



Criminal Justice and Public Order Act 1994

CHAPTER 33

CRIMINAL JUSTICE AND PUBLIC ORDER ACT 1994

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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 12 May 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) View outstanding changes

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- 51 Intimidation, etc., of witnesses, jurors and others.

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- 155 Offence of racially inflammatory publication etc. to be arrestable.

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- 156 Prohibition on use of cells from embryos or foetuses.

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- 158 Extradition procedures.
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170 Security costs at party conferences.
171 Expenses etc. under Act.
172 Short title, commencement and extent.

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SCHEDULE 1 — Escort Arrangements: England and Wales

Arrangements for the escort of persons detained in youth detention accommodation

- 1 (1) The Secretary of State may make arrangements for any...

Monitoring etc. of escort arrangements

- 2 (1) Escort arrangements shall include the appointment of—

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

- 3 (1) A custody officer acting in pursuance of escort arrangements...

Interpretation

- 4 In this Schedule— “detained person” means a person...

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Preliminary

- 1 In this Schedule— “certificate” means a certificate under section 12(3)...

Issue of certificates

- 2 (1) Any person may apply to the Secretary of State...

Suspension of certificate

- 3 (1) This paragraph applies where at any time—

Revocation of certificate

- 4 Where at any time it appears to the Secretary of...

False statements

- 5 If any person, for the purpose of obtaining a certificate...

SCHEDULE 3 — Bail: Supplementary Provisions

Bail Act 1976

- 1 Section 5 of the Bail Act 1976 (supplementary provisions about...
2 After section 5 of the Bail Act 1976 there shall...

Magistrates’ Courts Act 1980

- 3 After section 43A of the Magistrates’ Courts Act 1980 there...

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Non-appearance of accused: plea of guilty

- 1 For section 12 of the Magistrates’ Courts Act 1980 (“the...

Application of section 12 procedure where accused appears

- 2 After section 12 of the 1980 Act there shall be...

Consequential amendments

- 3 (1) In consequence of the amendments made by paragraphs 1...

SCHEDULE 6 — Certification of Prisoner Custody Officers: Scotland

Preliminary

- 1 In this Schedule— “certificate” means a certificate under section 114...

Issue of certificates

- 2 (1) The Secretary of State may, on the application of...

Suspension of certificate

- 3 (1) This paragraph applies where at any time—

Revocation of certificate

- 4 Where at any time (whether on a reference to him...

False statements

- 5 If any person, for the purpose of obtaining a certificate...

SCHEDULE 7 — Certification of Prisoner Custody Officers: Northern Ireland

Preliminary

- 1 In this Schedule— “certificate” means a certificate under section 122...

Issue of certificates

- 2 (1) Any person may apply to the Secretary of State...

Suspension of certificate

- 3 (1) This paragraph applies where at any time it appears...

Revocation of certificate

- 4 Where at any time it appears to the Secretary of...

False statements

- 5 If any person, for the purpose of obtaining a certificate...

Schedule 7A — Offences specified for the purposes of section 137A

Part 1 — OFFENCES UNDER THE LAW OF ENGLAND AND WALES

- 1 Any of the following offences at common law—
- 2 An offence under any of the following provisions of the...
- 3 (1) An offence under any of the following provisions of...
- 4 An offence under section 4 of the Criminal Law Act...
- 5 An offence under section 5 of the Sexual Offences Act...
- 6 An offence under any of the following provisions of the...
- 7 An offence under section 106A of the Taxes Management Act...
- 8 (1) An offence under section 50(2) or (3) of the...
- 9 An offence under section 4 of the Aviation Security Act...
- 10 An offence under section 127 of the Mental Health Act...
- 11 An offence under either of the following provisions of the...
- 12 An offence under section 1 of the Prohibition of Female...

