

Status: Point in time view as at 01/10/2007.

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SCHEDULES

SCHEDULE 1

Section 12.

ESCORT ARRANGEMENTS: ENGLAND AND WALES

Arrangements for the escort of offenders detained at secure training centres

- 1 (1) The Secretary of State may make arrangements for any of the following functions, namely—
- (a) the delivery of offenders from one set of relevant premises to another;
 - (b) the custody of offenders held on the premises of any court (whether or not they would otherwise be in the custody of the court) and their production before the court;
 - (c) the custody of offenders temporarily held in a secure training centre in the course of delivery from one secure training centre to another; and
 - (d) the custody of offenders while they are outside a secure training centre for temporary purposes,
- to be performed in such cases as may be determined by or under the arrangements by custody officers who are authorised to perform such functions.
- (2) In sub-paragraph (1)(a) above, “relevant premises” means a court, secure training centre, police station or hospital.
- (3) Arrangements made by the Secretary of State under sub-paragraph (1) above (“escort arrangements”) may include entering into contracts with other persons for the provision by them of custody officers.
- (4) Any person who, under a warrant or a hospital order or hospital remand is responsible for the performance of any such function as is mentioned in sub-paragraph (1) above shall be deemed to have complied with the warrant, order or remand if he does all that he reasonably can to secure that the function is performed by a custody officer acting in pursuance of escort arrangements.
- (5) In this paragraph—
- “hospital” has the same meaning as in the ^{M1}Mental Health Act 1983;
 - “hospital order” means an order for a person’s admission to hospital made under section 37, 38 or 44 of that Act, section 5 of the ^{M2}Criminal Procedure (Insanity) Act 1964 or section 6, 14 or 14A of the ^{M3}Criminal Appeal Act 1968;
 - “hospital remand” means a remand of a person to hospital under section 35 or 36 of the Mental Health Act 1983;
 - “warrant” means a warrant of commitment, a warrant of arrest or a warrant under section 46, 47, 48, 50 or 74 of that Act.

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Modifications etc. (not altering text)

C1 Sch. 1 para. 1: Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(j)

Marginal Citations

M1 1983 c. 20.

M2 1964 c. 84.

M3 1968 c. 19.

Monitoring etc. of escort arrangements

- 2 (1) Escort arrangements shall include the appointment of—
- (a) an escort monitor, that is to say, a Crown servant whose duty it shall be to keep the arrangements under review and to report on them to the Secretary of State; and
 - (b) a panel of lay observers whose duty it shall be to inspect the conditions in which offenders are transported or held in pursuance of the arrangements and to make recommendations to the Secretary of State.
- (2) It shall also be the duty of an escort monitor to investigate and report to the Secretary of State on any allegations made against custody officers acting in pursuance of escort arrangements.
- (3) Any expenses incurred by members of lay panels may be defrayed by the Secretary of State to such extent as he may with the approval of the Treasury determine.

Modifications etc. (not altering text)

C2 Sch. 1 para. 2(1)(a)(2): Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(k)(iv)

Powers and duties of custody officers acting in pursuance of escort arrangements

- 3 (1) A custody officer acting in pursuance of escort arrangements shall have the following powers, namely—
- (a) to search in accordance with rules made by the Secretary of State any offender for whose delivery or custody he is responsible in pursuance of the arrangements; and
 - (b) to search any other person who is in or is seeking to enter any place where any such offender is or is to be held, and any article in the possession of such a person.
- (2) The powers conferred by sub-paragraph (1)(b) above to search a person shall not be construed as authorising a custody officer to require a person to remove any of his clothing other than an outer coat, headgear, jacket or gloves.
- (3) A custody officer shall have the following duties as respects offenders for whose delivery or custody he is responsible in pursuance of escort arrangements, namely—
- (a) to prevent their escape from lawful custody;

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- (b) to prevent, or detect and report on, the commission or attempted commission by them of other unlawful acts;
- (c) to ensure good order and discipline on their part;
- (d) to attend to their wellbeing; and
- (e) to give effect to any directions as to their treatment which are given by a court,

and the Secretary of State may make rules with respect to the performance by custody officers of their duty under (d) above.

- (4) The powers conferred by sub-paragraph (1) above, and the powers arising by virtue of sub-paragraph (3) above, shall include power to use reasonable force where necessary.
- (5) The power to make rules under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation

4 In this Schedule—

“escort arrangements” has the meaning given by paragraph 1 above; and
“offender” means an offender sentenced to secure training under section 1 of this Act [^{F1}or detention and training under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000].

“secure training centre” includes—

- (a) a contracted out secure training centre;
- (b) any other place to which an offender may have been committed or transferred under section 2 of this Act.

Textual Amendments

F1 Words in the definition of “offender” in Sch. 1 para. 4 substituted (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 9 para. 162

SCHEDULE 2

Section 12.

CERTIFICATION OF CUSTODY OFFICERS: ENGLAND AND WALES

Preliminary

1 In this Schedule—

“certificate” means a certificate under section 12(3) of this Act;
“the relevant functions”, in relation to a certificate, means the escort functions or custodial duties authorised by the certificate.

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Issue of certificates

- 2 (1) Any person may apply to the Secretary of State for the issue of a certificate in respect of him.
- (2) The Secretary of State shall not issue a certificate on any such application unless he is satisfied that the applicant—
- (a) is a fit and proper person to perform the relevant functions; and
 - (b) has received training to such standard as he may consider appropriate for the performance of those functions.
- (3) Where the Secretary of State issues a certificate, then, subject to any suspension under paragraph 3 or revocation under paragraph 4 below, it shall continue in force until such date or the occurrence of such event as may be specified in the certificate.
- (4) A certificate authorising the performance of both escort functions and custodial duties may specify different dates or events as respects those functions and duties respectively.

Modifications etc. (not altering text)

C3 Sch. 2 para. 2: Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(k)(ii)

Suspension of certificate

- 3 (1) This paragraph applies where at any time—
- (a) in the case of a custody officer acting in pursuance of escort arrangements, it appears to the escort monitor that the officer is not a fit and proper person to perform escort functions;
 - (b) in the case of a custody officer performing custodial duties at a contracted out secure training centre, it appears to the [F²monitor] of the secure training centre that the officer is not a fit and proper person to perform custodial duties; or
 - (c) in the case of a custody officer performing contracted out functions at a directly managed secure training centre, it appears to the [F²governor] of that secure training centre that the officer is not a fit and proper person to perform custodial duties.
- (2) The escort monitor [F³, monitor or governor] may—
- (a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and
 - (b) in such circumstances as may be prescribed by regulations made by the Secretary of State, suspend the officer's certificate so far as it authorises the performance of escort functions or, as the case may be, custodial duties pending that decision.
- (3) The power to make regulations under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Textual Amendments

- F2** Words in Sch. 2 para. 3(1)(b)(c) substituted (30.9.1998) by 1998 c. 37, s. 119, Sch. 8 para. 113(1)(a) (b) (with Sch. 9); S.I. 1998/2327, art. 2
- F3** Words in Sch. 2 para. 3(2) substituted (30.9.1998) by 1998 c. 37, s. 119, Sch. 8 para. 113(2) (with Sch. 9); S.I. 1998/2327, art. 2

Modifications etc. (not altering text)

- C4** Sch. 2 para. 3(2)(a): Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(k)(ii)

Revocation of certificate

- 4 Where at any time it appears to the Secretary of State that a custody officer is not a fit and proper person to perform escort functions or custodial duties, he may revoke that officer's certificate so far as it authorises the performance of those functions or duties.

Modifications etc. (not altering text)

- C5** Sch. 2 para. 4: Transfer of functions (20.4.2000) by S.I. 2000/1160, art. 4(1)(2)(k)(ii)

False statements

- 5 If any person, for the purpose of obtaining a certificate for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
- he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

SCHEDULE 3

Section 27.

BAIL: SUPPLEMENTARY PROVISIONS

Bail Act 1976

- 1 Section 5 of the^{M4}Bail Act 1976 (supplementary provisions about decisions on bail) shall be amended as follows—
- (a) in subsection (1)(d), after the words “a court” there shall be inserted the words “ or constable ”; and
 - (b) after subsection (10), there shall be inserted the following subsection—
“(11) This section is subject, in its application to bail granted by a constable, to section 5A of this Act.”.

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Marginal Citations

M4 1976 c. 63.

2 After section 5 of the Bail Act 1976 there shall be inserted the following section—

“5A Supplementary provisions in cases of police bail.

(1) Section 5 of this Act applies, in relation to bail granted by a custody officer under Part IV of the Police and Criminal Evidence Act 1984 in cases where the normal powers to impose conditions of bail are available to him, subject to the following modifications.

(2) For subsection (3) substitute the following—

(”) Where a custody officer, in relation to any person,—

- (a) imposes conditions in granting bail in criminal proceedings, or
- (b) varies any conditions of bail or imposes conditions in respect of bail in criminal proceedings,

the custody officer shall, with a view to enabling that person to consider requesting him or another custody officer, or making an application to a magistrates’ court, to vary the conditions, give reasons for imposing or varying the conditions.”.

(3) For subsection (4) substitute the following—

(”) A custody officer who is by virtue of subsection (3) above required to give reasons for his decision shall include a note of those reasons in the custody record and shall give a copy of that note to the person in relation to whom the decision was taken.”.

(4) Subsections (5) and (6) shall be omitted.”.

Magistrates’ Courts Act 1980

3 After section 43A of the ^{M5}Magistrates’ Courts Act 1980 there shall be inserted the following section—

“43B Power to grant bail where police bail has been granted.

(1) Where a custody officer—

- (a) grants bail to any person under Part IV of the Police and Criminal Evidence Act 1984 in criminal proceedings and imposes conditions, or

- (b) varies, in relation to any person, conditions of bail in criminal proceedings under section 3(8) of the Bail Act 1976,

a magistrates’ court may, on application by or on behalf of that person, grant bail or vary the conditions.

(2) On an application under subsection (1) the court, if it grants bail and imposes conditions or if it varies the conditions, may impose more onerous conditions.

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- (3) On determining an application under subsection (1) the court shall remand the applicant, in custody or on bail in accordance with the determination, and, where the court withholds bail or grants bail the grant of bail made by the custody officer shall lapse.
- (4) In this section “bail in criminal proceedings” and “vary” have the same meanings as they have in the Bail Act 1976.”.

Marginal Citations

M5 1980 c. 43.

F⁴SCHEDULE 4

Textual Amendments

F4 Sch. 4 repealed (*retrospective to 3.11.1994*) by 1995 c. 25, ss. 44(2)(6), 80, Sch. 5 Note 2

SCHEDULE 5

Section 45.

MAGISTRATES’ COURTS: DEALING WITH CASES WHERE ACCUSED PLEADS GUILTY

Non-appearance of accused: plea of guilty

- 1 For section 12 of the ^{M6}Magistrates’ Courts Act 1980 (“the 1980 Act”) there shall be substituted the following section—

“12 Non-appearance of accused: plea of guilty.

- (1) This section shall apply where—
- (a) a summons has been issued requiring a person to appear before a magistrates’ court, other than a youth court, to answer to an information for a summary offence, not being—
 - (i) an offence for which the accused is liable to be sentenced to be imprisoned for a term exceeding 3 months; or
 - (ii) an offence specified in an order made by the Secretary of State by statutory instrument; and
 - (b) the clerk of the court is notified by or on behalf of the prosecutor that the documents mentioned in subsection (3) below have been served upon the accused with the summons.
- (2) The reference in subsection (1)(a) above to the issue of a summons requiring a person to appear before a magistrates’ court other than a youth court includes a reference to the issue of a summons requiring a person who has

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attained the age of 16 at the time when it is issued to appear before a youth court.

- (3) The documents referred to in subsection (1)(b) above are—
- (a) a notice containing such statement of the effect of this section as may be prescribed;
 - (b) a concise statement in the prescribed form of such facts relating to the charge as will be placed before the court by or on behalf of the prosecutor if the accused pleads guilty without appearing before the court; and
 - (c) if any information relating to the accused will or may, in those circumstances, be placed before the court by or on behalf of the prosecutor, a notice containing or describing that information.
- (4) Where the clerk of the court receives a notification in writing purporting to be given by the accused or by a legal representative acting on his behalf that the accused desires to plead guilty without appearing before the court—
- (a) the clerk of the court shall inform the prosecutor of the receipt of the notification; and
 - (b) the following provisions of this section shall apply.
- (5) If at the time and place appointed for the trial or adjourned trial of the information—
- (a) the accused does not appear; and
 - (b) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed, that the documents mentioned in subsection (3) above have been served upon the accused with the summons,
- the court may, subject to section 11(3) and (4) above and subsections (6) to (8) below, proceed to hear and dispose of the case in the absence of the accused, whether or not the prosecutor is also absent, in like manner as if both parties had appeared and the accused had pleaded guilty.
- (6) If at any time before the hearing the clerk of the court receives an indication in writing purporting to be given by or on behalf of the accused that he wishes to withdraw the notification—
- (a) the clerk of the court shall inform the prosecutor of the withdrawal; and
 - (b) the court shall deal with the information as if the notification had not been given.
- (7) Before accepting the plea of guilty and convicting the accused under subsection (5) above, the court shall cause the following to be read out before the court by the clerk of the court, namely—
- (a) the statement of facts served upon the accused with the summons;
 - (b) any information contained in a notice so served, and any information described in such a notice and produced by or on behalf of the prosecutor;
 - (c) the notification under subsection (4) above; and
 - (d) any submission received with the notification which the accused wishes to be brought to the attention of the court with a view to mitigation of sentence.

