



# 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 [<sup>F1</sup>18] or over has committed a penalty offence may give him a penalty notice in respect of the offence.

[<sup>F2</sup>(1A) If the offence mentioned in subsection (1) is a relevant penalty offence, the constable may give the person a penalty notice with an education option.]

<sup>F3</sup>(2) .....

<sup>F4</sup>(3) .....

(4) In this Chapter [<sup>F5</sup>—

“approved educational course” means an educational course run as part of an educational course scheme established by—

- (a) in the case of a notice given by a constable of the British Transport Police Force, the Chief Constable of that force, and
- (b) in any other case, the chief officer of police for the area in which the notice is given;

“educational course scheme” means a scheme established by a chief officer of police under section 2A;]

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“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 [F6];

“penalty notice with an education option” means a penalty notice that also offers the opportunity to discharge any liability to be convicted of the offence to which the notice relates by—

- (a) completing an approved educational course, and
- (b) paying the course fee;

[F7(4A) In this section, “relevant penalty offence” means a penalty offence in relation to which there is an approved educational course.

(4B) The Secretary of State may by regulations make provision about the revocation of penalty notices.]

- F8(5) .....
- F9(6) .....
- F9(7) .....
- F9(8) .....
- F9(9) .....

**Textual Amendments**

- F1 Word in s. 2(1) substituted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 23 para. 3(2); S.I. 2013/453, art. 4(e)
- F2 S. 2(1A) inserted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 23 para. 3(3); S.I. 2013/453, art. 4(e)
- F3 S. 2(2) omitted (8.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 23 para. 3(4); S.I. 2013/453, art. 4(e)
- F4 S. 2(3) omitted (8.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 23 para. 3(5); S.I. 2013/453, art. 4(e)
- F5 Words in s. 2(4) inserted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 23 para. 3(6)(a); S.I. 2013/453, art. 4(e)
- F6 Words in s. 2(4) inserted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 23 para. 3(6)(b); S.I. 2013/453, art. 4(e)
- F7 S. 2(4A)(4B) inserted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 23 para. 3(7); S.I. 2013/453, art. 4(e)
- F8 S. 2(5) omitted (8.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 23 para. 3(8); S.I. 2013/453, art. 4(e)
- F9 S. 2(6)-(9) omitted (8.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 23 para. 3(9); S.I. 2013/453, art. 4(e)

[F10] **2A Educational course schemes**

- (1) A chief officer of police may establish an educational course scheme under this section in relation to one or more kinds of penalty offence committed in the chief officer's area.
- (2) An educational course scheme must include arrangements—

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- (a) for educational courses relating to the penalty offences to which the scheme relates to be provided to persons who are given penalty notices with an education option, and
  - (b) for a course fee set by the chief officer of police—
    - (i) to be paid by a person who attends an educational course, and
    - (ii) to be refunded in such circumstances (if any) as the chief officer considers appropriate.
- (3) The purpose of an educational course mentioned in subsection (2) must be to reduce the likelihood of those who take the course committing the penalty offence, or penalty offences, to which the course relates.
- (4) An educational course may be provided by any person who, and have any content that, the chief officer of police considers appropriate given its purpose.
- (5) The Secretary of State may by regulations—
- (a) provide that the fee mentioned in subsection (2)(b) may not be—
    - (i) less than an amount specified in the regulations, or
    - (ii) more than an amount so specified;
  - (b) make provision for and in connection with the disclosure, for the purpose of running an educational course scheme, of relevant personal information between—
    - (i) a person who is involved in the provision of an educational course under the scheme,
    - (ii) the chief officer of police who established the scheme, and
    - (iii) any other person specified or described in the regulations;
  - (c) make provision about the use of relevant personal information for that purpose;
  - (d) place restrictions on the disclosure or use of relevant personal information.
- (6) In subsection (5) “relevant personal information” means any information that relates to, and identifies, a person who has been given a penalty notice with an education option.
- (7) In this section's application in relation to the Chief Constable of the British Transport Police Force, subsection (1) has effect as if the reference to one or more kinds of penalty offence committed in a chief officer of police's area were a reference to one or more kinds of penalty offence—
- (a) committed at, or in relation to, any of the places mentioned in section 31(1)(a) to (f) of the Railways and Transport Safety Act 2003 (places where a constable of the British Transport Police Force has the powers of a constable), or
  - (b) otherwise relating to a railway.
- (8) In subsection (7) “railway” means—
- (a) a railway within the meaning given by section 67(1) of the Transport and Works Act 1992 (interpretation), or
  - (b) a tramway within the meaning given by that section.]

*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)

**Textual Amendments**

**F10** S. 2A inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 4](#); S.I. 2013/453, art. 4(e)

**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.

<sup>F11</sup>(1A) .....

(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 [<sup>F12</sup>summary] conviction of the offence [<sup>F13</sup>plus a half of the relevant surcharge].

[<sup>F14</sup>(2A) The “relevant surcharge”, in relation to a person of a given age, is the amount payable by way of surcharge under [<sup>F15</sup>section 42 of the Sentencing Code] by a person of that age who is fined the maximum amount for the offence.]

(3) A penalty notice must—

- <sup>F16</sup>(a) .....
- (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 [<sup>F17</sup>designated officer for a local justice area] 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.

[<sup>F18</sup>(3A) The Secretary of State may by regulations require information in addition to that mentioned in subsection (3) to be included in, or to be provided with, a penalty notice with an education option.]

<sup>F19</sup>(4) .....