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- 13 An offence under either of the following provisions of the...
- 14 An offence under section 160 of the Criminal Justice Act...
- 15 An offence under section 2 of the Computer Misuse Act...
- 16 An offence under section 72(1), (3) or (8) of the...
- 17 An offence under either of the following provisions of the...
- 18 An offence under section 29(1)(a) or (b) of the Crime...
- 19 An offence under section 38B of the Terrorism Act 2000...
- 20 An offence under section 3 of the Sexual Offences (Amendment)...
- 21 An offence under section 35 of the Tax Credits Act...
- 22 (1) An offence under any of the following provisions of...
- 23 An offence under either of the following provisions of the...
- 24 An offence under either of the following provisions of the...
- 25 An offence under section 68 of the Policing and Crime...
- 25A An offence under any of the following sections of the...
 - Part 2 — OFFENCES UNDER THE LAW OF SCOTLAND
 - 26 Any of the following offences at common law—
 - 27 An offence under any of the following provisions of the...
 - 28 An offence under section 106A of the Taxes Management Act...
 - 29 (1) An offence under section 50(2) or (3) of the...
 - 30 An offence under section 4 of the Aviation Security Act...
 - 31 An offence under either of the following provisions of the...
 - 32 An offence under section 6 of the Child Abduction Act...
 - 33 An offence under section 1 of the Prohibition of Female...
 - 34 An offence under section 2 of the Computer Misuse Act...
 - 35 An offence under section 72(1), (3) or (8) of the...
 - 36 An offence under any of the following provisions of the...
 - 37 An offence under section 38B of the Terrorism Act 2000...
 - 38 An offence under section 35 of the Tax Credits Act...
 - 39 An offence under section 313 of the Mental Health (Care...
 - 40 An offence under either of the following provisions of the...
 - 41 Any of the following offences under the Sexual Offences (Scotland)...
 - 42 An offence under either of the following provisions of the...
 - 43 An offence under section 2 of the Abusive Behaviour and...
 - 43A An offence under any of the following sections of the...
 - Part 3 — OFFENCES UNDER THE LAW OF NORTHERN IRELAND
 - 44 Any of the following offences at common law—
 - 45 An offence under any of the following provisions of the...
 - 46 An offence under section 11 of the Criminal Law Amendment...
 - 47 An offence under either of the following provisions of the...
 - 48 An offence under section 4 of the Criminal Law Act...
 - 49 An offence under section 106A of the Taxes Management Act...
 - 50 (1) An offence under section 50(2) or (3) of the...
 - 51 An offence under section 4 of the Aviation Security Act...
 - 52 An offence under Article 8 of the Homosexual Offences (Northern...
 - 53 An offence under section 1 of the Prohibition of Female...
 - 54 An offence under either of the following provisions of the...
 - 55 An offence under Article 121 of the Mental Health (Northern...
 - 56 An offence under Article 15 of the Criminal Justice (Evidence,...
 - 57 An offence under section 2 of the Computer Misuse Act...
 - 58 An offence under section 72(1), (3) or (8) of the...
 - 59 An offence under Article 6 of the Protection from Harassment...
 - 60 An offence under section 38B of the Terrorism Act 2000...
 - 61 An offence under section 3 of the Sexual Offences (Amendment)...

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- 62 An offence under section 35 of the Tax Credits Act...
- 63 An offence under section 53 of the Sexual Offences Act...
- 64 An offence under any of the following provisions of the...
- 65 An offence under either of the following provisions of the...
- 66 (1) An offence under any of the following provisions of...
- 67 An offence under section 68 of the Policing and Crime...
- 68 An offence under any of the following sections of the...

Schedule 7B — Rights of persons arrested under section 137A: modifications

Part 1 — ARRESTS IN RESPECT OF OFFENCES COMMITTED IN ENGLAND
AND WALES

- 1 (1) This Part sets out the modifications mentioned in section...
- 2 (1) Section 56 of the Police and Criminal Evidence Act...
- 3 (1) Section 58 of the Police and Criminal Evidence Act...
- 4 (1) Section 34 of the Children and Young Persons Act...

Part 2 — ARRESTS IN RESPECT OF OFFENCES COMMITTED IN SCOTLAND

- 5 (1) This Part sets out the modifications mentioned in section...
- 6 (1) Section 38 of the Criminal Justice (Scotland) Act 2016...
- 7 (1) Section 40 of that Act (right of under 18s...
- 8 (1) Section 41 of that Act (social work involvement in...
- 9 (1) Section 42 of that Act (support for vulnerable persons)...
- 10 (1) Section 43 of that Act (right to have intimation...
- 11 (1) Section 44 of that Act (right to consultation with...
- 12 (1) Section 51 of that Act (duty to consider child's...

Part 3 — ARRESTS IN RESPECT OF OFFENCES COMMITTED IN NORTHERN
IRELAND

- 13 (1) This Part sets out the modifications mentioned in section...
- 14 (1) Article 57 of the Police and Criminal Evidence (Northern...
- 15 (1) Article 59 of the Police and Criminal Evidence (Northern...
- 16 (1) Article 10 of the Criminal Justice (Children) (Northern Ireland)...