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- (8) If the court proceeds under subsection (5) above to hear and dispose of the case in the absence of the accused, the court shall not permit—
 - (a) any other statement with respect to any facts relating to the offence charged; or
 - (b) any other information relating to the accused,to be made or placed before the court by or on behalf of the prosecutor except on a resumption of the trial after an adjournment under section 10(3) above.
- (9) If the court decides not to proceed under subsection (5) above to hear and dispose of the case in the absence of the accused, it shall adjourn or further adjourn the trial for the purpose of dealing with the information as if the notification under subsection (4) above had not been given.
- (10) In relation to an adjournment on the occasion of the accused's conviction in his absence under subsection (5) above or to an adjournment required by subsection (9) above, the notice required by section 10(2) above shall include notice of the reason for the adjournment.
- (11) No notice shall be required by section 10(2) above in relation to an adjournment—
 - (a) which is for not more than 4 weeks; and
 - (b) the purpose of which is to enable the court to proceed under subsection (5) above at a later time.
- (12) No order shall be made under subsection (1) above unless a draft of the order has been laid before and approved by resolution of each House of Parliament.
- (13) Any such document as is mentioned in subsection (3) above may be served in Scotland with a summons which is so served under the Summary Jurisdiction (Process) Act 1881.”.

Marginal Citations

M6 1980 c. 43.

Application of section 12 procedure where accused appears

2 After section 12 of the 1980 Act there shall be inserted the following section—

“12A Application of section 12 where accused appears.

- (1) Where the clerk of the court has received such a notification as is mentioned in subsection (4) of section 12 above but the accused nevertheless appears before the court at the time and place appointed for the trial or adjourned trial, the court may, if he consents, proceed under subsection (5) of that section as if he were absent.
- (2) Where the clerk of the court has not received such a notification and the accused appears before the court at that time and place and informs the court that he desires to plead guilty, the court may, if he consents, proceed under section 12(5) above as if he were absent and the clerk had received such a notification.

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- (3) For the purposes of subsections (1) and (2) above, subsections (6) to (11) of section 12 above shall apply with the modifications mentioned in subsection (4) or, as the case may be, subsection (5) below.
- (4) The modifications for the purposes of subsection (1) above are that—
- (a) before accepting the plea of guilty and convicting the accused under subsection (5) of section 12 above, the court shall afford the accused an opportunity to make an oral submission with a view to mitigation of sentence; and
 - (b) where he makes such a submission, subsection (7)(d) of that section shall not apply.
- (5) The modifications for the purposes of subsection (2) above are that—
- (a) subsection (6) of section 12 above shall apply as if any reference to the notification under subsection (4) of that section were a reference to the consent under subsection (2) above;
 - (b) subsection (7)(c) and (d) of that section shall not apply; and
 - (c) before accepting the plea of guilty and convicting the accused under subsection (5) of that section, the court shall afford the accused an opportunity to make an oral submission with a view to mitigation of sentence.”.

Consequential amendments

- 3 (1) In consequence of the amendments made by paragraphs 1 and 2 above the ^{M7}Magistrates’ Courts Act 1980 shall be further amended as follows.
- (2) For section 13(4), there shall be substituted the following subsection—
- “(4) This section shall not apply to an adjournment on the occasion of the accused’s conviction in his absence under subsection (5) of section 12 above or to an adjournment required by subsection (9) of that section.”.
- (3) In section 13(5), for “12(2)” there shall be substituted “ 12(5) ”.
- (4) In section 155(2), for “12(8)” there shall be substituted “ 12(13) ”.

Marginal Citations

M7 1980 c. 43.

SCHEDULE 6

Section 114.

CERTIFICATION OF PRISONER CUSTODY OFFICERS: SCOTLAND

Preliminary

- 1 In this Schedule—
- “certificate” means a certificate under section 114 of this Act;

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“the relevant functions”, in relation to a certificate, means the escort functions or custodial duties authorised by the certificate.

Issue of certificates

- 2
- (1) The Secretary of State may, on the application of any person, issue a certificate in respect of that person.
 - (2) The Secretary of State shall not issue a certificate on any such application unless he is satisfied that the applicant—
 - (a) is a fit and proper person to perform the relevant functions; and
 - (b) has received training to such standard as he may consider appropriate for the performance of those functions.
 - (3) Where the Secretary of State issues a certificate, then, subject to any suspension under paragraph 3 or revocation under paragraph 4 below, it shall continue in force until such date or the occurrence of such event as may be specified in the certificate.
 - (4) A certificate authorising the performance of both escort functions and custodial duties may specify different dates or events as respects those functions and duties respectively.

Suspension of certificate

- 3
- (1) This paragraph applies where at any time—
 - (a) in the case of a prisoner custody officer acting in pursuance of prisoner escort arrangements, it appears to the prisoner escort monitor for the area concerned that the officer is not a fit and proper person to perform escort functions;
 - (b) in the case of a prisoner custody officer performing custodial duties at a contracted out prison, it appears to the controller of that prison that the officer is not a fit and proper person to perform custodial duties; or
 - (c) in the case of a prisoner custody officer performing contracted out functions at a directly managed prison, it appears to the governor of that prison that the officer is not a fit and proper person to perform custodial duties.
 - (2) The prisoner escort monitor, controller or governor may—
 - (a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and
 - (b) in such circumstances as may be prescribed by prison rules, suspend the officer’s certificate so far as it authorises the performance of escort functions or, as the case may be, custodial duties pending that decision.

Revocation of certificate

- 4
- Where at any time (whether on a reference to him under paragraph 3(2)(a) above or otherwise) it appears to the Secretary of State that a prisoner custody officer is not a fit and proper person to perform escort functions or custodial duties, he may revoke that officer’s certificate so far as it authorises the performance of those functions or duties.

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False statements

- 5 If any person, for the purpose of obtaining a certificate for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
- he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

SCHEDULE 7

Section 122(2).

CERTIFICATION OF PRISONER CUSTODY OFFICERS: NORTHERN IRELAND

Preliminary

- 1 In this Schedule—
- “certificate” means a certificate under section 122 of this Act;
- “the relevant functions”, in relation to a certificate, means the escort functions authorised by the certificate.

Issue of certificates

- 2 (1) Any person may apply to the Secretary of State for the issue of a certificate in respect of him.
- (2) The Secretary of State shall not issue a certificate on any such application unless he is satisfied that the applicant—
- (a) is a fit and proper person to perform the relevant functions; and
 - (b) has received training to such standard as he may consider appropriate for the performance of those functions.
- (3) Where the Secretary of State issues a certificate, then, subject to any suspension under paragraph 3 or revocation under paragraph 4 below, it shall continue in force until such date or the occurrence of such event as may be specified in the certificate.

Suspension of certificate

- 3 (1) This paragraph applies where at any time it appears to the prisoner escort monitor for the area concerned, that a prisoner custody officer is not a fit and proper person to perform the escort functions.
- (2) The prisoner escort monitor may—
- (a) refer the matter to the Secretary of State for a decision under paragraph 4 below; and
 - (b) in such circumstances as may be prescribed by regulations made by the Secretary of State, suspend the officer’s certificate so far as it authorises the performance of escort functions.
- (3) The power to make regulations under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Revocation of certificate

- 4 Where at any time it appears to the Secretary of State that a prisoner custody officer is not a fit and proper person to perform escort functions, he may revoke that officer's certificate so far as it authorises the performance of those functions.

False statements

- 5 If any person, for the purpose of obtaining a certificate for himself or for any other person—
- (a) makes a statement which he knows to be false in a material particular; or
 - (b) recklessly makes a statement which is false in a material particular,
- he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

SCHEDULE 8

Section 157.

INCREASE IN PENALTIES

Commencement Information

- II** [Sch. 8](#) wholly in force at 3.2.1995; [Sch. 8](#) not in force at Royal Assent see [s. 172](#); [Sch. 8](#) in force at 3.2.1995 subject to savings by [S.I. 1995/127](#), [art. 2\(1\)](#), [Sch. 1](#) (with [art. 3](#))

PART I

INCREASE OF FINES FOR CERTAIN SEA FISHERIES OFFENCES

(1) Enactment creating offence	(2) Penalty enactment	(3) Old maximum fine	(4) New maximum fine
SEA FISHERIES (SHELLFISH) ACT 1967 (c.83).			
[^{F5} Offences under section 3(3) (dredging etc. for shellfish in contravention of restrictions etc. or without paying toll or royalty).]	[^{F5} Section 3(3).]	[^{F5} Level 2.]	[^{F5} Level 5.]
Offences under section 5(7) (obstruction of inspector or other person or refusal or failure to provide	Section 5(7).	Level 3.	Level 5.

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information to
inspector etc.).

Offences under section 7(4) (fishing, dredging etc. in area where right of several fishery conferred or private oyster bed).	Section 7(4).	Level 3.	Level 5.
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Offences under section 14(2) (contravention of order prohibiting the deposit or taking of shellfish, or importation of shellfish, or non-compliance with conditions of licences).	Section 14(2).	Level 4.	Level 5.
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Offences under section 14(5) (obstruction of inspector).	Section 14(5).	Level 3.	Level 5.
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Offences under section 16(1) (selling etc. of oysters between certain dates).	Section 16(1).	Level 1.	Level 4.
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Offences under section 17(1) (taking and selling etc. of certain crabs).	Section 17(4).	Level 3.	Level 5.
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Offences under section 17(3) (landing and selling etc. of certain lobsters).	Section 17(4).	Level 3.	Level 5.
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Textual Amendments

F5 Sch. 8 Pt. 1: entry repealed (S.) (1.8.2007) by [Aquaculture and Fisheries \(Scotland\) Act 2007 \(asp 12\)](#), ss. 41, 45, [Sch. para. 5](#) (with s. 39); S.S.I 2007/333, {art. 2(1)} (subject to arts. 3, 4)

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

PART II

INCREASE OF FINES FOR CERTAIN MISUSE OF DRUGS OFFENCES

Commencement Information

I2 Sch. 8 Pt. II wholly in force at 3.2.1995; Sch. 8 Pt. II not in force at Royal Assent see s. 172; Sch. 8 Pt. II in force at 3.2.1995 subject to savings by S.I. 1995/127, art. 2(1), Sch. 1 (with art. 3)

(1) Enactment creating offence	(2) Penalty enactment	(3) Old maximum fine	(4) New maximum fine
MISUSE OF DRUGS ACT 1971 (c. 38.)			
Offences under section 4(2) committed in relation to Class C drugs (production, or being concerned in the production of, a controlled drug).	Schedule 4, column 6.	£500	£2,500
Offences under section 4(3) committed in relation to Class C drugs (supplying or offering to supply a controlled drug or being concerned in the doing of either activity by another).	Schedule 4, column 6.	£500	£2,500
Offences under section 5(2) committed in relation to Class B drugs (having possession of a controlled drug).	Schedule 4, column 5.	£500	£2,500
Offences under section 5(2) committed in relation to Class C drugs (having possession of a controlled drug).	Schedule 4, column 6.	£200	£1,000
Offences under section 5(3) committed in relation to Class C drugs (having possession of	Schedule 4, column 6.	£500	£2,500

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

a controlled drug with intent to supply it to another).

Offences under section 8 committed in relation to Class C drugs (being the occupier, or concerned in the management, of premises and permitting or suffering certain activities to take place there).	Schedule 4, column 6.	£500	£2,500
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Offences under section 12(6) committed in relation to Class C drugs (contravention of direction prohibiting practitioner etc. from possessing, supplying etc. controlled drugs).	Schedule 4, column 6.	£500	£2,500
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Offences under section 13(3) committed in relation to Class C drugs (contravention of direction prohibiting practitioner etc. from prescribing, supplying etc. controlled drugs).	Schedule 4, column 6.	£500	£2,500
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PART III

INCREASE IN PENALTIES FOR CERTAIN FIREARMS OFFENCES

Commencement Information

I3 Sch. 8 Pt. III wholly in force at 3.2.1995; Sch. 8 Pt. III not in force at Royal Assent see s. 172; Sch. 8 Pt. III in force at 3.2.1995 subject to savings by S.I. 1995/127, art. 2(1), Sch. 1 (with art. 3)

(1)	(2)	(3)	(4)
Enactment creating offence	Penalty enactment	Old maximum term of imprisonment	New maximum term of imprisonment

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

FIREARMS ACT 1968 (c.27).

