



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Miscellaneous

26 Alteration of certain penalties.

(1) In section 7 of the ^{M1}Theft Act 1968 (theft), for the words “ten years” there shall be substituted the words “seven years”.

(2) For subsections (3) and (4) of section 9 of that Act (burglary) there shall be substituted the following subsections—

“(3) A person guilty of burglary shall on conviction on indictment be liable to imprisonment for a term not exceeding—

- (a) where the offence was committed in respect of a building or part of a building which is a dwelling, fourteen years;
- (b) in any other case, ten years.

(4) References in subsections (1) and (2) above to a building, and the reference in subsection (3) above to a building which is a dwelling, shall apply also to an inhabited vehicle or vessel, and shall apply to any such vehicle or vessel at times when the person having a habitation in it is not there as well as at times when he is.”

^{F1}(3)

(4) In section 51(4) of the ^{M2}Criminal Law Act 1977 (penalties for bomb hoaxes)—

- (a) in paragraph (a), for the words “three months” there shall be substituted the words “six months”; and
- (b) in paragraph (b), for the words “five years” there shall be substituted the words “seven years”.

Changes to legislation: *Criminal Justice Act 1991, Section 26 is up to date with all changes known to be in force on or before 02 November 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) The power saved by subsection (1) of section 70 of the 1982 Act (vagrancy offences) shall not include, in the case of an offence mentioned in paragraph (b)(i) of that subsection (sleeping rough), power to impose a fine which exceeds level 1 on the standard scale.

Extent Information

E1 S. 26 extends to England and Wales; s. 26(3)(4) also extend to Scotland see s. 102(4)(5)

Textual Amendments

F1 S. 26(3) repealed (16.10.1992) by [Protection of Badgers Act 1992 \(c. 51\)](#), s. 15(2)(3), Sch.

Commencement Information

I1 S. 26 wholly in force; s. 26(3) in force (E.W.) at 25.10.1991, s. 26(4)(5) in force at 31.10.1991 see s. 102(2)(3) and S.I. 1991/2208, art. 2(2)(3)(4), Schs. 2, 3; s. 26(3) in force (S.) at 9.12.1991 see s. 102(2)(3) and S.I. 1991/2706, art. 2(1)(2); s. 26 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2

Marginal Citations

M1 1968 c. 60.

M2 1977 c. 45.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 26(5) repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- s. 26(5) repealed by [2022 c. 32 s. 81\(3\)\(f\)](#)

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. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))