SCHEDULE 8 — Increase in Penalties

Part I — INCREASE OF FINES FOR CERTAIN SEA FISHERIES OFFENCES

Part II — INCREASE OF FINES FOR CERTAIN MISUSE OF DRUGS OFFENCES

Part III — INCREASE IN PENALTIES FOR CERTAIN FIREARMS OFFENCES

SCHEDULE 9 — Minor Amendments

Poaching: increase in penalties

- 1 (1) The Game Act 1831 shall be amended as follows....

Sexual offences: procurement of women

- 2 In sections 2(1) and 3(1) of the Sexual Offences Act...

Electronic transmission of obscene material

- 3 In section 1(3) of the Obscene Publications Act 1959 (definition...

Poaching: forfeiture of vehicles

- 4 After section 4 of the Game Laws (Amendment) Act 1960...

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

5 In section 18 of the Children and Young Persons Act...

Service of documents by first class post

6 Minor Amendments

Transfers of proceedings

7 Minor Amendments

Offences aggravated by possession of firearms

8 In Schedule 1 to the Firearms Act 1968 (which lists...

Notice of proceedings

9 In section 34(2) of the Children and Young Persons Act...

Treatment of mental condition of offenders placed on probation

10 Minor Amendments

Rehabilitation of offenders placed on probation

11 (1) In section 5 of the Rehabilitation of Offenders Act...

Transfers of proceedings

12 Minor Amendments

Anonymity of victims of certain offences

13 In section 4 of the Sexual Offences (Amendment) Act 1976...

Execution of warrants for non-payment

14 (1) In section 38A(6) of the Criminal Law Act 1977...

Committals for sentence

15 Minor Amendments

Conditional or absolute discharge: appeal to Crown Court

16 Minor Amendments

Transfers of proceedings

17 In section 76 of the Senior Courts Act 1981 (alteration...

Transfers of proceedings

18 In section 77 of the Senior Courts Act 1981 (date...

Transfers of proceedings

19 In section 81 of the Senior Courts Act 1981 (bail...

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Electronic transmission of obscene material (Scotland)

20 In section 51(8) of the Civic Government (Scotland) Act 1982,...

Fines for breach of attendance centre orders or rules

21 Minor Amendments

Video recordings

22 In section 1 of the Video Recordings Act 1984 (which...

Standard period of validity of search warrants

23 In the following enactments there shall be omitted the words...

Transfers of proceedings

24 In section 62(10) of the Police and Criminal Evidence Act...

Transfers of proceedings

25 Minor Amendments

Award of costs against accused

26 In section 18(5) of the Prosecution of Offences Act 1985...

Transfers of proceedings

27 Minor Amendments

Confiscation orders in drug trafficking cases: variation of sentences

28 Minor Amendments

Transfer of fraud cases

29 Minor Amendments

Fraud cases: preparatory hearings

30 In section 7 of the Criminal Justice Act 1987 (preparatory...

Transfers of proceedings

31 Minor Amendments

Evidence through television links

32 In section 32 of the Criminal Justice Act 1988 (evidence...

Competence of children

33 Minor Amendments

Reviews of sentencing

34 In section 35 of the Criminal Justice Act 1988 (kinds...

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Assaulting prisoner custody officer triable with indictable offence

35 In section 40(3) of the Criminal Justice Act 1988 (summary...

Confiscation orders: variation of sentence

36 In section 72A of the Criminal Justice Act 1988 (inserted...

Extradition from the United Kingdom

37 (1) The Extradition Act 1989 shall be amended as follows....

Remands and committals of young persons to secure accommodation

38 Minor Amendments

Non-intimate samples: samples of hair

39 In Article 63 of the Police and Criminal Evidence (Northern...

Pre-sentence reports

40 Minor Amendments

Curfew orders

41 Minor Amendments

Fines

42 Minor Amendments

False statements as to financial circumstances

43 After section 20 of the Criminal Justice Act 1991 there...

Effect of previous probation orders and discharges

44 Minor Amendments

Sexual offences

45 Minor Amendments

Discretionary life prisoners

46 (1) In section 34 of the Criminal Justice Act 1991...

Committals for sentence

47 Minor Amendments

Extradited persons: sentence of imprisonment to reflect custody

48 (1) In section 47 of the Criminal Justice Act 1991...

Transfers of proceedings

49 Minor Amendments

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Community sentences: binding over of parent or guardian

50 Minor Amendments

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

51 Minor Amendments

Anonymity of victims of certain offences

52 (1) The Sexual Offences (Amendment) Act 1992 shall be amended...