Offences under section 1(1) committed in an aggravated form within the meaning of section 4(4) (possessing etc. shortened shot gun or converted firearm without firearm certificate).	Schedule 6, column 4.	5 years.	7 years.
Offences under section 1(1) in any other case (possessing etc. firearms or ammunition without firearm certificate).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 2(1) (possessing etc. shot gun without shot gun certificate).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 3(1) (trading in firearms without being registered as a firearms dealer).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 3(2) (selling firearms to person without a certificate).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 3(3) (repairing, testing etc. firearm for person without a certificate).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 3(5) (falsifying certificate, etc., with view to acquisition of firearm).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 4(1) (shortening a shot gun).	Schedule 6, column 4.	5 years.	7 years.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Offences under section 4(3) (conversion of firearms).	Schedule 6, column 4.	5 years.	7 years.
Offences under section 5(1) (possessing or distributing prohibited weapons or ammunition).	Schedule 6, column 4.	5 years.	10 years.
Offences under section 5(1A) (possessing or distributing other prohibited weapons).	Schedule 6, column 4.	(a) On summary conviction, 3 months. (b) On conviction on indictment, 2 years.	(a) On summary conviction, 6 months. (b) On conviction on indictment, 10 years.
F6	F6	F6	F6
...
Offences under section 20(1) (trespassing with firearm other than air weapon in a building).	Schedule 6, column 4.	5 years.	7 years.
Offences under section 21(4) (contravention of provisions denying firearms to ex-prisoners and the like).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 21(5) (supplying firearms to person denied them under section 21).	Schedule 6, column 4.	3 years.	5 years.
Offences under section 42 (failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer; failure to report transaction to police).	Schedule 6, column 4.	3 years.	5 years.
FIREARMS (NORTHERN IRELAND) ORDER 1981 (SI 1981/155 (NI 2))			
Offences under Article 3(1)	Schedule 2, column 4.	3 years.	5 years.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

(possessing etc. firearms or ammunition without firearm certificate).				
Offences under Article 4(1) (trading in firearms without being registered as a firearms dealer).	Schedule 2, column 4.	3 years.		5 years.
Offences under Article 4(2) (selling firearms to person without a certificate).	Schedule 2, column 4.	3 years.		5 years.
Offences under Article 4(3) (repairing, testing etc. firearm for person without a certificate).	Schedule 2, column 4.	3 years.		5 years.
Offences under Article 4(4) (falsifying certificate, etc., with view to acquisition of firearm).	Schedule 2, column 4.	3 years.		5 years.
Offences under Article 5(1) (shortening a shot gun).	Schedule 2, column 4.	5 years.		7 years.
Offences under Article 5(3) (conversion of firearms).	Schedule 2, column 4.	5 years.		7 years.
Offences under Article 6(1) (possessing or distributing prohibited weapons or ammunition).	Schedule 2, column 4.	5 years.		10 years.
Offences under Article 6(1A) (possessing or distributing other prohibited weapons).	Schedule 2, column 4.	(a) On summary conviction, 3 months. (b) On conviction on indictment, 2 years.		(a) On summary conviction, 6 months. (b) On conviction on indictment, 10 years.
Offences under Article 22(5) (contravention of provisions denying	Schedule 2, column 4.	3 years.		5 years.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

firearms to ex-
prisoners and the
like).

Offences under Article 22(7) (supplying firearms to person denied them under Article 22).	Schedule 2, column 4.	3 years.	5 years.
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Offences under Article 43 (failure to comply with instructions in firearm certificate when transferring firearm to person other than registered dealer; failure to report transaction to police).	Schedule 2, column 4.	3 years.	5 years.
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Textual Amendments

F6 Sch. 8 Pt. 3 Table: entry relating to "offences under section 19" repealed (1.10.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 65, 66(2)(3), [Sch. 5](#); S.I. 2007/2518, [art. 3\(d\)](#)

SCHEDULE 9

Section 168(1).

MINOR AMENDMENTS

Extent Information

E1 Sch. 9 does not extend to Scotland in so far as it relates to s. 17(1) of the Video Act 1984 see [s. 172\(16\)](#)

Poaching: increase in penalties

- 1 (1) The ^{M8}Game Act 1831 shall be amended as follows.
- (2) In section 30 (trespassing in search or pursuit of game)—
- for the words “level 1” there shall be substituted the words “level 3”; and
 - for the words “level 3” there shall be substituted the words “level 4”.
- (3) In section 32 (searching for or pursuing game with a gun and using violence, etc.), for the words “level 4” there shall be substituted the words “level 5”.
- (4) The ^{M9}Game (Scotland) Act 1832 shall be amended as follows.
- (5) In section 1 (trespassing in search or pursuit of game)—
- for the words “level 1” there shall be substituted the words “level 3”; and
 - for the words “level 3” there shall be substituted the words “level 4”.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

- (6) In section 6 (penalty for assaults on persons acting under the Act), for the words “level 1” there shall be substituted the words “ level 3 ”.
- (7) The amendments made by this paragraph shall not apply to offences committed before this paragraph comes into force.

Marginal Citations

- M8** 1831 c. 32.
M9 1832 c. 68.

Sexual offences: procurement of women

- 2 In sections 2(1) and 3(1) of the ^{M10}Sexual Offences Act 1956 (procurement of women to have unlawful sexual intercourse by threats or false pretences), the word “unlawful” shall be omitted.

Marginal Citations

- M10** 1956 c. 69.

Electronic transmission of obscene material

- 3 In section 1(3) of the ^{M11}Obscene Publications Act 1959 (definition of publication for purposes of that Act), in paragraph (b), after the words “projects it” there shall be inserted the words “ , or, where the matter is data stored electronically, transmits that data. ”.

Marginal Citations

- M11** 1959 c. 66.

Poaching: forfeiture of vehicles

- 4 After section 4 of the ^{M12}Game Laws (Amendment) Act 1960 there shall be inserted the following section—

“4A Forfeiture of vehicles.

- (1) Where a person is convicted of an offence under section thirty of the Game Act 1831 as one of five or more persons liable under that section and the court is satisfied that any vehicle belonging to him or in his possession or under his control at the relevant time has been used for the purpose of committing or facilitating the commission of the offence, the court may make an order for forfeiture under this subsection in respect of that vehicle.
- (2) The court may make an order under subsection (1) above whether or not it also deals with the offender in respect of the offence in any other way and without regard to any restriction on forfeiture in any enactment.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

- (3) Facilitating the commission of the offence shall be taken for the purposes of subsection (1) above to include the taking of any steps after it has been committed for the purpose of—
 - (a) avoiding apprehension or detection; or
 - (b) removing from the land any person or property connected with the offence.
- (4) An order under subsection (1) above shall operate to deprive the offender of his rights, if any, in the vehicle to which it relates, and the vehicle shall (if not already in their possession) be taken into the possession of the police.
- (5) Where any vehicle has been forfeited under subsection (1) above, a magistrates' court may, on application by a claimant of the vehicle, other than the offender from whom it was forfeited under subsection (1) above, make an order for delivery of the vehicle to the applicant if it appears to the court that he is the owner of the vehicle.
- (6) No application shall be made under subsection (5) above by any claimant of the vehicle after the expiration of six months from the date on which an order in respect of the vehicle was made under subsection (1) above.
- (7) No such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the vehicle or that he did not know, and had no reason to suspect, that the vehicle was likely to be used for a purpose mentioned in subsection (1) above.
- (8) An order under subsection (5) above shall not affect the right of any person to take, within the period of six months from the date of an order under subsection (5) above, proceedings for the recovery of the vehicle from the person in possession of it in pursuance of the order, but on the expiration of that period the right shall cease.
- (9) The Secretary of State may make regulations for the disposal of vehicles, and for the application of the proceeds of sale of vehicles, forfeited under subsection (1) above where no application by a claimant of the property under subsection (5) above has been made within the period specified in subsection (6) above or no such application has succeeded.
- (10) The regulations may also provide for the investment of money and the audit of accounts.
- (11) The power to make regulations under subsection (9) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) In this section, "relevant time", in relation to a person convicted of an offence such as is mentioned in subsection (1) above, means the time when the vehicle was used for the purpose of committing or facilitating the commission of the offence, or the time of the issue of a summons in respect of the offence."

Marginal Citations

M12 1960 c. 36.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Magistrates' courts' jurisdiction in cases involving children and young persons

- 5 In section 18 of the ^{M13}Children and Young Persons Act 1963 (jurisdiction of magistrates' courts in certain cases involving children and young persons)—
- (a) in paragraph (a), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”; and
 - (b) in paragraph (b), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”.

Marginal Citations

M13 1963 c. 37.

Service of documents by first class post

- 6 (1) In section 9(8) of the ^{M14}Criminal Justice Act 1967 (which relates to the service of a written statement to be admitted as evidence in criminal proceedings)—
- (a) in paragraph (c), after the word “service” there shall be inserted the words “ or by first class post ”; and
 - (b) in paragraph (d), after the word “service” there shall be inserted the words “ or by first class post ”.

^{F7}(2)

- (3) In section 1 of the ^{M15}Road Traffic Offenders Act 1988 (which requires warning of prosecution for certain offences to be given), after subsection (1), there shall be inserted the following subsection—

“(1A) A notice required by this section to be served on any person may be served on that person—

- (a) by delivering it to him;
- (b) by addressing it to him and leaving it at his last known address; or
- (c) by sending it by registered post, recorded delivery service or first class post addressed to him at his last known address.”

Textual Amendments

F7 Sch. 9 para. 6(2) repealed (4.7.1996) by 1996 c. 25, ss. 74, 80, Sch. 5, Table 9, Note (with s. 78(1))

Marginal Citations

M14 1967 c. 80.

M15 1988 c. 53.

Transfers of proceedings

^{F8}7

Textual Amendments

F8 Sch. 9 para. 7 repealed (4.7.1996) by 1996 c. 25, ss. 74, 80, Sch. 5 Table (9), Note (with s. 78(1))

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Offences aggravated by possession of firearms

- 8 In Schedule 1 to the ^{M16}Firearms Act 1968 (which lists the offences to which section 17(2) (possession of firearms when committing or being arrested for specified offences) relates)—
- (a) in paragraph 4, after the word “Theft” there shall be inserted the word “robbery”; and
 - (b) after paragraph 5, there shall be inserted the following paragraphs—
 - “5A An offence under section 90(1) of the Criminal Justice Act 1991 (assaulting prisoner custody officer).
 - 5B An offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting secure training centre custody officer).”.

Marginal Citations

M16 1968 c. 27.

Notice of proceedings

- 9 In section 34(2) of the ^{M17}Children and Young Persons Act 1969 (which requires notice of certain proceedings to be given to a probation officer), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”.

Marginal Citations

M17 1969 c. 54.

Treatment of mental condition of offenders placed on probation

- ^{F9}10

Textual Amendments

F9 Sch. 9 para. 10 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. 1 (with Sch. 11 paras. 1, 2)

Rehabilitation of offenders placed on probation

- 11 (1) In section 5 of the ^{M18}Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular sentences)—
- (a) in Table A in subsection (2), in the entry relating to fines or other sentences subject to rehabilitation under that Act, after the words “subsections (3)” there shall be inserted the words “, (4A) ”.
 - (b) in subsection (4), the words “or placed on probation,” and “or probation order” shall be omitted; and
 - (c) after subsection (4), there shall be inserted the following subsection—
 - “(4A) Where in respect of a conviction a person was placed on probation, the rehabilitation period applicable to the sentence shall be—

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

- (a) in the case of a person aged eighteen years or over at the date of his conviction, five years from the date of conviction;
- (b) in the case of a person aged under the age of eighteen years at the date of his conviction, two and a half years from the date of conviction or a period beginning with the date of conviction and ending when the probation order ceases or ceased to have effect, whichever is the longer.”.

(2) The amendments made by this paragraph shall apply only in relation to persons placed on probation after the date on which this paragraph comes into force.

Marginal Citations

M18 1974 c. 53.

Transfers of proceedings

- 12 In section 3 of the ^{M19}Bail Act 1976 (general provisions)—
- (a) in subsection (8A) (inserted by paragraph 9 of Schedule 2 to the ^{M20}Criminal Justice Act 1987), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and
 - (b) after subsection (9) there shall be inserted the following subsection—
 - “(10) In subsection (8A) above “relevant transfer provision” means—
 - (a) section 4 of the Criminal Justice Act 1987, or
 - (b) section 53 of the Criminal Justice Act 1991.”.

Marginal Citations

M19 1976 c. 63.

M20 1987 c. 38.

Anonymity of victims of certain offences

- 13 In section 4 of the ^{M21}Sexual Offences (Amendment) Act 1976 (anonymity of victims in rape etc. cases), after subsection (6) there shall be inserted the following subsection—
- “(6A) For the purposes of this section, where it is alleged or there is an accusation that an offence of incitement to rape or conspiracy to rape has been committed, the person who is alleged to have been the intended victim of the rape shall be regarded as the alleged victim of the incitement or conspiracy or, in the case of an accusation, as the complainant.”.

