The following subsection shall be substituted for subsection (4) of...

73 The following section shall be inserted after section 16— Appeals...

74 The following section shall be substituted for section 17— Bail...

75 The following section shall be substituted for section 18— Groundless...

76 (1) In section 44(1) (constitution of Court of Appeal on...

77 The following paragraph shall be substituted for section 45(2)(d)—

78 The following subsection shall be inserted after section 45(3)—

Supreme Court Act 1981 (c. 54)

79 In the proviso to section 47(5) of the Supreme Court...

80 The following paragraph shall be inserted after subsection (4)(a) of...

Civil Aviation Act 1982 (c. 16)

81 The following sections shall be inserted after section 93 of...

Civil Jurisdiction and Judgments Act 1982 (c. 27)

82 In section 18(4A) of the Civil Jurisdiction and Judgments Act...

Taking of Hostages Act 1982 (c. 28)

83 The following section shall be inserted after section 3 of...

84 The following subsections shall be substituted for section 5(1) of...

Aviation Security Act 1982 (c. 36)

85 The Aviation Security Act 1982 shall be amended as follows....

86 In subsection (3) of section 9, after the word “above”...

87 The following section shall be inserted after that section— Extradition...

88 The following subsections shall be substituted for section 39(1) of...

Civic Government (Scotland) Act 1982 (c. 45)

89 In subsection (7) of section 52 of the Civic Government...

Criminal Justice Act 1982 (c. 48)

90 At the end of section 15(11) of the Criminal Justice...

91 At the end of part II of Schedule 1 to...

Transport Act 1982 (c. 49)

92 (1) In subsection (1) of section 34 (endorsement of licences...

93 (1) In subsection (1) of section 47 of that Act...

94 In section 50(1) of that Act, in the definition of...

Nuclear Material (Offences) Act 1983 (c. 18)

95 The following section shall be inserted after section 5 of...

96 The following subsections shall be substituted for section 7(1) of...

Police and Criminal Evidence Act 1984 (c. 60)

97 The Police and Criminal Evidence Act 1984 shall be amended...

98 At the end of subsection (3)(b) of section 24 (arrest)...

99 In section 55(1) (intimate searches) for the words “such a...

100 In section 65, in the definition of “intimate samples”, for...

101 In section 120 (extent) the second of the two subsections...

102 At the end of Schedule 5 to that Act there...

Prosecution of Offences Act 1985 (c. 23)

103 The following paragraph shall be inserted after subsection (4)(a) of...

104 In subsection (11) of section 22 of that Act (power...

Local Government Act 1985 (c. 51)

105 In section 15(4) of the Local Government Act 1985 (probation...

Bankruptcy (Scotland) Act 1985 (c. 66)

106 The Bankruptcy (Scotland) Act 1985 shall be amended as follows....

107 In section 5(4) (interpretation) after “1987” there shall be added...

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

- 108 In section 7(1) (constitution of apparent insolvency)—
109 Section 55(2) (discharge of debtor not to release him from...

Insolvency Act 1986 (c. 45)

- 110 Section 281(4) of the Insolvency Act 1986 (discharge of debtor...

Criminal Justice Act 1987 (c. 38) Criminal Justice (Scotland) Act 1987 (c. 41)

- 111 The following paragraph shall be substituted for subsection (6)(j) of...

Criminal Justice Act 1987 (c. 38)

- 112 The Criminal Justice Act 1987 shall be amended as follows....
113 (1) In subsection (2) of section 2 (Director's investigation powers),...
114 (1) In subsection (1) of section 11, for the words...
115 In section 13(1), for the words "operates only so as...
116 In paragraph 6(1) of Schedule 1, for "(4)" there shall...

Criminal Justice (Scotland) Act 1987 (c. 41)

- 117 (1) Section 52 of the Criminal Justice (Scotland) Act 1987...

The Public Order (Northern Ireland) Order 1987 S.I. 1987 No. 463 (N.I.7)

- 118 (1) In Article 24(2) of the Public Order (Northern Ireland)...

SCHEDULE 16 — Repeals