Application of 1993 Act powers to pre-commencement offences

53 Section 78(6) of the Criminal Justice Act 1993 (application of...

SCHEDULE 10 — Consequential Amendments

Bail: exclusion in homicide and rape cases

1 In section 2 of the Habeas Corpus Act 1679 (bail...

Evidence of accused in criminal proceedings

2 In section 1 of the Criminal Evidence Act 1898 (competency...

Evidence of accused in criminal proceedings

3 In section 1 of the Criminal Evidence Act (Northern Ireland)...

Responsibility for fine for breach of requirements of secure training order

4 Consequential Amendments

Bail: exclusion in homicide and rape cases

5 Consequential Amendments

Bail: exclusion in homicide or rape cases

6 In section 37(1) of the Criminal Justice Act 1948 (power...

Modernisation of “servant” in Prison Act

7 In section 3(1) of the Prison Act 1952 (officers and...

Use of young offender institutions as secure training centres

8 In section 37(4) of the Prison Act 1952 (prisons not...

Young offenders absconding from secure training centres

9 (1) Section 49 of the Prison Act 1952 (persons unlawfully...

Bail: exclusion in homicide and rape cases

10 In section 4(2) of the Administration of Justice Act 1960...

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 12 May 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) View outstanding changes

Young offenders: application of prison rules

11 In section 23(4) of the Criminal Justice Act 1961 (which...

Young offenders: transfer, supervision and recall within British Islands

12 (1) Part III of the Criminal Justice Act 1961 (transfer,...

Payment of damages by police authority

13 Consequential Amendments

Cross-border enforcement: extension of protection

14 Consequential Amendments

Bail: exclusion in homicide and rape cases

15 Consequential Amendments

Young offenders: detention under secure training order

16 Section 67 of the Criminal Justice Act 1967 (computation of...

Payment of damages by Scottish police authority

17 Consequential Amendments

Assaults on constables etc.

18 In section 41 of the Police (Scotland) Act 1967 (assaults...

Bail: exclusion in homicide and rape cases

19 In section 8(2)(a) of the Criminal Appeal Act 1968 (powers...

Bail: exclusion in homicide and rape cases

20 In section 11(5) of the Criminal Appeal Act 1968 (powers...

Bail: exclusion in homicide and rape cases

21 In section 16(3)(b) of the Criminal Appeal Act 1968 (powers...

Bail: exclusion in homicide and rape cases

22 In section 19(1) of the Criminal Appeal Act 1968 (power...

Bail: exclusion in homicide and rape cases

23 In section 36 of the Criminal Appeal Act 1968 (power...

Young offenders: possession of firearms

24 (1) The Firearms Act 1968 shall be amended as follows....

Cross-border enforcement: extension of protection

25 In section 7 of the Criminal Justice (Miscellaneous Provisions) Act...

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 12 May 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) View outstanding changes*

Sexual offences: male rape

26 Consequential Amendments

Payment of damages by Police Authority for Northern Ireland

27 Consequential Amendments

Jury service: penalty for serving when not qualified

28 In section 20(5) of the Juries Act 1974 (offences in...

Custody officers: ineligibility for jury service

29 Consequential Amendments

Rehabilitation of offenders subject to secure training orders

30 In section 5(6) of the Rehabilitation of Offenders Act 1974...

Prisoner custody officers: ineligibility for jury service

31 Consequential Amendments

Bail: exclusion in homicide and rape cases

32 In section 4 of the Bail Act 1976 (entitlement to...

Police bail: variation by magistrates

33 In section 4(2) of the Bail Act 1976 (occasions for...

Bail: no right for persons offending while on bail

34 In Part III of Schedule 1 to the Bail Act...

Sexual offences: male rape

35 (1) The Sexual Offences (Amendment) Act 1976 shall be amended...

Sexual offences: male rape

36 (1) Section 4 of the Sexual Offences (Amendment) Act 1976...

Indecent photographs etc.

37 (1) The Protection of Children Act 1978 shall be amended...

Indecent photographs etc. (Northern Ireland)

38 (1) The Protection of Children (Northern Ireland) Order 1978 shall...