Marginal Citations

M21 1976 c. 82.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Execution of warrants for non-payment

- 14 (1) In section 38A(6) of the ^{M22}Criminal Law Act 1977 (execution of warrants for imprisonment for non-payment of fine), for the words “the age of 17 years” there shall be substituted the words “ the age of 18 years ”.
- (2) In section 38B(6) of the Criminal Law Act 1977 (execution of warrants for commitment for non-payment of due sum), for the words “the age of 17 years” there shall be substituted the words “ the age of 18 years ”.

Marginal Citations

M22 1977 c. 45.

Committals for sentence

^{F10}15

Textual Amendments

F10 Sch. 9 para. 15 repealed (25.8.2000) c. 6, ss. 165, 168, Sch. 12 Pt. 1 (with Sch. 11 paras. 1, 2)

Conditional or absolute discharge: appeal to Crown Court

^{F11}16

Textual Amendments

F11 Sch. 9 para. 16 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. 1 (with Sch. 11 paras. 1, 2)

Transfers of proceedings

- 17 In section 76 of the ^{M23}Supreme Court Act 1981 (alteration by Crown Court of place of trial) (as amended by paragraph 10 of Schedule 2 to the Criminal Justice Act 1987)—
- (a) in subsection (1), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”;
 - (b) in subsection (3), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and
 - (c) after subsection (4) there shall be inserted the following subsection—
 - “(5) In this section “relevant transfer provision” means—
 - (a) section 4 of the Criminal Justice Act 1987, or
 - (b) section 53 of the Criminal Justice Act 1991.”

The amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 51 of Schedule 4 to this Act.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Marginal Citations

M23 1981 c. 54.

Transfers of proceedings

- 18 In section 77 of the ^{M24}Supreme Court Act 1981 (date of trial) (as amended by paragraph 11 of Schedule 2 to the ^{M25}Criminal Justice Act 1987)—
- (a) in subsection (1), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”;
 - (b) in subsection (2), after the words “committed by a magistrates’ court” there shall be inserted the words “ or in respect of whom a notice of transfer under a relevant transfer provision has been given ”;
 - (c) in subsection (3), after the words “committal for trial” there shall be inserted the words “ or of a notice of transfer ”; and
 - (d) after subsection (3), there shall be inserted the following subsection—
 - “(4) In this section “relevant transfer provision” means—
 - (a) section 4 of the Criminal Justice Act 1987, or
 - (b) section 53 of the Criminal Justice Act 1991.”

The amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act.

Marginal Citations

M24 1981 c. 54.

M25 1987 c. 38.

Transfers of proceedings

- 19 In section 81 of the Supreme Court Act 1981 (bail by Crown Court)—
- (a) in subsection (1)(a) (as amended by paragraph 12 of Schedule 2 to the Criminal Justice Act 1987), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and
 - (b) after subsection (6), there shall be inserted the following subsection—
 - “(7) In subsection (1) above “relevant transfer provision” means—
 - (a) section 4 of the Criminal Justice Act 1987, or
 - (b) section 53 of the Criminal Justice Act 1991.”

Electronic transmission of obscene material (Scotland)

- 20 In section 51(8) of the ^{M26}Civic Government (Scotland) Act 1982, after the words “otherwise reproducing” there shall be inserted the words “ , or, where the material is data stored electronically, transmitting that data ”.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Marginal Citations

M26 1982 c. 45.

Fines for breach of attendance centre orders or rules

F12²¹

Textual Amendments

F12 Sch. 9 para. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. 1 (with Sch. 11 paras. 1, 2)

Video recordings

- 22 In section 1 of the ^{M27}Video Recordings Act 1984 (which provides for the interpretation of, among other terms, “video work” and “video recordings”)—
- (a) in subsection (2), in paragraph (a), the word “or” before the words “magnetic tape” shall be omitted and after those words there shall be inserted the words “ or any other device capable of storing data electronically ”; and
 - (b) in subsection (3), the word “or” before the words “magnetic tape” shall be omitted and after those words there shall be inserted the words “ or any other device capable of storing data electronically ”.

Marginal Citations

M27 1984 c. 39.

Standard period of validity of search warrants

- 23 In the following enactments there shall be omitted the words from “within” to “warrant” (which prescribe the period of validity of warrants under those enactments for which section 16(3) of the ^{M28}Police and Criminal Evidence Act 1984 prescribes a standard period of one month), namely—
- (a) section 4(2) of the ^{M29}Protection of Children Act 1978; and
 - (b) section 17(1) of the Video Recordings Act 1984.

Extent Information

E2 Sch. 9 para. 23(b) does not extend to Scotland.

Marginal Citations

M28 1984 c. 60.

M29 1978 c. 37.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Transfers of proceedings

- 24 In section 62(10) of the ^{M30}Police and Criminal Evidence Act 1984 (power of court to draw inferences from failure of accused to consent to provide intimate sample), after paragraph (a) there shall be inserted the following paragraph—
- “(aa) a judge, in deciding whether to grant an application made by the accused under—
- (i) section 6 of the Criminal Justice Act 1987 (application for dismissal of charge of serious fraud in respect of which notice of transfer has been given under section 4 of that Act); or
 - (ii) paragraph 5 of Schedule 6 to the Criminal Justice Act 1991 (application for dismissal of charge of violent or sexual offence involving child in respect of which notice of transfer has been given under section 53 of that Act); and”.

Marginal Citations

M30 1984 c. 39.

Transfers of proceedings

- 25 In section 16 of the ^{M31}Prosecution of Offences Act 1985 (defence costs)—
- (a) in subsection (2)(aa) (inserted by paragraph 14 of Schedule 2 to the ^{M32}Criminal Justice Act 1987), for the words “section 4 of the Criminal Justice Act 1987” there shall be substituted the words “ a relevant transfer provision ”; and
 - (b) after subsection (11) there shall be inserted the following subsection—
- “(12) In subsection (2)(aa) “relevant transfer provision” means—
- (a) section 4 of the Criminal Justice Act 1987, or
 - (b) section 53 of the Criminal Justice Act 1991.”.

Marginal Citations

M31 1985 c. 23.

M32 1987 c. 38.

Award of costs against accused

- 26 In section 18(5) of the Prosecution of Offences Act 1985 (award of costs against accused), for the words “the age of seventeen” there shall be substituted the words “ the age of eighteen ”.

Transfers of proceedings

- 27 In section 22 of the ^{M33}Prosecution of Offences Act 1985 (time limits for preliminary stages of criminal proceedings), in subsection (11), in the definition of “custody of the Crown Court”, after paragraph (c) (inserted by paragraph 104 of Schedule 15 to

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the ^{M34}Criminal Justice Act 1988), there shall be inserted the following paragraph, preceded by the word “, or”, namely—

“(d) paragraph 2(1)(a) of Schedule 6 to the Criminal Justice Act 1991 (custody after transfer order in certain cases involving children).”.

Marginal Citations

M33 1985 c. 23.

M34 1988 c. 38.

Confiscation orders in drug trafficking cases: variation of sentences

^{F13}28

Textual Amendments

F13 Sch. 9 para. 28 repealed (3.2.1995) by 1994 c. 37, ss. 67, 69(2), **Sch. 3**

Transfer of fraud cases

29 In section 4 of the ^{M35}Criminal Justice Act 1987 (transfer of certain fraud cases to Crown Court), in subsection (1)(b)(ii), for the words “seriousness and complexity” there shall be substituted the words “seriousness or complexity”.

Marginal Citations

M35 1987 c. 38

Fraud cases: preparatory hearings

30 In section 7 of the Criminal Justice Act 1987 (preparatory hearings for certain fraud cases), in subsection (1), for the words “seriousness and complexity” there shall be substituted the words “seriousness or complexity”.

Transfers of proceedings

31 ^{F14}

Textual Amendments

F14 Sch. 9 para. 31 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, **Sch. 37 Pt. 6**; S.I. 2005/950, **art. 2**, Sch. 1 paras. 27, 44(3) (subject to art. 2(2), Sch. 2) (as amended by S.I. 2005/2122, art. 2)

Evidence through television links

32 In section 32 of the Criminal Justice Act 1988 (evidence through television links), in subsection (3B) (inserted by section 55(4) of the ^{M36}Criminal Justice Act

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1991), for the words “subsection (3) above” there shall be substituted the words “subsection (3A) above”.

Marginal Citations

M36 1991 c. 53.

Competence of children

F1533

Textual Amendments

F15 Sch. 9 para. 33 repealed (24.7.2002) by 1999 c. 23, s. 67, Sch. 6 (with Sch. 7 para. 5(2)); S.I. 2002/1739, art. 2(g)(v)

Reviews of sentencing

34 In section 35 of the ^{M37}Criminal Justice Act 1988 (kinds of case referable for review of sentence)—

(a) in subsection (3), for the words following “case” there shall be substituted the following words—

“—

(a) of a description specified in an order under this section; or

(b) in which sentence is passed on a person—

(i) for an offence triable only on indictment; or

(ii) for an offence of a description specified in an order under this section”; and

(b) in subsection (4), after the word “case”, there shall be inserted the words “of a description specified in the order or to any case”.

Marginal Citations

M37 1988 c. 33.

Assaulting prisoner custody officer triable with indictable offence

35 In section 40(3) of the ^{M38}Criminal Justice Act 1988 (summary offences triable with indictable offences), after paragraph (a), there shall be inserted the following paragraphs—

“(aa) an offence under section 90(1) of the Criminal Justice Act 1991 (assaulting a prisoner custody officer);

(ab) an offence under section 13(1) of the Criminal Justice and Public Order Act 1994 (assaulting a secure training centre custody officer)”.

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Marginal Citations

M38 1988 c. 33.

Confiscation orders: variation of sentence

- 36 In section 72A of the ^{M39}Criminal Justice Act 1988 (inserted by section 28 of the ^{M40}Criminal Justice Act 1993) (power of court to postpone determinations required before a confiscation order can be made), after subsection (9) there shall be inserted the following subsection—

“(9A) Where the court has sentenced the defendant under subsection (7) above during the specified period it may, after the end of that period, vary the sentence by imposing a fine or making any such order as is mentioned in section 72(5)(b) or (c) above so long as it does so within a period corresponding to that allowed by section 47(2) or (3) of the Supreme Court Act 1981 (time allowed for varying a sentence) but beginning with the end of the specified period.”.

Marginal Citations

M39 1988 c. 33.

M40 1993 c. 36.

Extradition from the United Kingdom

- 37 (1) The ^{M41}Extradition Act 1989 shall be amended as follows.
- (2) In section 2(4) (law of, and conduct in, parts or dependencies of foreign States)—
- (a) for the words “subsections (1) to (3) above” there shall be substituted the words “ this Act, except Schedule 1 ”; and
 - (b) at the end there shall be inserted the following paragraph preceded by the word “; but”—
 - “(d) reference shall be made to the law of the colony or dependency of a foreign state or of a designated Commonwealth country, and not (where different) to the law of the foreign state or Commonwealth country, to determine the level of punishment applicable to conduct in that colony or dependency.”.
- (3) In section 7 (procedure for making and implementing extradition requests)—
- (a) in subsection (1)—
 - (i) after the word “made” there shall be inserted the words “ to the Secretary of State ”;
 - (ii) for paragraph (a) there shall be substituted the following paragraph—
 - “(a) by—
 - (i) an authority in a foreign state which appears to the Secretary of State to have the

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- function of making extradition requests in that foreign state, or
- (ii) some person recognised by the Secretary of State as a diplomatic or consular representative of a foreign state; or” and
- (iii) after paragraph (b), there shall be inserted the words— “ and an extradition request may be made by facsimile transmission and an authority to proceed issued without waiting to receive the original ”;
- (b) in subsection (2)—
 - (i) in paragraph (c), after the word “warrant” there shall be inserted the words “ or a duly authenticated copy of a warrant ”; and
 - (ii) in paragraph (d), after the word “certificate” there shall be inserted the words “ or a duly authenticated copy of a certificate ”; and
- (c) after subsection (6), there shall be inserted the following subsection—

“(7) Where an extradition request is made by facsimile transmission this Act (including subsection (2) above) shall have effect as if the foreign documents so sent were the originals used to make the transmission and receivable in evidence accordingly.”.

Commencement Information

- I4** Sch. 9 para. 37 wholly in force at 10.4.1995; s. 37 not in force at Royal Assent see s. 172; s. 37, save for s. 37(3), in force at 3.2.1995 by S.I. 1995/127, art. 2(1), Sch. 1 APPENDIX A; s. 37(3) in force at 10.4.1995 by S.I. 1995/721, art. 2, Sch.

Marginal Citations

- M41** 1989 c. 33.

PROSPECTIVE

[Remands and committals of young persons to secure accommodation

^{F16}38]

Textual Amendments

- F16** Sch. 9 para. 38 omitted (3.12.2012) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 12 para. 35; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Non-intimate samples: samples of hair

39 In Article 63 of the ^{M42}Police and Criminal Evidence (Northern Ireland) Order 1989 (regulation of taking of non-intimate samples), at the end, there shall be inserted the following paragraph—

- “(10) Where a sample of hair other than pubic hair is to be taken the sample may be taken either by cutting hairs or by plucking hairs with their roots so long as no more are plucked than the person taking the sample reasonably

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considers to be necessary (in point of quantity or quality) for the purpose of enabling information to be produced by means of analysis used or to be used in relation to the sample.”.

