



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART XII

#### GENERAL AND SUPPLEMENTARY

#### 168 Northern Ireland.

- (1) An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M1</sup>Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to those of any provision of this Act to which this section applies—
  - (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
  - (b) shall be subject to annulment in pursuance of a resolution of either House.
- (2) The provisions of this Act to which this section applies are—
  - sections 23 to 27;
  - section 28;
  - sections 29 to 34;
  - section 44(3) and (4);
  - section 47;
  - section 144;
  - section 160.

#### Marginal Citations

M1 1974 c. 28.

#### 169 Financial provision.

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred under this Act by a Minister of the Crown; and

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- (b) any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.

### 170 Minor and consequential amendments and repeals.

- (1) The enactments mentioned in Schedule 15 to this Act shall have effect with the amendments there specified (being minor amendments and amendments consequential on the foregoing provisions of this Act).
- (2) The enactments mentioned in Schedule 16 to this Act (which include enactments already obsolete or unnecessary) are repealed to the extent specified in the third column of that Schedule but subject to the Notes at the end of the Schedule.

#### Commencement Information

- II** S. 170 partly in force; s. 170 in force at Royal Assent so far as relating to specified provisions of Sch. 15 and specified repeals in Sch. 16 see s. 171(5); s. 170 in force so far as relating to further specified provisions of Sch. 15 and further specified repeals in Sch. 16 at 29.9.1988 see s. 171(6); s. 170 in force so far as relating to further specified provisions of Sch. 15 and further specified repeals in Sch. 16: at 1.10.1988 by S.I. 1988/1408; at 12.10.1988 by S.I. 1988/1676; at 1.11.1988 by S.I. 1988/1817; at 5.1.1989 by S.I. 1988/2073; at 23.1.1989 by S.I. 1989/50; at 1.2.1989 by S.I. 1989/1; at 3.4.1989 by S.I. 1989/264; at 31.7.1989 by S.I. 1989/1085; at 1.1.2000 by S.I. 1999/3425.

### 171 Commencement.

- (1) Subject to the following provisions of this section, this Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint and different days may be appointed in pursuance of this subsection for different provisions or different purposes of the same provision.
- (2) An order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with any provision thereby brought into force<sup>F1</sup>. . . .

[<sup>F2</sup>F2(3) . . .]

[<sup>F2</sup>(4) . . .]

- (5) The following provisions shall come into force on the day this Act is passed—
- section 66;
  - section 67;
  - section 103(1), so far as it relates—
    - (a) to the addition of two subsections at the end of section 8 of the <sup>M2</sup>Drug Trafficking Offences Act 1986;
    - (b) to the insertion of a new subsection in section 24 of that Act; and
    - (c) to the substitution of two new sections for section 26 of that Act;
  - section 129;
  - section 132, so far as it relates to the <sup>M3</sup>Local Government Finance Act 1982;
  - section 141;
  - section 142;
  - section 143;

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section 144;  
section 149;  
section 166;  
section 167;  
section 168;  
section 169;  
subsection (1) of section 170, so far as relating to the following—  
    section 112A(1) of the <sup>M4</sup>Land Registration Act 1925;  
    the extension of references in the <sup>M5</sup>Children and Young Persons Act 1933 to the offences mentioned in Schedule 1 to that Act so as to include offences under Part I of the <sup>M6</sup>Child Abduction Act 1984;  
    the <sup>M7</sup>Visiting Forces Act 1952;  
    section 67(6) of the <sup>M8</sup>Criminal Justice Act 1967;  
    section 29 of the <sup>M9</sup>Children and Young Persons Act 1969;  
    section 6(1) of the <sup>M10</sup>Juries Act 1974;  
    sections 171 and 368 of and Schedule 1 to the <sup>M11</sup>Criminal Procedure (Scotland) Act 1975;  
    the <sup>M12</sup>Child Care Act 1980;  
    sections 37 and 133 of the <sup>M13</sup>Magistrates' Courts Act 1980;  
    section 52(7) of the <sup>M14</sup>Civic Government (Scotland) Act 1982;  
    the <sup>M15</sup>Criminal Justice Act 1982;  
    the <sup>M16</sup>Police and Criminal Evidence Act 1984;  
    the <sup>M17</sup>Prosecution of Offences Act 1985;  
    the <sup>M18</sup>Criminal Justice Act 1987;  
    the <sup>M19</sup>Criminal Justice (Scotland) Act 1987;  
subsection (2) of that section, so far as relating to the following—  
    section 49 of the <sup>M20</sup>Criminal Justice Act 1967;  
    section 29 of the <sup>M21</sup>Children and Young Persons Act 1969;  
    the Criminal Justice Act 1987;  
this section;  
sections 172 and 173.