Secure training orders: absence of accused

39 In section 11(3) of the Magistrates' Courts Act 1980 (certain...

Procedure for young offenders in cases of grave crimes

40 Consequential Amendments

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Bail: exclusion in homicide and rape cases

41 In section 29(4)(b) of the Magistrates' Courts Act 1980 (person...

Bail: exclusion in homicide and rape cases

42 Consequential Amendments

Police bail

43 In section 43(1) of the Magistrates' Courts Act 1980 (bail...

Bail: exclusion in homicide or rape cases

44 In section 113(1) of the Magistrates' Courts Act 1980 (power...

Prisoner custody officers: ineligibility for jury service

45 In Part I of Schedule 1 to the Law Reform...

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

46 In section 6 of the Imprisonment (Temporary Provisions) Act 1980...

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

47 Consequential Amendments

Bail: exclusion in homicide and rape cases

48 In section 81(1) of the Senior Courts Act 1981 (power...

Young offenders: legal representation

49 Consequential Amendments

Young offenders: early release

50 In section 32 of the Criminal Justice Act 1982 (early...

Bail: exclusion in homicide and rape cases

51 In section 51(4) of the Mental Health Act 1983 (power...

Video recordings

52 (1) The Video Recordings Act 1984 shall be amended as...

Interim possession order: power of entry

53 In section 17 of the Police and Criminal Evidence Act...

Bail: exclusion in homicide and rape cases

54 In section 38(1) of the Police and Criminal Evidence Act...

Searches of persons detained at police stations

55 In section 54(1)(b) of the Police and Criminal Evidence Act...

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 12 May 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) View outstanding changes

Fingerprinting: speculative searches

56 In section 61 of the Police and Criminal Evidence Act...

Intimate samples: speculative searches

57 In section 62 of the Police and Criminal Evidence Act...

Non-intimate samples: speculative searches

58 In section 63 of the Police and Criminal Evidence Act...

Sexual offences: male rape and buggery

59 Consequential Amendments

Trespassory assemblies

60 In section 15(1) of the Public Order Act 1986 (delegation...

Inferences from accused's silence

61 (1) The Criminal Evidence (Northern Ireland) Order 1988 shall be...

Samples: application to terrorist suspects

62 Consequential Amendments

Prevention of terrorism: consents for prosecutions etc.

63 Consequential Amendments

Young offenders: powers to search and to test for drugs

64 Consequential Amendments

Non-appearance of accused: plea of guilty

65 Consequential Amendments

Young offenders: secure training order a custodial sentence

66 Consequential Amendments

Bail: exclusion in homicide and rape cases

67 Consequential Amendments

Contracted out prisons: exclusion of search powers

68 Consequential Amendments

Testing prisoners for drugs: director's function

69 In section 87(4) of the Criminal Justice Act 1991 (certain...

The Parole Board

70 For Schedule 5 to the Criminal Justice Act 1991 (supplementary...

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Bail: exclusion in homicide and rape cases

71 Consequential Amendments

Probation officers for offenders subject to secure training orders

72 Consequential Amendments

Secure training orders: cost of supervision by probation officer

73 Consequential Amendments

SCHEDULE 11 — Repeals

Note: The repeals that are to come into force on the...

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 12 May 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.

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Changes and effects yet to be applied to :

- s. 26 repealed by [2003 c. 44 Sch. 37 Pt. 2](#)
- s. 51(9) words substituted by [2003 c. 44 Sch. 36 para. 11\(2\)](#)
- s. 53 repealed by [S.I. 2003/435 \(N.I.\) Sch. 5](#)
- s. 60(8) words substituted by [2003 c. 44 Sch. 26 para. 45\(2\)](#)
- s. 60C(8) words inserted by [2023 asc 3 Sch. 13 para. 172](#)
- s. 60AA(7) words substituted by [2003 c. 44 Sch. 26 para. 45\(3\)](#)
- s. 61(4) words substituted by [2003 c. 44 Sch. 26 para. 45\(4\)](#)
- s. 61(9) words inserted by [2023 asc 3 Sch. 13 para. 173](#)
- s. 62B(3) words substituted by [2003 c. 44 Sch. 26 para. 45\(5\)](#)
- s. 62E(2)(b) words inserted by [2023 asc 3 Sch. 13 para. 174](#)
- s. 63(6) words substituted by [2003 c. 44 Sch. 26 para. 45\(6\)](#)
- s. 63(7B) words substituted by [2003 c. 44 Sch. 26 para. 45\(6\)](#)
- s. 68(3) words substituted by [2003 c. 44 Sch. 26 para. 45\(7\)](#)
- s. 69(3) words substituted by [2003 c. 44 Sch. 26 para. 45\(8\)](#)
- s. 127(4)(b) inserted by [2008 c. 4 s. 138\(5\)](#)
- s. 127(6) words inserted by [2012 c. 10 s. 129\(6\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)