Marginal Citations

M42 S.I. 1989/1341 (N.I. 12).

Pre-sentence reports

F17₄₀

Textual Amendments

F17 Sch. 9 para 40 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Curfew orders

F18₄₁

Textual Amendments

F18 Sch. 9 para. 41 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Fines

F19₄₂

Textual Amendments

F19 Sch. 9 para. 42 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

False statements as to financial circumstances

43 After section 20 of the Criminal Justice Act 1991 there shall be inserted the following section—

“20A False statements as to financial circumstances.

- (1) A person who is charged with an offence who, in furnishing a statement of his financial circumstances in response to an official request—
- (a) makes a statement which he knows to be false in a material particular;
 - (b) recklessly furnishes a statement which is false in a material particular; or
 - (c) knowingly fails to disclose any material fact,

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shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding level 4 on the standard scale or both.

- (2) For the purposes of this section an official request is a request which—
- (a) is made by the clerk of the magistrates' court or the appropriate officer of the Crown Court, as the case may be; and
 - (b) is expressed to be made for informing the court, in the event of his being convicted, of his financial circumstances for the purpose of determining the amount of any fine the court may impose.
- (3) Proceedings in respect of an offence under this section may, notwithstanding anything in section 127(1) of the 1980 Act (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.”.

Effect of previous probation orders and discharges

F20 44

Textual Amendments

F20 Sch. 9 para. 44 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Sexual offences

F21 45

Textual Amendments

F21 Sch. 9 para. 45 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Discretionary life prisoners

- 46 (1) In section 34 of the ^{M43}Criminal Justice Act 1991 (duty to release discretionary life prisoners after they have served the relevant part of their sentence and the Parole Board has directed their release)—
- (a) in subsection (6), for the words after “sentence” there shall be substituted the following words—
“—
 - (a) account shall be taken of any corresponding relevant period; but
 - (b) no account shall be taken of any time during which the prisoner was unlawfully at large within the meaning of section 49 of the Prison Act 1952 (“the 1952 Act”).”; and
 - (b) after that subsection, there shall be inserted the following subsection—

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“(6A) In subsection (6)(a) above, “corresponding relevant period” means the period corresponding to the period by which a determinate sentence of imprisonment imposed on the offender would fall to be reduced under section 67 of the Criminal Justice Act 1967 (reduction of sentences to take account of police detention or remands in custody).”.

(2) In paragraph 9(2) of Schedule 12 to that Act (application of early release provisions of the Act to existing life prisoners), after paragraph (b) there shall be inserted the following paragraph, preceded by the word “and”—

“(c) in section 34 of this Act, paragraph (a) of subsection (6) and subsection (6A) were omitted.”.

Marginal Citations

M43 1991 c. 53.

Committals for sentence

^{F22}47

Textual Amendments

F22 Sch. 9 para. 47 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Extradited persons: sentence of imprisonment to reflect custody

48 (1) In section 47 of the Criminal Justice Act 1991 (computation of sentences of imprisonment of persons extradited to United Kingdom), in subsection (4), in the definition of “extradited to the United Kingdom”, after paragraph (iv), there shall be inserted the following paragraph, preceded by the word “or”—

“(v) in pursuance of arrangements with a foreign state in respect of which an Order in Council under section 2 of the Extradition Act 1870 is in force;”.

(2) In each of sections 218(3) and 431(3) of the ^{M44}Criminal Procedure (Scotland) Act 1975 (corresponding provisions for Scotland), after paragraph (c) there shall be inserted the following paragraph—

“(cc) in pursuance of arrangements with a foreign state in respect of which an Order in Council under section 2 of the Extradition Act 1870 is in force;”.

Marginal Citations

M44 1975 c. 21.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Transfers of proceedings

- 49 In section 53 of the ^{M45}Criminal Justice Act 1991 (notices of transfer in certain cases involving children)—
- (a) in subsection (1), for the words “served” and “on” there shall be substituted the words “ given ” and “ to ”;
 - (b) in subsection (2), for the word “served” there shall be substituted the word “ given ”;
 - (c) in subsection (3), for the word “service” there shall be substituted the word “ giving ”; and
 - (d) in subsection (4), for the word “serve” there shall be substituted the word “ give ”.

Marginal Citations

M45 1991 c. 53.

Community sentences: binding over of parent or guardian

^{F23}50

Textual Amendments

F23 Sch. 9 para. 50 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Confiscation orders in terrorist-related activities cases: variation of sentences

^{F24}51

Textual Amendments

F24 Sch. 9 para. 51 repealed (25.8.1996) by 1996 c. 22, ss. 62(1), 63(7), **Sch. 7 Pt. I**

Anonymity of victims of certain offences

- 52 (1) The ^{M46}Sexual Offences (Amendment) Act 1992 shall be amended as follows.
- (2) In section 2(1) (offences to which the Act applies), after paragraph (e) there shall be inserted the following paragraphs—
- “(f) any conspiracy to commit any of those offences;
 - “(g) any incitement of another to commit any of those offences.”.
- (3) In section 6 (interpretation)—
- (a) after subsection (2) there shall be inserted the following subsection—
 - “(2A) For the purposes of this Act, where it is alleged or there is an accusation that an offence of conspiracy or incitement of another to commit an offence mentioned in section 2(1)(a) to (d) has been committed, the person against whom the substantive offence is alleged to have been intended to be committed shall be regarded as

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the person against whom the conspiracy or incitement is alleged to have been committed.

In this subsection, “the substantive offence” means the offence to which the alleged conspiracy or incitement related.”; and

- (b) in subsection (3), after the words “references in” there shall be inserted the words “ subsection (2A) and in ”.

Marginal Citations

M46 1992 c. 34.

Application of 1993 Act powers to pre-commencement offences

- 53 Section 78(6) of the ^{M47}Criminal Justice Act 1993 (application of Act to pre-commencement offences) shall have effect, and be deemed always to have had effect, with the substitution, for the words from “or the powers” to the end, of the words “and, where it confers a power on the court, shall not apply in proceedings instituted before the coming into force of that provision.”.

Marginal Citations

M47 1993 c. 36.

SCHEDULE 10

Section 168(2).

CONSEQUENTIAL AMENDMENTS

Extent Information

E3 The provisions of Sch. 10 are co-extensive with the enactments they affect, see [s. 172\(16\)](#)

Bail: exclusion in homicide and rape cases

- 1 In section 2 of the ^{M48}Habeas Corpus Act 1679 (bail for persons released from custody under habeas corpus while awaiting trial), after the words “brought as aforesaid shall” there shall be inserted the words “ , subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M48 1679 c. 2.

Evidence of accused in criminal proceedings

- 2 In section 1 of the ^{M49}Criminal Evidence Act 1898 (competency of accused to give evidence in criminal proceedings), proviso (b) shall be omitted.

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Marginal Citations

M49 1898 c. 36.

Evidence of accused in criminal proceedings

- 3 In section 1 of the ^{M50}Criminal Evidence Act (Northern Ireland) 1923 (competency of accused to give evidence in criminal proceedings)—
- (a) after the words “Provided as follows:—” there shall be inserted the following proviso—
 - “(a) A person so charged shall not be called as a witness in pursuance of this Act except upon his own application;”;
 - (b) proviso (b) shall be omitted.

Marginal Citations

M50 1923 c. 9 (N.I.).

Responsibility for fine for breach of requirements of secure training order

^{F25}4

Textual Amendments

F25 Sch. 10 para. 4 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Bail: exclusion in homicide and rape cases

^{F26}5

Textual Amendments

F26 Sch. 10 para. 5 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Bail: exclusion in homicide or rape cases

- 6 In section 37(1) of the ^{M51}Criminal Justice Act 1948 (power of High Court to grant bail on case stated or application for certiorari)—
- (a) in paragraph (b), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”; and
 - (b) in paragraph (d), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M51 1948 c. 58.

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Modernisation of “servant” in Prison Act

- 7 In section 3(1) of the ^{M52}Prison Act 1952 (officers and servants at prisons), for the word “servants” there shall be substituted the words “employ such other persons”.

Marginal Citations

M52 1952 c. 52.

Use of young offender institutions as secure training centres

- 8 In section 37(4) of the Prison Act 1952 (prisons not deemed closed where used as remand centres etc.), at the end, there shall be inserted the words “or secure training centre”.

Young offenders absconding from secure training centres

- 9 (1) Section 49 of the ^{M53}Prison Act 1952 (persons unlawfully at large) shall be amended as follows.
- (2) In subsection (1), after the words “young offenders institution” there shall be inserted the words “or a secure training centre”.
- (3) In subsection (2), for the words between “detained in a” and “is unlawfully” there shall be substituted the words “young offenders institution or in a secure training centre”.
- (4) In subsection (2), in proviso (a), for the words after “prison” there shall be substituted the words “remand centre, young offenders institution or secure training centre”.

Marginal Citations

M53 1952 c. 52.

Bail: exclusion in homicide and rape cases

- 10 In section 4(2) of the ^{M54}Administration of Justice Act 1960 (power of High Court to grant bail to persons appealing to the House of Lords), after the words “Divisional Court shall” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M54 1960 c. 65.

Young offenders: application of prison rules

- 11 In section 23(4) of the ^{M55}Criminal Justice Act 1961 (which applies provisions relating to prison rules to other institutions), before the words “and remand centres” there shall be inserted the words “secure training centres”.

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Marginal Citations

M55 1961 c. 39.

Young offenders: transfer, supervision and recall within British Islands

- 12 (1) Part III of the ^{M56}Criminal Justice Act 1961 (transfer, supervision and recall within British Islands) shall have effect with the following amendments.
- (2) In section 29—
- (a) in subsection (1), for the words from “youth custody centre” to “young offenders institution” there shall be substituted the words “ or institution for young offenders to which this subsection applies ”;
- (b) after subsection (2), there shall be inserted the following subsection—
- “(2A) The institutions for young offenders to which subsection (1) above applies are the following: a remand centre, young offenders institution or secure training centre and, in Northern Ireland, a young offenders centre.”.
- (3) In section 30—
- (a) in subsection (3), for the words between “prison” and “in any part” there shall be substituted the words “ or institution for young offenders to which this subsection applies ”;
- (b) after subsection (3), there shall be inserted the following subsection—
- “(3A) The institutions for young offenders to which subsection (3) above applies are the following: a young offenders institution or secure training centre and, in Northern Ireland, a young offenders centre.”.
- (4) In section 32, in subsection (2), after paragraph (k), there shall be inserted the following paragraph—
- “(l) sections 1 and 3 of the Criminal Justice and Public Order Act 1994.”.
- (5) In section 38(3), for paragraph (a), there shall be substituted the following paragraph—
- “(a) the expression “imprisonment or detention” means imprisonment, custody for life, detention in a young offenders institution or in a secure training centre or detention under an equivalent sentence passed by a court in the Channel Islands or the Isle of Man;”.

Marginal Citations

M56 1961 c. 39.

Payment of damages by police authority

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Textual Amendments

F27 Sch. 10 para. 13 repealed (22.8.1996) by 1996 c. 16, ss. 103, 104(1), Sch. 9 Pt. I

Cross-border enforcement: extension of protection

F28 14

Textual Amendments

F28 Sch. 10 para. 14 repealed (22.8.1996) by 1996 c. 16, ss. 103, 104(1), Sch. 9 Pt. I

Bail: exclusion in homicide and rape cases

15 **F29**

Textual Amendments

F29 Sch. 10 para. 15 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 2; S.I. 2004/829, art. 2(2)(I)(ii), (subject to art. 2(3)-(6))

Young offenders: detention under secure training order

16 Section 67 of the ^{M57}Criminal Justice Act 1967 (computation of sentences of imprisonment or detention passed in England and Wales) shall be amended by the insertion in subsection (5), after paragraph (b), of the following paragraph—

“(c) to secure training orders under section 1 of the Criminal Justice and Public Order Act 1994;”.

Marginal Citations

M57 1967 c. 80.

Payment of damages by Scottish police authority

F30 17

Textual Amendments

F30 Sch. 10 para. 17 repealed (22.8.1996) by 1996 c. 16, ss. 103, 104(1), Sch. 9 Pt. I

Assaults on constables etc.

18 In section 41 of the Police (Scotland) Act 1967 (assaults on constables etc.), after subsection (2), there shall be inserted the following subsection—

“(3) This section also applies to a constable who is a member of a police force maintained in England and Wales or in Northern Ireland when he

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is executing a warrant or otherwise acting in Scotland by virtue of any enactment conferring powers on him in Scotland.”.

Bail: exclusion in homicide and rape cases

- 19 In section 8(2)(a) of the ^{M58}Criminal Appeal Act 1968 (powers of Court of Appeal on retrial), after the words “custody or” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M58 1968 c. 19.

