



# Criminal Justice Act 1982

## CHAPTER 48

### CRIMINAL JUSTICE ACT 1982

#### PART I

##### TREATMENT OF YOUNG OFFENDERS

###### *Custody and detention of persons under 21*

- 1 General restriction on custodial sentences.
- 1A Detention in a young offender institution.
- 1B Special provision for offenders under 17.
- 1C Accommodation of offenders sentenced to detention in a young offender institution.
- 2 Social inquiry reports etc.
- 3 Restriction on imposing custodial sentences on persons under 21 not legally represented.
- 4—7 .....
- 8 Custody for life.
- 9 Detention of persons aged 17 to 20 for default or contempt.
- 10 Computation of custodial sentences for young offenders.

###### *Accommodation of young offenders*

- 11 Provision of premises for young offenders etc.
- 12 Accommodation of young offenders and defaulters etc.

###### *Provisions supplementary to sections 1 to 12*

- 13 Conversion of sentence of youth custody to sentence of imprisonment.
- 14 .....
- 15 Release of young offenders.

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*Attendance centres*

- 16 Provision, regulation and management of attendance centres.
- 17 Attendance centre orders.
- 18 Discharge and variation of attendance centre orders.
- 19 Breaches of attendance centre orders or attendance centre rules.

*Supervision orders*

- 20 Requirements in supervision orders.
- 21 Provision of supervision facilities.

*Offences by person subject to care order owing to previous offence*

- 22 Charge and control of offenders.

*Care orders and children in care*

- 23 Criteria for making care orders.
- 24 Restriction on making care orders in respect of persons not legally represented.
- 25 Restriction of liberty of children in care.

*Sanctions against parents and guardians*

- 26 Payment of fines by parents and guardians.
- 27 Compensation.
- 28 Increase of limit on amount of recognisance to be taken from parents and guardians.

**PART II**

PARTIAL SUSPENSION OF SENTENCES, EARLY RELEASE, RELEASE ON LICENCE OR BAIL ETC.

*Bail*

- 29 Power of Crown Court to grant bail pending appeal.

*Suspended sentences*

- 30 Prison sentence partly served and partly suspended.
- 31 Activation of suspended sentence.

*Early release*

- 32 Early release of prisoners.

*Release on licence*

- 33 Power to alter minimum period for eligibility for release on licence.

*Computation of sentences*

- 34 .....

**PART III**

FINES ETC.

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*Abolition of enhanced penalties*

- 35 Abolition of enhanced penalties on subsequent conviction of summary offences under Acts of Parliament.
- 36 Abolition of enhanced penalties under subordinate instruments.

*Introduction of standard scale of fines*

- 37 The standard scale of fines for summary offences.

*Increase of fines*

- 38 General increase of fines for summary offences under Acts of Parliament.
- 39 Special cases.
- 40 General increase of fines under subordinate instruments.
- 41 Emergency regulations.
- 42 Orders relating to spread of pests.
- 43 Byelaws relating to the burning of straw or stubble.
- 44 .....
- 45 .....

*Application of standard scale to existing enactments*

- 46 Conversion of references to amounts to references to levels on scale.
- 47 Provisions supplementary to sections 35 to 46.

*Power to alter maximum fines etc.*

- 48 Power to alter sums.

*Shipping and oil pollution*

- 49 Fines for certain offences under Merchant Shipping Acts and Prevention of Oil Pollution Act 1971.
- 50 Fines for offences against regulations relating to wireless telegraphy apparatus on foreign ships and aircraft.

*Fine enforcement*

- 51 Variation of instalments and means inquiries.
- 52 Reciprocal execution in England and Wales and Northern Ireland of warrants of commitment for non-payment of sum adjudged to be paid by conviction.

**PART IV**

- 53 Power to alter certain fines and other sums.
- 54 Revision of penalties for summary offences and of certain other sums.
- 55 Mode of trial of, and penalties for, certain offences.
- 56 Schedules 7A to 7D to the Criminal Procedure (Scotland) Act 1975 and Schedules 6 and 7 to this Act.

**PART V**

MISCELLANEOUS

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*The Chief Inspectors of Prisons*

57 Her Majesty's Chief Inspectors of Prisons.

*Courts-martial etc.*

58 Courts-martial and Standing Civilian Courts.

*Persons remanded in custody*

59 Remand in custody in absence of accused.

60 Applications to Crown Court for bail by persons remanded in custody.

*Committal on written statements*

61 Legal representation in case of committal on written statements.

*Requirement of social inquiry reports*

62 Social inquiry reports on persons who have not previously served prison sentences.

*Deferment of sentence*

63 Deferment of sentence.

*Persons recommended for deportation*

64 Persons recommended by courts for deportation.

*Probation and after-care.*

65 .....