(6) The following provisions—

section 44;  
section 45;  
section 46;  
section 47;  
section 48;  
section 58;  
section 64;  
section 68;  
section 69;  
section 134;  
section 135;  
section 136;  
section 137;

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section 138;  
 section 139;  
 section 140;  
 section 158;  
 sections 160 and 161;  
 subsection (1) of section 170, so far as relating to the <sup>M22</sup>Sexual Offences (Amendment) Act <sup>M23</sup>1976, the Protection of Children Act 1978 and section 6(5) of the Magistrates' Courts Act 1980;  
 subsection (2) of that section, so far as relating to the following—  
     the <sup>M24</sup>Prevention of Corruption Act 1916;  
     Schedule 3 to the <sup>M25</sup>Criminal Justice Act 1967;  
     section 28(3) of the <sup>M26</sup>Criminal Justice Act 1972;  
     the <sup>M27</sup>Sexual Offences (Amendment) Act 1976;  
     the <sup>M28</sup>Protection of Children Act 1978;  
     the <sup>M29</sup>Cable and Broadcasting Act 1984;  
     section 24(2)(e) of the <sup>M30</sup>Police and Criminal Evidence Act 1984,

shall come into force at the end of the period of two months beginning with the day this Act is passed.

- (7) Section 162 above shall come into force—
- (a) on the day appointed under section 23(2) of the <sup>M31</sup>Video Recordings Act 1984 for the coming into force of the provisions of that Act not in force at the passing of this Act; or
  - (b) on the passing of this Act,
- whichever is the later.

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#### Subordinate Legislation Made

**P1** Power of appointment conferred by section 171(1) partly exercised: [S.I. 1988/1408](#), 1676, 1817, 2073; 1989/1, 50, 264, 1085, 1595; 1990/220, 1145, 2084; 1999/3425; 1.9.2004 appointed for specified provisions by [{S.I. 2004/2167}](#), art. 2 (subject to art. 3)

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#### Textual Amendments

**F1** Words in [s. 171\(2\)](#) repealed (E.W.S.)(8.11.1995) by [1995 c. 53, s. 12\(7\)](#), Sch.

**F2** [S. 171\(3\)\(4\)](#) repealed (E.W.S.)(8.11.1995) by [1995 c. 53, s. 12\(7\)](#), Sch.

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#### Marginal Citations

**M2** 1986 c. 32.

**M3** 1982 c. 32.

**M4** 1925 c. 21.

**M5** 1933 c. 12.

**M6** 1984 c. 37.

**M7** 1952 c. 67.

**M8** 1967 c. 80.

**M9** 1969 c. 54.

**M10** 1974 c. 23.

**M11** 1975 c. 21.

**M12** 1980 c. 5.

**M13** 1980 c. 43.

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**M14** 1982 c. 45.  
**M15** 1982 c. 48.  
**M16** 1984 c. 60.  
**M17** 1985 c. 23.  
**M18** 1987 c. 38.  
**M19** 1987 c. 41.  
**M20** 1967 c. 86.  
**M21** 1969 c. 54.  
**M22** 1976 c. 82.  
**M23** 1978 c. 37.  
**M24** 1916 c. 64.  
**M25** 1967 c. 80.  
**M26** 1972 c. 71.  
**M27** 1976 c. 82.  
**M28** 1978 c. 37.  
**M29** 1984 c. 46.  
**M30** 1984 c. 60.  
**M31** 1984 c. 39.

## 172 Extent.

- (1) Subject to the following provisions of this section, and to sections 19, 20 and 21 above, this Act extends to England and Wales only.
- (2) The following provisions extend also to Scotland—
  - Part I;  
sections 44 to 48;  
section 50;  
section 57;  
section 63;  
section 68;  
section 76(3);  
section 77(10) and (11);  
section 82;  
sections 84 to 88;  
[<sup>F3</sup>sections 93A to 93D;  
sections 93F and 93G]  
section 94;  
section 102, so far as relating to other provisions of this Act extending to Scotland;  
[<sup>F4</sup>sections 108 to 115 and 117;]  
section 133;  
section 134;  
section 136;  
section 137;  
sections 141 [<sup>F5</sup>141A and 142];  
section 143;  
section 145(a) and (b);  
section 162;

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section 170;  
 section 171;  
 this section; and  
 section 173.

(3) The following provisions extend also to Northern Ireland—

Part I;  
 Part IV;  
 section 50;  
 section 133;  
 [<sup>F6</sup>sections 133 to 133B][<sup>F7</sup>, with the exception of paragraph 5(ba) of Schedule 12 which extends to England and Wales and Scotland only]  
 section 135;  
 section 136;  
 section 137;  
 [<sup>F8</sup>section 139;  
 section 139A;  
 section 139B;]  
 section 141;  
 section 142;  
 section 143;  
 section 152;  
 section 159;  
 section 162;  
 section 166(5);  
 section 170;  
 section 171;  
 this section; and  
 section 173;

(4) The following provisions—

section 56;  
 sections 90 to 93;  
 [<sup>F9</sup>section 93E]  
 section 103(2);  
 [<sup>F10</sup>section 116;]  
 section 124;  
 [<sup>F11</sup>section 141ZA;]  
 [<sup>F12</sup>section 141C;]  
 section 161;

extend to Scotland only.