Bail: exclusion in homicide and rape cases

- 20 In section 11(5) of the Criminal Appeal Act 1968 (powers of Court of Appeal on quashing interim hospital order), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Bail: exclusion in homicide and rape cases

- 21 In section 16(3)(b) of the Criminal Appeal Act 1968 (powers of Court of Appeal on allowing an appeal against a finding that a person is under a disability), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Bail: exclusion in homicide and rape cases

- 22 In section 19(1) of the Criminal Appeal Act 1968 (power of Court of Appeal to grant bail), after the word “may”, there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Bail: exclusion in homicide and rape cases

- 23 In section 36 of the Criminal Appeal Act 1968 (power of Court of Appeal to grant bail on appeal by defendant), after the word “may” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994 ”.

Young offenders: possession of firearms

- 24 (1) The ^{M59}Firearms Act 1968 shall be amended as follows.
- (2) In section 21 (possession of firearms by persons previously convicted of crime)—
- (a) in subsection (2), after the word “Scotland” there shall be inserted the words “ or who has been subject to a secure training order ”; and
- (b) for subsection (2A) there shall be substituted—
- “(2A) For the purposes of subsection (2) above, “the date of his release” means—
- (a) in the case of a person sentenced to imprisonment with an order under section 47(1) of the Criminal Law Act 1977 (prison sentence partly served and partly suspended), the

Status: Point in time view as at 01/10/2007.

Changes to legislation: *Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)*

- date on which he completes service of so much of the sentence as was by that order required to be served in prison;
- (b) in the case of a person who has been subject to a secure training order—
- (i) the date on which he is released from detention under the order;
 - (ii) the date on which he is released from detention ordered under section 4 of the Criminal Justice and Public Order Act 1994; or
 - (iii) the date halfway through the total period specified by the court in making the order,
- whichever is the later.”.

- (3) In section 52(1) (forfeiture and disposal of firearms), in paragraph (a), after the word “Scotland” there shall be inserted the words “ or is subject to a secure training order ”.

Marginal Citations

M59 1968 c. 27.

Cross-border enforcement: extension of protection

- 25 In section 7 of the ^{M60}Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (assaults on, and obstruction of, constables), after subsection (3), there shall be inserted the following subsection—

“(4) This section also applies to a constable who is a member of a police force maintained in England and Wales or Scotland when he is executing a warrant or otherwise acting in Northern Ireland by virtue of any statutory provision conferring powers on him in Northern Ireland.”.

Marginal Citations

M60 1968 c. 28 (N.I.).

Sexual offences: male rape

- 26 ^{F31}

Textual Amendments

F31 Sch. 10 para. 26 repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 139, 140, 141, Sch. 6 para. 32(4), Sch. 7; S.I. 2004/874, art. 2

Payment of damages by Police Authority for Northern Ireland

- ^{F32}27

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Textual Amendments

F32 Sch. 10 para. 27 repealed (22.8.1996) by 1996 c. 16, ss. 103, 104(4), Sch. 9 Pt. 1

Jury service: penalty for serving when not qualified

- 28 In section 20(5) of the ^{M61}Juries Act 1974 (offences in connection with jury service), at the end of paragraph (d) there shall be inserted “; or
(e) knowing that he is not qualified for jury service by reason of section 40 of the Criminal Justice and Public Order Act 1994, serves on a jury,”.

Marginal Citations

M61 1974 c. 23.

Custody officers: ineligibility for jury service

- 29 ^{F33}

Textual Amendments

F33 Sch. 10 para. 29 repealed (5.4.2004) by Criminal Justice Act 2003 (c. 44), ss. 332, 336, Sch. 37 Pt. 10; S.I. 2004/829, art. 2(2)(I)(iv)

Rehabilitation of offenders subject to secure training orders

- 30 In section 5(6) of the ^{M62}Rehabilitation of Offenders Act 1974 (rehabilitation periods for particular sentences), after paragraph (c), there shall be inserted the following paragraph, preceded by the word “or”—
“(d) a secure training order under section 1 of the Criminal Justice and Public Order Act 1994;”.

Marginal Citations

M62 1974 c. 53.

Prisoner custody officers: ineligibility for jury service

- ^{F34}31

Textual Amendments

F34 Sch. 10 para. 31 repealed (31.7.1996) by S.I. 1996/1141 (N.I. 6), art. 32(3), Sch. 5; S.R. 1996/267, rule 2

Status: Point in time view as at 01/10/2007.

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Bail: exclusion in homicide and rape cases

- 32 In section 4 of the ^{M63}Bail Act 1976 (entitlement to bail), after subsection (7), there shall be inserted the following subsection—

“(8) This section is subject to section 25 of the Criminal Justice and Public Order Act 1994 (exclusion of bail in cases of homicide and rape).”.

Marginal Citations

M63 1976 c. 63.

Police bail: variation by magistrates

- 33 In section 4(2) of the ^{M64}Bail Act 1976 (occasions for implementation of right to bail), in paragraph (b), after the words “for bail” there shall be inserted the words “ or for a variation of the conditions of bail ”.

Marginal Citations

M64 1976 c.63.

Bail: no right for persons offending while on bail

- 34 In Part III of Schedule 1 to the Bail Act 1976, in paragraph 2, at the end, there shall be inserted the words “; and so as respects the reference to an offence committed by a person on bail in relation to any period before the coming into force of paragraph 2A of Part 1 of this Schedule. ”.

Sexual offences: male rape

- 35 (1) The ^{M65}Sexual Offences (Amendment) Act 1976 shall be amended as follows.
- (2) ^{F35}
- (3) ^{F36}
- (4) ^{F37}

Textual Amendments

F35 Sch. 10 para. 35(2) repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 139, 140, 141, Sch. 6 para. 32(4), Sch. 7; S.I. 2004/874, art. 2

F36 Sch. 10 para. 35(3) repealed (4.12.2000 for certain purposes, otherwise 6.12.2006) by 1999 c. 23, s. 67, Sch. 6 (with Sch. 7 para. 5(2)); S.I. 2000/3075, art. 2(c)(iii) (with art. 3); S.I. 2006/2885, art. 2(b)(viii)

F37 Sch. 10 para. 35(4) repealed (1.5.2004) by Sexual Offences Act 2003 (c. 42), ss. 139, 140, 141, Sch. 6 para. 32(4), Sch. 7; S.I. 2004/874, art. 2

Marginal Citations

M65 1976 c. 82.

Status: Point in time view as at 01/10/2007.

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Sexual offences: male rape

- 36 (1) Section 4 of the ^{M66}Sexual Offences (Amendment) Act 1976 (anonymity of complainants in rape etc. cases) shall be amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a)—
- (i) after the word “woman” in both places where it occurs there shall be inserted the words “ or man ”;
- (ii) for the words “woman’s name nor her address” there shall be substituted the words “ name nor the address of the woman or man ”;
- (iii) after the words “of her” there shall be inserted the words “ or him ”;
- (iv) for the words “her lifetime” there shall be substituted the words “ that person’s lifetime ”; and
- (v) for the words “identify her” there shall be substituted the words “ identify that person ”; and
- (b) in paragraph (b)—
- (i) after the word “woman” there shall be inserted the words “ or man ”; and
- (ii) for the words “her lifetime” there shall be substituted the words “ that person’s lifetime ”.
- (3) In subsection (5A), after the word “woman” there shall be inserted the words “ or man ”.
- (4) In subsection (5B), for the words “woman’s peace or comfort” there shall be substituted the words “ peace or comfort of the woman or man ”.
- (5) In subsection (6), in the definition of “complainant”, after the word “woman” there shall be inserted the words “ or man ”.

Marginal Citations

M66 1976 c. 82.

Indecent photographs etc.

- 37 (1) The ^{M67}Protection of Children Act 1978 shall be amended as follows.
- (2) In section 2(3), after the words “proceedings under this Act” there shall be inserted the words “ relating to indecent photographs of children ”.
- (3) In section 4—
- (a) in subsection (1), after the word “photograph” there shall be inserted the words “ or pseudo-photograph ”; and
- (b) in subsection (2), after the word “photographs” there shall be inserted the words “ or pseudo-photographs ”.
- (4) In section 5(2), (5) and (6), after the word “photographs” there shall be inserted the words “ or pseudo-photographs ”.

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Marginal Citations

M67 1978 c. 37.

Indecent photographs etc. (Northern Ireland)

- 38 (1) The ^{M68}Protection of Children (Northern Ireland) Order 1978 shall be amended as follows.
- (2) In Article 4(1)—
- (a) after the word “photograph” there shall be inserted the words “ or pseudo-photograph ”; and
 - (b) after the word “photographs” there shall be inserted the words “ or pseudo-photographs ”.
- (3) In Article 5(3) and (5), after the word “photographs” there shall be inserted the words “ or pseudo-photographs ”.
- (4) In Article 6(1), after the word “photographs” there shall be inserted the words “ or pseudo-photographs ”.
- (5) In Article 7(1), after the word “Order” there shall be inserted the words “ relating to indecent photographs of children ”.

Marginal Citations

M68 S.I. 1978/1047 (N.I.17).

Secure training orders: absence of accused

- 39 In section 11(3) of the ^{M69}Magistrates’ Courts Act 1980 (certain sentences and orders not to be made in absence of accused), after the word “make” there shall be inserted the words “ a secure training order or ”.

Marginal Citations

M69 1980 c. 43.

Procedure for young offenders in cases of grave crimes

- 40 In section 24(1)(a) of the Magistrates’ Courts Act 1980 (exception to summary trial of children or young persons) the words “he has attained the age of 14 and” shall be omitted.

Bail: exclusion in homicide and rape cases

- 41 In section 29(4)(b) of the Magistrates’ Courts Act 1980 (person under 18 remitted to youth court for trial), after the word “may” there shall be inserted the words “ , subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Status: Point in time view as at 01/10/2007.

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Bail: exclusion in homicide and rape cases

F38 42

Textual Amendments

F38 Sch. 10 para. 42 repealed (1.4.2000) by 1998 c. 37, s. 120(2), Sch. 10 (with Sch. 9); S.I. 1999/3426, art. 3(c)

Police bail

43 In section 43(1) of the Magistrates' Courts Act 1980 (bail under the ^{M70}Police and Criminal Evidence Act 1984), after the words "bail under" there shall be inserted the words " Part IV of ".

Marginal Citations

M70 1984 c. 60.

Bail: exclusion in homicide or rape cases

44 In section 113(1) of the Magistrates' Courts Act 1980 (power of magistrates' court to grant bail on appeal to Crown Court or by way of case stated), after the word "may" there shall be inserted the words " , subject to section 25 of the Criminal Justice and Public Order Act 1994, ".

Prisoner custody officers: ineligibility for jury service

45 In Part I of Schedule 1 to the ^{M71}Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (which makes ineligible for jury service persons connected with the administration of justice), in Group B, after paragraph (o) there shall be inserted the following paragraph—

“(oo) prisoner custody officers within the meaning of section 114(1) of the Criminal Justice and Public Order Act 1994;”.

Marginal Citations

M71 1980 c. 55.

Young offenders: detention in the custody of a constable and others

46 In section 6 of the ^{M72}Imprisonment (Temporary Provisions) Act 1980 (detention in the custody of a constable)—

- (a) in subsection (1), after the words "remand centre" there shall be inserted the words " secure training centre ";
- (b) in subsection (2), after the words "remand centre" there shall be inserted the words " secure training centre ";
- (c) after the subsection (3) inserted by section 94 of this Act, there shall be inserted the following subsection—

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

“(4) Any reference in this section to a constable includes a reference to a custody officer (within the meaning of section 12 of the Criminal Justice and Public Order Act 1994) acting in pursuance of escort arrangements (within the meaning of Schedule 1 to that Act).”.

Marginal Citations

M72 1980 c. 57.

Detention by constables and officers of a prison etc.: maximum period

F39 47

Textual Amendments

F39 Sch. 10 para. 47 repealed (31.3.1996) by 1995 c. 20, s. 117(2), Sch. 7 Pt. I; S.I. 1996/517, art. 3(2) (subject to transitional provisions in arts. 4-6, Sch. 2)

Bail: exclusion in homicide and rape cases

48 In section 81(1) of the ^{M73}Supreme Court Act 1981 (power of Crown Court to grant bail), after the word “may”, there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M73 1981 c. 54.

Young offenders: legal representation

F40 49

Textual Amendments

F40 Sch. 10 para. 49 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Young offenders: early release

50 In section 32 of the ^{M74}Criminal Justice Act 1982 (early release by order of classes of prisoners and other persons), after subsection (7), there shall be inserted the following subsection—

“(7A) Subsections (1) and (4) above shall apply in relation to secure training centres and persons detained in such centres as they apply, by virtue of section 43(5) of the Prison Act 1952, to young offenders institutions and to persons detained in such institutions.”.

Status: Point in time view as at 01/10/2007.

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Marginal Citations

M74 1982 c. 48.