66 Right of appeal of probationer etc.

*Compensation*

67 Compensation orders.

*Community service*

68 Community service orders.

*Imprisonment for fine defaulters etc.*

69 Maximum periods of imprisonment for defaulting on fines etc.

*Vagrancy*

70 Vagrancy offences.

*Loitering and soliciting*

71 Abolition of imprisonment for loitering and soliciting for purposes of prostitution.

*Unsworn statements*

72 Abolition of right of accused to make unsworn statement.

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*Recall of witnesses*

73 Recall of witnesses.

*Interpretation*

74, 75 Construction of references to “statutory maximum”.

*Supplementary*

76 Financial provision.  
77 Minor and consequential amendments.  
78 Repeals.  
79 Transitional.  
80 Commencement.  
81 Citation and extent.

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SCHEDULES

SCHEDULE 1 — Offences Excluded from Section 32

Part I — OFFENCES MENTIONED IN SECTION 32(2)(A)

Part II — OFFENCES MENTIONED IN SECTION 32(2)(B)

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*MALICIOUS DAMAGE ACT 1861 (c. 97)*

*OFFENCES AGAINST THE PERSON ACT 1861 (c. 100)*

*EXPLOSIVE SUBSTANCES ACT 1883 (c. 3)*

*INFANT LIFE (PRESERVATION) ACT 1929 (c. 34)*

*INFANTICIDE ACT 1938 (c. 36)*

...

*FIREARMS ACT 1968 (c. 27)*

*THEFT ACT 1968 (c. 60)*

*MISUSE OF DRUGS ACT 1971 (c. 38)*

*CRIMINAL DAMAGE ACT 1971 (c. 48)*

*ROAD TRAFFIC ACT 1972 (c. 20)*

*CUSTOMS AND EXCISE MANAGEMENT ACT 1979 (c. 2)*

*AVIATION SECURITY ACT 1982 (c. 36)*

*DRUG TRAFFICKING OFFENCES ACT 1986 (c. 32)*

*PUBLIC ORDER ACT 1986*

*CRIMINAL JUSTICE ACT 1988 (c.33)*

*THE ROAD TRAFFIC ACT 1988 (c.52)*

*CRIMINAL JUSTICE (INTERNATIONAL COOPERATION) ACT 1990 (c. 31)*

*AVIATION AND MARITIME SECURITY ACT 1990 (c. 31)*

*CHANNEL TUNNEL (SECURITY) ORDER 1994 No.570*

*DRUG TRAFFICKING ACT 1994*

*PROCEEDS OF CRIME ACT 2002*

*SEXUAL OFFENCES ACT 2003*

*DOMESTIC VIOLENCE, CRIME AND VICTIMS ACT 2004*

*SPACE INDUSTRY ACT 2018 (c. 5)*

Part III — OFFENCES MENTIONED IN SECTION 32(2)(c)

SCHEDULE 2 — Fines to remain at their present level

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SCHEDULE 3 — Special Increases

SCHEDULE 4 — Fines imposed otherwise than on conviction

SCHEDULE 5 — Schedule to be inserted after Schedule 6 to Magistrates' Courts Act 1980

SCHEDULE 6A Fines that may be altered under section 143...

SCHEDULE 6 —

SCHEDULE 7 —

SCHEDULE 8 — Courts-Martial etc.

- 1 (1) The following subsection shall be inserted after section 57(2)...
- 2 Section 71A of the Army Act 1955 and of the...
- 3 In section 71AA of the Army Act 1955 and the...
- 4 (1) In section 71B of the Army Act 1955 and...
- 5 In section 85 of the Army Act 1955 and the...
- 6 In section 145(1)(b) of those Acts (forfeiture of pay for...
- 7 Paragraph 10 of Schedule 5A to the Army Act 1955...
- 8 (1) In paragraph 11(2) of Schedule 5A to the Army...
- 9 The following sub-paragraph shall be substituted for sub-paragraphs (1) and...
- 10 (1) In paragraph 14(1) of those Schedules (recognisances from parents...
- 11 In paragraph 15(3) of those Schedules (scale of punishments and...
- 12 (1) In section 8(1)(b) of the Armed Forces Act 1976...

SCHEDULE 9 — Amendments of Magistrates' Courts Act 1980 relating to remands in custody

- 1 The words "or would be required to be brought before..."
- 2 In paragraph (a) of subsection (1) of section 128 (remand...
- 3 The following subsections shall be inserted after the said subsection...
- 4 The following subsections shall be inserted after subsection (3) of...
- 5 The following subsection shall be inserted after subsection (4) of...
- 6 Section 131(3) (by virtue of which so long as an...
- 7 In paragraph 3 of Schedule 5 (transfer of remand hearings)...

