



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 1

#### PROVISIONS FOR COMBATTING CRIME AND DISORDER

### CHAPTER 1

#### ON THE SPOT PENALTIES FOR DISORDERLY BEHAVIOUR

##### *Penalty notices and penalties*

## **2 Penalty notices**

- (1) A constable who has reason to believe that a person aged 18 or over has committed a penalty offence may give him a penalty notice in respect of the offence.
- (2) Unless the notice is given in a police station, the constable giving it must be in uniform.
- (3) At a police station, a penalty notice may be given only by an authorised constable.
- (4) In this Chapter “penalty notice” means a notice offering the opportunity, by paying a penalty in accordance with this Chapter, to discharge any liability to be convicted of the offence to which the notice relates.
- (5) “Authorised constable” means a constable authorised, on behalf of the chief officer of police for the area in which the police station is situated, to give penalty notices.

## **3 Amount of penalty and form of penalty notice**

- (1) The penalty payable in respect of a penalty offence is such amount as the Secretary of State may specify by order.

*Status: Point in time view as at 12/08/2002.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Cross Heading: Penalty notices and penalties. (See end of Document for details)*

- (2) But the Secretary of State may not specify an amount which is more than a quarter of the amount of the maximum fine for which a person is liable on conviction of the offence.
- (3) A penalty notice must—
  - (a) be in the prescribed form;
  - (b) state the alleged offence;
  - (c) give such particulars of the circumstances alleged to constitute the offence as are necessary to provide reasonable information about it;
  - (d) specify the suspended enforcement period (as to which see section 5) and explain its effect;
  - (e) state the amount of the penalty;
  - (f) state the justices' chief executive to whom, and the address at which, the penalty may be paid; and
  - (g) inform the person to whom it is given of his right to ask to be tried for the alleged offence and explain how that right may be exercised.
- (4) "Prescribed" means prescribed by regulations made by the Secretary of State.
- (5) The power to make regulations or an order conferred by this section is exercisable by statutory instrument.
- (6) Such an instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **4 Effect of penalty notice**

- (1) This section applies if a penalty notice is given to a person ("A") under section 2.
- (2) If A asks to be tried for the alleged offence, proceedings may be brought against him.
- (3) Such a request must be made by a notice given by A—
  - (a) in the manner specified in the penalty notice; and
  - (b) before the end of the period of suspended enforcement (as to which see section 5).
- (4) A request which is made in accordance with subsection (3) is referred to in this Chapter as a "request to be tried".
- (5) If, by the end of the suspended enforcement period—
  - (a) the penalty has not been paid in accordance with this Chapter, and
  - (b) A has not made a request to be tried,
 a sum equal to one and a half times the amount of the penalty may be registered under section 8 for enforcement against A as a fine.

#### **5 General restriction on proceedings**

- (1) Proceedings for the offence to which a penalty notice relates may not be brought until the end of the period of 21 days beginning with the date on which the notice was given ("the suspended enforcement period").
- (2) If the penalty is paid before the end of the suspended enforcement period, no proceedings may be brought for the offence.

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- (3) Subsection (1) does not apply if the person to whom the penalty notice was given has made a request to be tried.

## **6 Secretary of State's guidance**

The Secretary of State may issue guidance—

- (a) about the exercise of the discretion given to constables by this Chapter;
- (b) about the issuing of penalty notices;
- (c) with a view to encouraging good practice in connection with the operation of provisions of this Chapter.

**Status:**

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