



Anti-social Behaviour, Crime and Policing Act 2014

2014 CHAPTER 12

PART 13

CRIMINAL JUSTICE AND COURT FEES

175 Compensation for miscarriages of justice

- (1) In section 133 of the Criminal Justice Act 1988 (compensation for miscarriages of justice) after subsection (1) there is inserted—

“(1ZA) For the purposes of subsection (1), there has been a miscarriage of justice in relation to a person convicted of a criminal offence in England and Wales or, in a case where subsection (6H) applies, Northern Ireland, if and only if the new or newly discovered fact shows beyond reasonable doubt that the person did not commit the offence (and references in the rest of this Part to a miscarriage of justice are to be construed accordingly).”

- (2) Subsection (1ZA) of section 133 of the Criminal Justice Act 1988 has effect in relation to—

- (a) any application for compensation made under subsection (2) of that section on or after the day on which this section comes into force, and
- (b) any application for compensation made before that day in relation to which the question whether there is a right to compensation has not been finally determined before that day by the Secretary of State under subsection (3) of that section.

176 Low-value shoplifting

- (1) The Magistrates’ Courts Act 1980 is amended as follows.
- (2) In section 2 (trial of summary offences), in subsection (3)(a) for “22” there is substituted “22A”.

(3) After section 22 there is inserted—

“22A Low-value shoplifting to be a summary offence

- (1) Low-value shoplifting is triable only summarily.
 - (2) But where a person accused of low-value shoplifting is aged 18 or over, and appears or is brought before the court before the summary trial of the offence begins, the court must give the person the opportunity of electing to be tried by the Crown Court for the offence and, if the person elects to be so tried—
 - (a) subsection (1) does not apply, and
 - (b) the court must send the person to the Crown Court for trial for the offence.
 - (3) “Low-value shoplifting” means an offence under section 1 of the Theft Act 1968 in circumstances where—
 - (a) the value of the stolen goods does not exceed £200,
 - (b) the goods were being offered for sale in a shop or any other premises, stall, vehicle or place from which there is carried on a trade or business, and
 - (c) at the time of the offence, the person accused of low-value shoplifting was, or was purporting to be, a customer or potential customer of the person offering the goods for sale.
 - (4) For the purposes of subsection (3)(a)—
 - (a) the value of the stolen goods is the price at which they were being offered for sale at the time of the offence, and
 - (b) where the accused is charged on the same occasion with two or more offences of low-value shoplifting, the reference to the value involved has effect as if it were a reference to the aggregate of the values involved.
 - (5) A person guilty of low-value shoplifting is liable on summary conviction to—
 - (a) imprisonment for a period not exceeding 51 weeks (or 6 months, if the offence was committed before the commencement of section 281(4) and (5) of the Criminal Justice Act 2003),
 - (b) a fine, or
 - (c) both.
 - (6) A person convicted of low-value shoplifting by a magistrates’ court may not appeal to the Crown Court against the conviction on the ground that the convicting court was mistaken as to whether the offence was one of low-value shoplifting.
 - (7) For the purposes of this section, any reference to low-value shoplifting includes aiding, abetting, counselling or procuring the commission of low-value shoplifting.”
- (4) In section 143 (power to alter sums specified in certain provisions)—
- (a) after subsection (2)(a) there is inserted—
 - “(aza) section 22A(3)(a) above;”;
 - (b) the word “or” after paragraph (a) of subsection (3) is omitted;

- (c) after subsection (3)(a) there is inserted—
 - “(aa) in relation to section 22A(3)(a) above, the date of the coming into force of that section; or”.
- (5) The Criminal Attempts Act 1981 is amended as follows—
 - (a) in section 1 (attempting to commit an offence) after subsection (4) there is inserted—
 - “(5) This section also applies to low-value shoplifting (which is defined in, and is triable only summarily by virtue of, section 22A of the Magistrates’ Courts Act 1980).”;
 - (b) in section 4 (trial and penalties) in paragraph (c) of subsection (1), after “either way,” there is inserted “or is low-value shoplifting (which is defined in, and is triable only summarily by virtue of, section 22A of the Magistrates’ Courts Act 1980).”.
- (6) Any reference in the Police and Criminal Evidence Act 1984 to an “indictable offence” has effect as if it included a reference to low-value shoplifting (as defined in section 22A(3) of the Magistrates’ Courts Act 1980).
- (7) In section 84 of the Armed Forces Act 2006 (definitions), after subsection (2) there is inserted—
 - “(2A) In subsection (2)(a), the reference to an “indictable offence” has effect as if it included a reference to low-value shoplifting (as defined in section 22A(3) of the Magistrates’ Courts Act 1980).”
- (8) The amendments made by this section have effect in relation to—
 - (a) low-value shoplifting (which is defined in section 22A(3) of the 1980 Act) committed on or after the day on which this section comes into force, and
 - (b) low-value shoplifting committed before that day in respect of which proceedings have not yet been instituted.