Bail: exclusion in homicide and rape cases

- 51 In section 51(4) of the ^{M75}Mental Health Act 1983 (power of court to remit or release on bail detained person), after the words “above or” there shall be inserted the words “, subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Marginal Citations

M75 1983 c. 20.

Video recordings

- 52 (1) The ^{M76}Video Recordings Act 1984 shall be amended as follows.
- (2) In section 13, after subsection (2), there shall be inserted the following subsection—
- “(3) A person guilty of an offence under this section shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”.
- (3) For section 15 there shall be substituted the following section—

“15 Time limit for prosecutions.

- (1) No prosecution for an offence under this Act shall be brought after the expiry of the period of three years beginning with the date of the commission of the offence or one year beginning with the date of its discovery by the prosecutor, whichever is earlier.
- (2) In Scotland, the reference in subsection (1) above to the date of discovery by the prosecutor shall be construed as a reference to the date on which evidence sufficient in the opinion of the Lord Advocate to warrant proceedings came to his knowledge.
- (3) For the purposes of subsection (2) above—
- a certificate signed by the Lord Advocate or on his behalf and stating the date on which evidence came to his knowledge shall be conclusive evidence of that fact;
 - a certificate purporting to be signed as mentioned in paragraph (a) above shall be presumed to be so signed unless the contrary is proved; and
 - a prosecution shall be deemed to be brought on the date on which a warrant to apprehend or to cite the accused is granted provided that the warrant is executed without undue delay.”.

Marginal Citations

M76 1984 c. 39.

Status: Point in time view as at 01/10/2007.

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Interim possession order: power of entry

- 53 In section 17 of the ^{M77}Police and Criminal Evidence Act 1984 (police powers of entry to effect arrest etc.)—
- (a) in subsection (1)(c), after sub-paragraph (iii), there shall be inserted the following sub-paragraph—
- “(iv) section 76 of the Criminal Justice and Public Order Act 1994 (failure to comply with interim possession order);”;
- (b) in subsection (3), after the words “subsection (1)(c)(ii)” there shall be inserted the words “ or (iv) ”.

Marginal Citations

M77 1984 c. 60.

Bail: exclusion in homicide and rape cases

- 54 In section 38(1) of the Police and Criminal Evidence Act 1984 (duty of custody officer to release on bail or without bail after charge), after the word “shall” there shall be inserted the words “ , subject to section 25 of the Criminal Justice and Public Order Act 1994, ”.

Searches of persons detained at police stations

- 55 In section 54(1)(b) of the Police and Criminal Evidence Act 1984 (searches of persons detained at police stations), for the words “under section 47(5) above” there shall be substituted the words “ , as a person falling within section 34(7), under section 37 above ”.

Fingerprinting: speculative searches

- 56 In section 61 of the Police and Criminal Evidence Act 1984 (which regulates the taking of fingerprints)—
- (a) after subsection (7) there shall be inserted the following subsection—
- “(7A) If a person’s fingerprints are taken at a police station, whether with or without the appropriate consent—
- (a) before the fingerprints are taken, an officer shall inform him that they may be the subject of a speculative search; and
- (b) the fact that the person has been informed of this possibility shall be recorded as soon as is practicable after the fingerprints have been taken.”; and
- (b) in subsection (8), after the word “them” there shall be inserted the words “ and, in the case falling within subsection (7A) above, the fact referred to in paragraph (b) of that subsection ”.

Status: Point in time view as at 01/10/2007.

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Intimate samples: speculative searches

- 57 In section 62 of the ^{M78}Police and Criminal Evidence Act 1984 (which regulates the taking of intimate body samples)—
- (a) after subsection (7) there shall be inserted the following subsection—
- “(7A) If an intimate sample is taken from a person at a police station—
- (a) before the sample is taken, an officer shall inform him that it may be the subject of a speculative search; and
- (b) the fact that the person has been informed of this possibility shall be recorded as soon as practicable after the sample has been taken.”; and
- (b) in subsection (8), after the words “subsection (7)” there shall be inserted the words “ or (7A) ”.

Marginal Citations

M78 1984 c.60.

Non-intimate samples: speculative searches

- 58 In section 63 of the ^{M79}Police and Criminal Evidence Act 1984 (which regulates the taking of non-intimate body samples)—
- (a) after the subsection (8A) inserted by section 55 of this Act, there shall be inserted the following subsection—
- “(8B) If a non-intimate sample is taken from a person at a police station, whether with or without the appropriate consent—
- (a) before the sample is taken, an officer shall inform him that it may be the subject of a speculative search; and
- (b) the fact that the person has been informed of this possibility shall be recorded as soon as practicable after the sample has been taken.”; and
- (b) in subsection (9), after the words “(8A)” there shall be inserted the words “ or (8B) ”.

Marginal Citations

M79 1984 c.60.

Sexual offences: male rape and buggery

- 59 ^{F41}

Textual Amendments

F41 Sch. 10 para. 59 repealed (1.1.2006) by Serious Organised Crime and Police Act 2005 (c. 15), ss. 174, 178, Sch. 17 Pt. 2; S.I. 2005/3495, art. 2(1)(u)(xxxvi) (subject to art. 2)

Status: Point in time view as at 01/10/2007.

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Trespassory assemblies

- 60 In section 15(1) of the ^{M80}Public Order Act 1986 (delegation of functions), for “14” there shall be substituted “ 14A ”.

Marginal Citations

M80 1986 c. 64.

Inferences from accused’s silence

- 61 (1) The ^{M81}Criminal Evidence (Northern Ireland) Order 1988 shall be amended as follows.
- (2) In Article 3(1)(a), after the word “questioned” there shall be inserted the words “ under caution ”.
- (3) In Article 4—
- (a) in paragraph (1)—
- (i) for the words “to (7)” there shall be substituted the words “ and (4) ”;
- (ii) in sub-paragraph (b), the words “be called upon to” shall be omitted;
- (iii) for the words from “if” onwards there shall be substituted the words “ , at the conclusion of the evidence for the prosecution, his legal representative informs the court that the accused will give evidence or, where he is unrepresented, the court ascertains from him that he will give evidence ”;
- (b) for paragraphs (2) and (3) there shall be substituted the following paragraph—
- “(2) Where this paragraph applies, the court shall, at the conclusion of the evidence for the prosecution, satisfy itself (in the case of proceedings on indictment conducted with a jury, in the presence of the jury) that the accused is aware that the stage has been reached at which evidence can be given for the defence and that he can, if he wishes, give evidence and that, if he chooses not to give evidence, or having been sworn, without good cause refuses to answer any question, it will be permissible for the court or jury to draw such inferences as appear proper from his failure to give evidence or his refusal, without good cause, to answer any question.”;
- (c) in paragraph (4)—
- (i) at the beginning there shall be inserted the words “ Where this paragraph applies, ”;
- (ii) in sub-paragraph (a), for the words “from the refusal as appear proper” there shall be substituted the words “ as appear proper from the failure of the accused to give evidence or his refusal, without good cause, to answer any question ”;
- (d) in paragraph (5), for the words “refusal to be sworn” there shall be substituted the words “ failure to do so ”; and
- (e) paragraphs (9) and (10) shall be omitted.
- (4) In Article 5(1)(b), for the words “the constable” there shall be substituted the words “ that or another constable investigating the case ”.

Status: Point in time view as at 01/10/2007.

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- (5) In Article 5(2), after sub-paragraph (a), for the word “and” there shall be substituted the following sub-paragraph—
- “(aa) a judge, in deciding whether to grant an application made by the accused under Article 5 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (application for dismissal of charge where a case of fraud has been transferred from a magistrates’ court to the Crown Court under Article 3 of that Order); and”.
- (6) In Article 5, after paragraph 3, there shall be inserted the following paragraph—
- “(3A) This Article applies in relation to officers of customs and excise as it applies in relation to constables.”.
- (7) In Article 6(1)(b), for the words “the constable” there shall be substituted the words “that or another constable investigating the case”.
- (8) In Article 6(2), after sub-paragraph (a), for the word “and” there shall be substituted the following sub-paragraph—
- “(aa) a judge, in deciding whether to grant an application made by the accused under Article 5 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (application for dismissal of charge where a case of fraud has been transferred from a magistrates’ court to the Crown Court under Article 3 of that Order); and”.
- (9) In Article 6, after paragraph 2, there shall be inserted the following paragraph—
- “(2A) This Article applies in relation to officers of customs and excise as it applies in relation to constables.”.
- (10) In Article 6(3), for the words “do so” there shall be substituted the words “comply with the request”.

Marginal Citations

M81 [S.I. 1988/1987 \(N.I.20\)](#).

Samples: application to terrorist suspects

- ^{F42}62 (1)
- (2)
- (3)
- (4) In consequence of the foregoing amendments—
- (a) in section 62 of the ^{M82}Police and Criminal Evidence Act 1984 (which regulates the taking of intimate body samples), at the end there shall be inserted the following subsection—
- “(12) Nothing in this section, except as provided in section 15(11) and (12) of, and paragraph 7(6A) and (6B) of Schedule 5 to, the Prevention of Terrorism (Temporary Provisions) Act 1989, applies to a person arrested or detained under the terrorism provisions.”;

Status: Point in time view as at 01/10/2007.

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(b) in section 63 of the Police and Criminal Evidence Act 1984 (which regulates the taking of non-intimate body samples), at the end there shall be inserted the following subsection—

“(10) Nothing in this section, except as provided in section 15(13) and (14) of, and paragraph 7(6C) and (6D) of Schedule 5 to, the Prevention of Terrorism (Temporary Provisions) Act 1989, applies to a person arrested or detained under the terrorism provisions.”; and

(c)

(5)

Textual Amendments

F42 Sch. 10 para. 62 (excluding sub-para. (4)(a)(b)) repealed (19.2.2001) by 2000 c. 11, s. 125, Sch. 16, Pt. I; S.I. 2001/421, art. 2

Marginal Citations

M82 1984 c. 60.

Prevention of terrorism: consents for prosecutions etc.

^{F43}63

Textual Amendments

F43 Sch. 10 para. 63 repealed (19.2.2001) by 2000 c. 11 s. 125, Sch. 16, Pt. I: S.I.2001/421, art. 2

Young offenders: powers to search and to test for drugs

64 In section 19(4) of the ^{M83}Prisons (Scotland) Act 1989 (remand centres and young offenders institutions), for the words “and 41” there shall be substituted the words “41, 41A and 41B”.

Commencement Information

I5 Sch. 10 para. 64 wholly in force at 3.2.1995; Sch. 10 para. 64 not in force at Royal Assent see s. 172; Sch. 10 para. 64 in force for specified purposes at 9.1.1995 by S.I. 1994/3192, art. 2, Sch.; Sch. 10 para. 64 so far as not already in force comes into force at 3.2.1995 by S.I. 1995/127, art. 2(1), Sch. 1 ANNEX B

Marginal Citations

M83 1989 c. 45.

Non-appearance of accused: plea of guilty

^{F44}65

Status: Point in time view as at 01/10/2007.

Changes to legislation: Criminal Justice and Public Order Act 1994 is up to date with all changes known to be in force on or before 05 April 2024. 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)

Textual Amendments

F44 Sch. 10 para. 65 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Young offenders: secure training order a custodial sentence

F45⁶⁶

Textual Amendments

F45 Sch. 10 para. 66 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Bail: exclusion in homicide and rape cases

F46⁶⁷

Textual Amendments

F46 Sch. 10 para. 67 repealed (25.8.2000) by 2000 c. 6, ss. 165, 168, Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Contracted out prisons: exclusion of search powers

68 In section 87(3) of the ^{M84}Criminal Justice Act 1991 (provisions of Prison Act 1952 not applying to contracted out prisons), after the word “officers” there shall be inserted the words “ and section 8A (powers of search by authorised employees) ”.

Marginal Citations

M84 1952 c. 52.

Testing prisoners for drugs: director’s function

69 In section 87(4) of the Criminal Justice Act 1991 (certain functions as governor to be functions of director of contracted out prisons), after “13(1)” insert “ 16A ”.

The Parole Board

70 For Schedule 5 to the Criminal Justice Act 1991 (supplementary provisions about the Parole Board) there shall be substituted the following Schedule—

Status: Point in time view as at 01/10/2007.

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“SCHEDULE 5

THE PAROLE BOARD: SUPPLEMENTARY PROVISIONS

Status and capacity

- 1 (1) The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Board’s property shall not be regarded as property of, or held on behalf of, the Crown.
- (2) It shall be within the capacity of the Board as a statutory corporation to do such things and enter into such transactions as are incidental to or conducive to the discharge of its functions under Part II of this Act.

Membership

- 2 (1) The Board shall consist of a chairman and not less than four other members appointed by the Secretary of State.
- (2) The Board shall include among its members—
 - (a) a person who holds or has held judicial office;
 - (b) a registered medical practitioner who is a psychiatrist;
 - (c) a person appearing to the Secretary of State to have knowledge and experience of the supervision or after-care of discharged prisoners; and
 - (d) a person appearing to the Secretary of State to have made a study of the causes of delinquency or the treatment of offenders.
- (3) A member of the Board—
 - (a) shall hold and vacate office in accordance with the terms of his appointment;
 - (b) may resign his office by notice in writing addressed to the Secretary of State;
 and a person who ceases to hold office as a member of the Board shall be eligible for re-appointment.