(5) Section 95 above extends only to Scotland and Northern Ireland.

(6) Sections 145(c), 149 and 168 [<sup>F13</sup>and paragraph 5(bb)[<sup>F14</sup>, 5(bc) and 5(bd)] of Schedule 12] above extend to Northern Ireland only.

[<sup>F15</sup>(7) Nothing in subsection (1) above affects the extent of section 146 or Schedule 13.]

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- (10) Section 158 above extends—
- (a) to Scotland, so far as it relates to courts-martial; and
  - (b) to Northern Ireland, so far as it relates to courts-martial and to such a publication or broadcast or inclusion in a cable programme in Northern Ireland as is mentioned in section 4(1) of the <sup>M32</sup>Sexual Offences (Amendment) Act 1976 as adapted by section 5(1)(b) of that Act.
- (11) The extent of any amendment of an enactment in Schedule 15 to this Act is the same as that of the enactment amended, except that the amendments of the Offences against the <sup>M33</sup>Person Act 1861 do not extend to Northern Ireland.
- (12) The extent of any repeal of an enactment in Schedule 16 to this Act is the same as that of the enactment repealed, subject to the Notes at the end of the Schedule.

#### Textual Amendments

- F3** Words in s. 172(2) inserted (15.2.1994 so far as it relates to E.W.S.) by 1993 c. 36, ss. 78(3), 79(13), **Sch. 5, Pt. I para. 14(2)(a)**; S.I. 1994/71, art. 2, **Sch.**
- F4** Words in s. 172(2) repealed (E.W.S.) (8.11.1995) by 1995 c. 53, s. 12(7), **Sch.**
- F5** Words in s. 172(2) substituted (1.1.1997) by 1996 c. 26, s. 6(2)(3); S.I. 1996/3063, **art. 2**
- F6** S. 172(3): words substituted (1.12.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. **61(8)**, 153 (with **Sch. 27 para. 22**); S.I. 2008/2993, **art. 2(1)(a)**
- F7** Words in s. 172(3) inserted (1.10.2012) by The Tribunals, Courts and Enforcement Act 2007 (Consequential Amendments) Order 2012 (S.I. 2012/2404), art. 1, **Sch. 2 para. 24(2)** (with art. 5)
- F8** Words in s. 172(3) substituted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 26 para. 7**; S.I. 2012/2770, art. 2(f)
- F9** Words in s. 172(4) inserted (15.2.1994 so far as it relates to Scotland) by 1993 c. 36, ss. 78(3), 79(13), **Sch. 5 Pt. I para. 14(2)(b)**; S.I. 1994/71, art. 2, **Sch.**
- F10** Words in s. 172(4) repealed (E.W.S.) (8.11.1995) by 1995 c. 53, s. 12(7), **Sch.**
- F11** Words in s. 172(4) inserted (S.) (1.11.2007) by Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17), ss. **61(3)**, 67; S.S.I. 2007/431, **art. 3, Sch.**
- F12** Words in s. 172(4) inserted (1.1.2021 for S.) by Offensive Weapons Act 2019 (c. 17), ss. **36(4)**, 70(1)(2); S.S.I. 2020/410, reg. 2(f)
- F13** Words in s. 172(6) inserted (N.I.) (21.4.2015) by The Insolvency (Northern Ireland) Order 2005 (Consequential Amendments) Order (Northern Ireland) 2015 (S.R. 2015/159), art. 1, **Sch. Pt para. 9(2)**
- F14** Words in s. 172(6) inserted (N.I.) (7.3.2016) by The Debt Relief Act (Northern Ireland) 2010 (Consequential Amendments) Order (Northern Ireland) 2016 (S.R. 2016/108), art. 1, **Sch. para. 12(2)**
- F15** S. 172(7) substituted for s. 172(7)-(9) (28.3.2009 for certain purposes and 31.10.2009 insofar as not already in force) by Armed Forces Act 2006 (c. 52), ss. 378, 383, **Sch. 16 para. 114**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

#### Marginal Citations

- M32** 1976 c. 82.  
**M33** 1861 c. 100.

## 173 Citation.

This Act may be cited as the Criminal Justice Act 1988.

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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. 36(2)(b)(v) and word inserted by [2019 c. 17 s. 13\(3\)\(b\)](#)
- s. 36(3A)(3B) substituted for s. 36(3A) by [2008 c. 4 s. 46\(2\)](#)
- s. 41(4A) inserted by [2004 c. 28 Sch. 10 para. 28](#)
- s. 139AZA(1)(a)(iii) and word inserted by [2019 c. 17 s. 13\(4\)\(b\)](#)