SCHEDULE 10 — Amendments of Schedule 3 to Immigration Act 1971

- 1 In paragraph 2— (a) in sub-paragraph (1), after the word...
- 2 The following shall be added after paragraph 3— Powers of...

SCHEDULE 11 —

- 1 In the Powers of Criminal Courts Act 1973—
- 2 In section 2(3) of that Act (probation orders) for the...
- 3 The following sections shall be inserted after section 4 of...
- 4 In section 47(a) of that Act (the probation service and...
- 5 In Schedule 1 to that Act (discharge and amendment of...
- 6 In Schedule 3 to that Act (duties and powers of...

SCHEDULE 12 — Community Service Orders—England and Wales

- 1 .....
- 2 In section 17 of that Act (amendment and revocation of...

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SCHEDULE 13 — Community Service Orders—Reciprocal Arrangements

Part I — RECIPROCAL ARRANGEMENTS (ENGLAND AND WALES)—  
PERSONS RESIDING IN SCOTLAND OR NORTHERN IRELAND

1 .....  
2 .....

Part II — RECIPROCAL ARRANGEMENTS (SCOTLAND)—PERSONS  
RESIDING IN ENGLAND AND WALES OR NORTHERN IRELAND

3 In sections 183(5A) and 384(5A) of the Criminal Procedure  
(Scotland)...

4 In section 6 of the Community Service by Offenders (Scotland)...

5 After section 6 of that Act there shall be inserted...

6 In section 15 of that Act for subsection (5) there...

Part III — RECIPROCAL ARRANGEMENTS (NORTHERN IRELAND)—PERSONS  
RESIDING IN ENGLAND AND WALES OR SCOTLAND

*Making an amendment of community service orders  
relating to persons residing in England and Wales*

7 (1) Where a court in Northern Ireland considering the making...

*Making and amendment of community service orders relating to persons residing in Scotland*

8 (1) Where a court in Northern Ireland considering the making...

*Community service orders relating to persons  
residing in England and Wales or Scotland—General*

9 (1) Where a community service order is made or amended...

*Community service orders relating to persons residing in England and Wales: interpretation*

10 In paragraphs 7 and 9 above— “ adult community service...

SCHEDULE 14 — Minor and Consequential Amendments

*Vagrancy Act 1824 (c. 83)*

1 In the Vagrancy Act 1824 the words “, subject to...

*Merchant Shipping Act 1894 (c. 60)*

2 .....

*Customs and Excise Act 1952 (c. 44)*

3 For section 283(5) of the Customs and Excise Act 1952...

*Prison Act 1952 (c. 52)*

4 .....

5 In section 22(2)(b) of that Act (removal of prisoners for...

6 In section 37(4) of that Act (closing of prisons) for...

7 In section 47 of that Act (rules for the management...

8 In section 49 of that Act (persons unlawfully at large)—...

9 .....



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*Criminal Justice Act 1961 (c. 39)*

- 10 In section 23 of the Criminal Justice Act 1961 (by...
- 11 The following subsections shall be substituted for subsections (4) to...
- 12 The words “youth custody centre” shall be substituted for the...
- 13 In subsection (2) of section 32 of that Act (supervision...
- 14 The words “or of any authorised officer” shall be added...
- 15 In section 38 of that Act (construction of references to...
- 16 In section 39 of that Act (interpretation)—
- 17 In section 42(1) of that Act (application to Scotland), and...

*Criminal Justice Act 1967 (c. 80)*

- 18—21 .....
- 22 The following subsections shall be inserted after subsection (2) of...

*Criminal Appeal Act 1968 (c. 19)*

- 23 In section 10 of the Criminal Appeal Act 1968 (appeal...

*Firearms Act 1968 (c. 27)*

- 24 In section 21 of the Firearms Act 1968 (possession of...

*Children and Young Persons Act 1969 (c. 54)*

- 25 .....
- 26 In section 16(10) of that Act (which includes a definition...
- 27 In section 23(4) of that Act (remand to care of...
- 28 .....

*Fire Precautions Act 1971 (c. 40)*

- 29 In section 40(2)(a) of the Fire Precautions Act 1971 (which...

*Powers of Criminal Courts Act 1973 (c. 62)*

- 30 In subsection (3)(c) of section 6 of the Powers of...
- 31 In section 13 of that Act (under which a conviction...
- 32 .....
- 33 .....
- 34 The following subsection shall be inserted as subsection (2) of...

*Juries Act 1974 (c. 23)*

- 35 In Schedule 1 to the Juries Act 1974 (persons ineligible...