177 Abolition of defence of marital coercion

- (1) The defence of marital coercion is abolished.
- (2) Accordingly, section 47 of the Criminal Justice Act 1925 (coercion of married woman by husband) is repealed.
- (3) This section does not have effect in respect of an offence alleged to have been committed before the date on which it comes into force.

178 Protection arrangements for persons at risk

- (1) The Serious Organised Crime and Police Act 2005 is amended as follows.
- (2) In section 82 (protection of persons involved in investigations or proceedings)—
 - (a) in the heading, for “**of persons involved in investigations or proceedings**” there is substituted “**arrangements for persons at risk**”;
 - (b) in subsection (1), for the words from “a person” to “United Kingdom” there is substituted “any person if he reasonably believes that the person’s safety is at risk in view of the criminal conduct or possible criminal conduct of another person”;

(c) after subsection (5) there is inserted—

“(5A) In subsection (1), “criminal conduct” means conduct which constitutes an offence in England and Wales or Scotland, or would do if it occurred there.

(5B) Nothing in this section prevents a protection provider from making arrangements under this section for the protection of a person where non-statutory arrangements have already been made in respect of that person.”;

(d) subsection (6) is repealed.

(3) Sections 91 and 92 are repealed.

(4) In section 93, paragraph (b) of subsection (1) and the word “or” before it are repealed.

(5) In section 172, paragraph (e) of subsection (5) is repealed.

(6) Schedule 5 is repealed.

(7) Nothing in this section affects arrangements made before the commencement of this section for the purpose of protecting a person under section 82(1) of the 2005 Act.

179 Surcharges: imprisonment in default and remission of fines

(1) In section 82 of the Magistrates’ Courts Act 1980 (restriction on power to impose imprisonment for default), after subsection (1) there is inserted—

“(1A) Subsection (1)(c) above does not apply in relation to a surcharge ordered to be paid under section 161A of the Criminal Justice Act 2003.”

(2) In section 85 of that Act (power to remit fine), after subsection (3) there is inserted—

“(3A) Where—

- (a) the court remits the whole or part of the fine, and
- (b) the offender was ordered under section 161A of the Criminal Justice Act 2003 to pay a surcharge the amount of which was set by reference to the amount of the fine,

the court shall determine how much the surcharge would have been if the fine had not included the amount remitted, and remit the balance of the surcharge.”

(3) In section 165 of the Criminal Justice Act 2003 (remission of fines), after subsection (4) there is inserted—

“(5) Where—

- (a) under this section the court remits the whole or part of a fine, and
- (b) the offender was ordered under section 161A to pay a surcharge the amount of which was set by reference to the amount of the fine,

the court must determine how much the surcharge would have been if the fine had not included the amount remitted, and remit the balance of the surcharge.”

(4) Subsections (2) and (3) apply in any case where the fine, or part of it, is remitted on or after the day on which this section comes into force.

180 Court and tribunal fees

- (1) In prescribing a fee under an enactment specified in subsection (2), the Lord Chancellor may with the consent of the Treasury prescribe a fee of an amount which is intended to exceed the cost of anything in respect of which the fee is charged.
- (2) The enactments are—
 - (a) section 92 of the Courts Act 2003 (Senior Courts, county courts and magistrates' courts fees);
 - (b) section 54 of the Mental Capacity Act 2005 (Court of Protection fees);
 - (c) section 58(4)(b) of that Act (Public Guardian fees);
 - (d) section 42 of the Tribunals, Courts and Enforcement Act 2007 (tribunal fees).
- (3) Before prescribing a fee by virtue of subsection (1) under an enactment specified in subsection (2)(a), (b) or (d), the Lord Chancellor must have regard to—
 - (a) the financial position of the courts and tribunals for which the Lord Chancellor is responsible, including in particular any costs incurred by those courts and tribunals that are not being met by current fee income, and
 - (b) the competitiveness of the legal services market.
- (4) For the purposes of subsection (3)(a), the courts and tribunals for which the Lord Chancellor is responsible are the courts listed in section 1(1) of the Courts Act 2003 and the tribunals listed in section 39(1) of the Tribunals, Courts and Enforcement Act 2007.
- (5) A fee prescribed by virtue of subsection (1) under section 58(4)(b) of the Mental Capacity Act 2005 must be used to finance the efficient and effective discharge of functions of the Public Guardian.
- (6) A fee prescribed by virtue of subsection (1) under any other enactment specified in subsection (2) must be used to finance an efficient and effective system of courts and tribunals.
- (7) A statutory instrument—
 - (a) containing an order or regulations under an enactment specified in subsection (2), and
 - (b) setting a fee in excess of the cost of anything in respect of which the fee is charged,may not be made unless a draft of the instrument has been laid before both Houses of Parliament and approved by a resolution of each House.
- (8) But subsection (7) does not apply if the statutory instrument only adjusts a fee to reflect changes in the value of money.