<sup>F20</sup>(5) .....

<sup>F20</sup>(6) .....

**Textual Amendments**

**F11** S. 3(1A) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 5\(2\)](#); S.I. 2013/453, art. 4(e)

**F12** Word in s. 3(2) inserted (1.11.2004) by [The Criminal Justice and Police Act 2001 \(Amendment\) and Police Reform Act 2002 \(Modification\) Order 2004 \(S.I. 2004/2540\)](#), arts. 1(4), 3

**F13** Words in s. 3(2) inserted (1.10.2012) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 15\(2\)](#), 60; S.I. 2012/1697, art. 2

**F14** S. 3(2A) inserted (1.10.2012) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 15\(3\)](#), 60; S.I. 2012/1697, art. 2

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- F15** Words in s. 3(2A) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 178** (with Sch. 27); S.I. 2020/1236, reg. 2
- F16** S. 3(3)(a) omitted (13.1.2010) by virtue of The Legislative Reform (Revocation of Prescribed Form of Penalty Notice for Disorderly Behaviour) Order 2010 (S.I. 2010/64), arts. 1(1), **2(a)**
- F17** Words in s. 3(3)(f) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 397**; S.I. 2005/910, **art. 3**
- F18** S. 3(3A) inserted (8.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 23 para. 5(3)**; S.I. 2013/453, art. 4(e)
- F19** S. 3(4) omitted (13.1.2010) by virtue of The Legislative Reform (Revocation of Prescribed Form of Penalty Notice for Disorderly Behaviour) Order 2010 (S.I. 2010/64), arts. 1(1), **2(b)**
- F20** S. 3(5)(6) omitted (8.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 23 para. 5(4)**; S.I. 2013/453, art. 4(e)

#### 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—
- in the manner specified in the penalty notice; and
  - 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) <sup>[F21]</sup>In the case of a penalty notice that is not a penalty notice with an education option, if], by the end of the suspended enforcement period—
- the penalty has not been paid in accordance with this Chapter, and
  - 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.
- <sup>[F22]</sup>(6) In the case of a penalty notice with an education option, 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 if subsection (7) or (8) applies.
- (7) This subsection applies if, by the end of the suspended enforcement period, A does not—
- ask to attend an approved educational course relating to the offence to which the notice relates,
  - pay the penalty, or
  - request to be tried.
- (8) This subsection applies if—
- A has asked, by the end of the suspended enforcement period, to attend an approved educational course of the kind mentioned in subsection (7)(a), and
  - A does not, in accordance with regulations made under subsection (9)—
- pay the course fee,
  - start such a course, or
  - complete such a course.

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- (9) The Secretary of State may by regulations make provision—
- (a) as to the time by which A is required to do each of the things mentioned in subsection (8)(b)(i) to (iii) (including provision allowing those times to be specified by a chief officer of police for the purposes of an educational course scheme established by that officer);
  - (b) allowing A to request an extension of the time to do the things mentioned in subsection (8)(b)(i) to (iii) (including provision as to who should determine such a request and on what basis);
  - (c) as to the procedure to be followed in relation to requests for extensions of time (including provision allowing the procedure to be determined by a chief officer of police for the purposes of an educational course scheme established by that officer);
  - (d) as to the consequences of a request for an extension of time being granted (including provision specifying circumstances in which a chief officer of police may require a course fee to be paid again in order to avoid a sum being registered for enforcement as a fine under section 8);
  - (e) as to the consequences of A failing to attend a course that A has arranged to attend (including provision as to who should determine what those consequences are and on what basis);
  - (f) specifying circumstances in which A is, for the purposes of this Chapter, to be regarded as having completed, or having not completed, an approved educational course (including provision as to who should determine whether those circumstances have arisen and how that should be determined).
- (10) Regulations made under subsection (9)(b), (e) or (f) may permit a person to delegate the function of making a determination.]

#### Textual Amendments

- F21** Words in s. 4(5) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 6\(2\)](#); S.I. 2013/453, art. 4(e)
- F22** S. 4(6)-(10) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 23 para. 6\(3\)](#); S.I. 2013/453, art. 4(e)

## 5 General restriction on proceedings

- (1) Proceedings for the offence to which a penalty notice relates may not be brought [<sup>F23</sup>during] 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.
- [<sup>F24</sup>(2A) Proceedings for an offence to which a penalty notice with an education option relates may not be brought against a person who has, by the end of the suspended enforcement period, asked to attend an approved educational course relating to the offence, unless section 4(8) applies.
- (2B) If the person to whom a penalty notice with an education option is given—

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- (a) completes, in accordance with regulations made under section 4(9), an approved educational course relating to the offence to which the notice relates, and
  - (b) pays the course fee in accordance with those regulations,
- no proceedings may be brought for the offence.]
- (3) Subsection (1) does not apply if the person to whom the penalty notice was given has made a request to be tried.

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**Textual Amendments**

- F23** Word in s. 5(1) substituted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 7\(2\)](#); S.I. 2013/453, art. 4(e)
- F24** S. 5(2A)(2B) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 7\(3\)](#); S.I. 2013/453, art. 4(e)

## 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;
- <sup>F25</sup>(ba) about educational course schemes;
- (c) with a view to encouraging good practice in connection with the operation of provisions of this Chapter.

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**Textual Amendments**

- F25** S. 6(ba) inserted (8.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 23 para. 8](#); S.I. 2013/453, art. 4(e)

**Changes to legislation:**

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