Payments to members

- 3 (1) The Board may pay to each member such remuneration and allowances as the Secretary of State may determine.
- (2) The Board may pay or make provision for paying to or in respect of any member such sums by way of pension, allowances or gratuities as the Secretary of State may determine.
- (3) If a person ceases to be a member otherwise than on the expiry of his term of office and it appears to the Secretary of State that there are special circumstances that make it right that he should receive compensation, the Secretary of State may direct the Board to make to that person a payment of such amount as the Secretary of State may determine.
- (4) A determination or direction of the Secretary of State under this paragraph requires the approval of the Treasury.

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Proceedings

- 4 (1) Subject to the provisions of section 32(5) of this Act, the arrangements relating to meetings of the Board shall be such as the Board may determine.
- (2) The arrangements may provide for the discharge, under the general direction of the Board, of any of the Board's functions by a committee or by one or more of the members or employees of the Board.
- (3) The validity of the proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

Staff

- 5 (1) The Board may appoint such number of employees as it may determine.
- (2) The remuneration and other conditions of service of the persons appointed under this paragraph shall be determined by the Board.
- (3) Any determination under sub-paragraph (1) or (2) shall require the approval of the Secretary of State given with the consent of the Treasury.
- (4) The Employers' Liability (Compulsory Insurance) Act 1969 shall not require insurance to be effected by the Board.
- 6 (1) Employment with the Board shall be included among the kinds of employment to which a scheme under section 1 of the Superannuation Act 1972 can apply, and accordingly in Schedule 1 to that Act (in which those kinds of employment are listed) at the end of the list of Other Bodies there shall be inserted— "Parole Board."
- (2) The Board shall pay to the Treasury, at such times as the Treasury may direct, such sums as the Treasury may determine in respect of the increase attributable to this paragraph in the sums payable under the Superannuation Act 1972 out of money provided by Parliament.

Financial provisions

- 7 (1) The Secretary of State shall pay to the Board—
 - (a) any expenses incurred or to be incurred by the Board by virtue of paragraph 3 or 5; and
 - (b) with the consent of the Treasury, such sums as he thinks fit for enabling the Board to meet other expenses.
- (2) Any sums required by the Secretary of State for making payments under sub-paragraph (1) shall be paid out of money provided by Parliament.

Authentication of Board's seal

- 8 The application of the seal of the Board shall be authenticated by the signature of the Chairman or some other person authorised for the purpose.

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Presumption of authenticity of documents issued by Board

- 9 Any document purporting to be an instrument issued by the Board and to be duly executed under the seal of the Board or to be signed on behalf of the Board shall be received in evidence and shall be deemed to be such an instrument unless the contrary is shown.

Accounts and audit

- 10 (1) It shall be the duty of the Board—
 - (a) to keep proper accounts and proper records in relation to the accounts;
 - (b) to prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct with the approval of the Treasury; and
 - (c) to send copies of each such statement to the Secretary of State and the Comptroller and Auditor General not later than 31st August next following the end of the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement of accounts sent to him by the Board and shall lay a copy of every such statement and of his report before each House of Parliament.
- (3) In this paragraph, “financial year” means the period beginning with the date on which the Board is incorporated and ending with the next following 31st March, and each successive period of twelve months.

Reports

- 11 The Board shall as soon as practicable after the end of each financial year make to the Secretary of State a report on the performance of its functions during the year; and the Secretary of State shall lay a copy of the report before Parliament.”.

Bail: exclusion in homicide and rape cases

- 71 In Schedule 6 to the ^{M85}Criminal Justice Act 1991 (procedure on notice of transfer in certain cases involving children), in paragraph 2(1), after the word “1976” where it occurs first there shall be inserted the words “, section 25 of the Criminal Justice and Public Order Act 1994 ”.

Marginal Citations

M85 1991 c. 53.

Probation officers for offenders subject to secure training orders

Status: Point in time view as at 01/10/2007.

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Textual Amendments

F47 Sch. 10 para. 72 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g) Table

Secure training orders: cost of supervision by probation officer

F48 73

Textual Amendments

F48 Sch. 10 para. 73 repealed (1.4.2001) by 2000 c. 43, s. 75, Sch. 8; S.I. 2001/919, art. 2(g) Table

SCHEDULE 11

Section 168(3).

REPEALS

Extent Information

E4 Sch. 11 does not extend to Scotland in so far as it relates to s. 17(1) of the Video Recordings Act 1984 see s. 172(16)

Commencement Information

I6 Sch. 11 partly in force; Sch. 11 partly in force at Royal Assent see s. 172; Sch. 11 in force for specified purposes at 9.1.1995 by S.I. 1994/3192, art. 2, Sch.; Sch. 11 in force for further specified purposes at 3.2.1995 by S.I. 1995/127, art. 2(1), Sch. 1 APPENDIX C; Sch. 11 in force for further specified purposes at 10.4.1995 by S.I. 1995/721, art. 2, Sch. APPENDIX B; Sch. 11 in force for further specified purposes at 4.9.1995 by S.I. 1995/1957, art. 6; Sch. 11 in force for further specified purposes at 1.3.1998 by S.I. 1998/277, art. 3; Sch. 11 in force for further specified purposes at 20.3.2002 by S.I. 2002/447, art. 2

Chapter	Short title	Extent of repeal
1848 c. 42.	Indictable Offences Act 1848.	Sections 12, 14 and 15.
1898 c. 36.	Criminal Evidence Act 1898.	In section 1, proviso (b).
1923 c. 9 (N.I.).	Criminal Evidence Act (Northern Ireland) 1923.	In section 1, proviso (b).
1925 c. 86.	Criminal Justice Act 1925.	F49 ... F49 ...
1952 c. 52.	Prison Act 1952.	In section 43(1)(a), the words “trial or”. In section 43(1), the word “and” at the end of paragraph (b).

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		In section 43(2)(b) and (c), the words “trial or”.
1956 c. 69.	Sexual Offences Act 1956.	In section 2(1), the word “unlawful”. Section 2(2). In section 3(1), the word “unlawful”. Section 3(2). Section 4(2). Section 22(2). Section 23(2).
1963 c. 37.	Children and Young Persons Act 1963.	In section 57(2), the words “Section 49 of the principal Act and” and “an appeal by case stated or”. [^{F50} In section 57(4), the words “49 and the said sections”]
1965 c. 45.	Backing of Warrants (Republic of Ireland) Act 1965.	In section 2(2)(a), the words from “, or an offence under an enactment” to “control”.
1965 c. 69.	Criminal Procedure (Attendance of Witnesses) Act 1965.	^{F49} ...
1967 c. 60.	Sexual Offences Act 1967.	In section 1(1), the words “but subject to the provisions of the next following section”. Section 1(5). Section 2. Section 3.
1967 c. 77.	Police (Scotland) Act 1967.	Section 18.
1967 c. 80.	Criminal Justice Act 1967.	^{F49} ... ^{F49} ... In section 67(5), the word “and” at the end of paragraph (a).
1968 c. 19.	Criminal Appeal Act 1968.	^{F49} ...
1968 c. 52.	Caravan Sites Act 1968.	Sections 6 to 12. In section 16, the definition of “gipsies”.
1963 c. 54.	Children and Young Persons Act 1969	Section 10(1) and (2).

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		[^{F50} In section 57(4), the words “49 and the said sections”.]
1969 c. 63.	Police Act 1969.	Sections 1, 3, 6 and 7.
1970 c. 9 (N.I.).	Police Act (Northern Ireland) 1970.	Sections 19 and 20.
1972 c. 71.	Criminal Justice Act 1972.	F49 . . . F49 . . . F49 . . . F49 . . . F49 . . . F49 . . . F49 . . . F49 . . . F49 . . . F49 . . .
1973 c. 62.	Powers of Criminal Courts Act 1973.	F49
1974 c. 23.	Juries Act 1974.	In section 10, the words “physical disability or”.
1974 c. 53.	Rehabilitation of Offenders Act 1974.	In section 5(4), the words “or placed on probation,” and “or probation order”.
1976 c. 63.	Bail Act 1976.	Section 1(4). In section 3(6), the words “(but only by a court)”.
1976 c. 82.	Sexual Offences (Amendment) Act 1976.	Section 1(1). In section 7(2), the words from “references” to “only);”.
1977 c. 45.	Criminal Law Act 1977.	Section 6(3). Section 38.
1978 c. 30.	Interpretation Act 1978.	F49
1978 c. 37.	Protection of Children Act 1978.	In section 1(1)(a), the words following “child”. In section 4(2), the words from “within” to “warrant”.
1980 c. 43.	Magistrates’ Courts Act 1980.	In section 22(1), the words “subject to subsection (7) below”. In section 24(1)(a) the words “he has attained the age of 14 and”. In section 38(2)(b), the words from “committed” to “21 years old”. F49

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		F49 F49 F49 F49 F49 F49 F49
1980 c. 62.	Criminal Justice (Scotland) Act 1980.	In section 80, subsection (5); in subsection (7), paragraph (d) and the word “; or” immediately preceding that paragraph; and subsection (8).
1981 c. 47.	Criminal Attempts Act 1981.	F49
1982 c. 48.	Criminal Justice Act 1982.	F49 Section 12(6), (7) and, in subsection (11), paragraph (b) and the word “and”. Section 67(5). In Schedule 14, paragraph 8.
S.I. 1982/1536 (N.I. 19).	Homosexual Offences (Northern Ireland) Order 1982.	In Article 3, in paragraph (1), the words “and Article 5 (merchant seamen)” and paragraph (4). Article 5.
1984 c. 39.	Video Recordings Act 1984.	In section 1, in subsection (2) (a), the word “or” and in subsection (3), the word “or” where it occurs first. In section 17(1), the words from “within” to “warrant”.
1984 c. 60.	Police and Criminal Evidence Act 1984.	Section 37(1)(b), together with the word “or” preceding it. Section 47(5). In section 62(10), the words following “proper”. In section 118(1), the definition of “intimate search”.
1985 c. 23.	Prosecution of Offences Act 1985.	In Schedule 1, paragraph 1.
1986 c. 64.	Public Order Act 1986.	Section 39. In section 42(2), “39”.
1987 c. 38.	Criminal Justice Act 1987.	F49

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1988 c. 33.	Criminal Justice Act 1988.	In section 25(1)(a)(ii), the word “or”. Section 32A(10). In section 34(2), the words from “in relation to” to the end. Section 126. In section 160, in subsection (1), the words from “(meaning” to “16)” and subsection (5).
1988 c. 34.	Legal Aid Act 1988.	F49 . . . F49 . . . F49 . . .
S.I. 1988/1987 (N.I.20).	Criminal Evidence (Northern Ireland) Order 1988.	In Article 4, in paragraph (1) (b) the words “be called upon to” and paragraphs (9) and (10).
1989 c. 45.	Prisons (Scotland) Act 1989.	Section 33.
1989 c. 41.	Children Act 1989.	In Schedule 5, paragraph 7(2) (f). In Schedule 6, paragraph 10(2)(j).
1990 c. 42.	Broadcasting Act 1990.	In Schedule 20, in paragraph 3(2), the words “and 49”.
1991 c. 13.	War Crimes Act 1991.	F49 . . .
1991 c. 24.	Northern Ireland (Emergency Provisions) Act 1991.	In Schedule 7, paragraph 5(3) (c).
1991 c. 53.	Criminal Justice Act 1991.	In section 3(2), the words from the beginning to “indictment,”. In section 3(4), the words from “which is” to “applies”. Section 50(4). Section 52(2). Section 57(4)(b), together with the word “and” preceding it. Section 64.
S.I. 1992/1829.	Parole Board (Transfer of Functions) Order 1992.	In Article 3, the words from “and 39” to “licence” and the words “and (4)”.
1993 c. 24.	Video Recordings Act 1993.	Section 3.
1993 c. 36.	Criminal Justice Act 1993.	Section 67(2).

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Textual Amendments

- F49** Entries in Sch. 11 repealed (*retrospective* to 3.11.1994) by 1996 c. 25, s. 44, 80, **Sch. 5 para. 1** (with 78(1))
- F50** By 1999 c. 23, ss. 67, 68(3), **Sch. 4 paras. 21, 24** it is provided (*prosp.*) that the entry relating to s. 57(4) of the 1969 Act shall be treated as, and as always having been, an entry relating to s. 57(4) of the Children and Young Persons Act 1963

Note: The repeals that are to come into force on the passing of this Act are the following, namely, the repeals in the Sexual Offences Act 1967, the Caravan Sites Act 1968, the Sexual Offences (Amendment) Act 1976, the Public Order Act 1986, the Criminal Justice (Scotland) Act 1980 and the Homosexual Offences (Northern Ireland) Order 1982.

Status:

Point in time view as at 01/10/2007.

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