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 36 In section 5(1) of the Rehabilitation of Offenders Act 1974...
- 37 In section 5(2) (rehabilitation periods for particular sentences)—

*Criminal Law Act 1977 (c. 45)*

- 38 In section 36 of the Criminal Law Act 1977 (enforcement...
- 39 In subsection (5) of section 38A of that Act (execution...
- 40 The following shall be inserted after paragraph 3 of Schedule...
- 41 In paragraph 7 of that Schedule, for the word “Where”...

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*Customs and Excise Management Act 1979 (c. 2)*

- 42 Section 147(5) of the Customs and Excise Management Act 1979...
- 43 In section 156 of that Act (saving for outlying enactments...

*Child Care Act 1980 (c. 5)*

- 44 In section 10(2) of the Child Care Act 1980 (parental...
- 45 .....
- 46 .....

*Magistrates’ Courts Act 1980 (c. 43)*

- 47 In section 24(3) of the Magistrates’ Courts Act 1980 (powers...
- 48 .....
- 49 The following subsections shall be substituted for subsection (1) of...
- 50 In section 77(2) of that Act (power to fix a...
- 51 .....
- 52 In section 82 of that Act (restriction on power to...
- 53 In section 88 of that Act (supervision pending payment)—
- 54 The following section shall be inserted after section 96 of...
- 55 The words “or the Crown Court” shall be added at...
- 56 In section 133(1) of that Act (consecutive terms of imprisonment)...
- 57 At the end of section 134 of that Act (detention...
- 58 The following subsection shall be added as subsection (3) of...
- 59 In Schedule 4 to that Act (imprisonment for default) the...

*Contempt of Court Act 1981 (c. 49)*

- 60 The following subsection shall be inserted after subsection (2) of...

SCHEDULE 15 — Minor and Consequential Amendments Scotland

*Trespass (Scotland) Act 1865 (c. 56)*

- 1 In section 4 of the Trespass (Scotland) Act 1865 (apprehension...

*Electric Lighting Act 1882 (c. 56)*

- 2 .....

*Merchant Shipping Act 1894 (c. 60)*

- 3 .....
- 4 .....
- 5 .....

*Public Health (Scotland) Act 1897 (c. 38)*

- 6 In section 18 of the Public Health (Scotland) Act 1897...
- 7 In section 24 of that Act (penalty for contravention of...

*Food and Drugs (Scotland) Act 1956 (c. 30)*

- 8 In section 56 of the Food and Drugs (Scotland) Act...

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*South of Scotland Electricity Order Confirmation Act 1956 (c. xciv)*

- 9 For section 51 of the South of Scotland Electricity Order...
- 10 In section 55 of that Order (penalty for interference with...

*North of Scotland Electricity Order Confirmation Act 1958 (c. ii)*

- 11 For section 36 of the North of Scotland Electricity Order...
- 12 In section 40 of that Order (penalty for interference with...

*Roads (Scotland) Act 1970 (c. 20)*

- 13 In section 48 of the Roads (Scotland) Act 1970 (prosecution...
- 14 . . . . .

*Immigration Act 1971 (c. 77)*

- 15 In section 6 of the Immigration Act 1971 (recommendations by...
- 16 . . . . .

*Criminal Procedure (Scotland) Act 1975 (c. 21)*

- 17 In section 193A of the Criminal Procedure (Scotland) Act 1975...
- 18 In section 421(1) of the Criminal Procedure (Scotland) Act 1975...
- 19 In section 462(1) of that Act (interpretation), in the definition...

*National Health Service (Scotland) Act 1978 (c. 29)*

- 20 In paragraph 1(1) of Schedule 9 to the National Health...
- 21 In paragraph 7 of Schedule 10 to that Act (penalties...
- 22 . . . . .

*Water (Scotland) Act 1980 (c. 45)*

- 23 In section 38(6) of the Water (Scotland) Act 1980 (penalties...
- 24 In section 77 of that Act (obtaining supplies to meet...
- 25 In section 94(a) of that Act (penalties for false information)...
- 26 In section 95(a) of that Act (penalties for offences not...
- 27 In paragraph 10(3) of Schedule 4 to that Act (offences...
- 28 In paragraph 37 of Schedule 4 to that Act (pollution...
- 29 In paragraph 43 of Schedule 4 to that Act—

*Criminal Justice (Scotland) Act 1980 (c. 62)*

- 30 In section 55 of the Criminal Justice (Scotland) Act 1980...

SCHEDULE 16 — Repeals

SCHEDULE 17 — Transitional Provisions

*Young offenders*

- 1 (1) Where an offender has before the commencement of sections...
- 2 (1) Subject to sub-paragraph (2) below, an order for detention...
- 3 (1) Subject to sub-paragraph (2) below, where at the commencement...
- 4 An offender who was sentenced to Borstal training on a...
- 5 (1) A custodial order to which this sub-paragraph applies shall...

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- 6 (1) Subject to sub-paragraph (3) below, where at the commencement...
- 7 (1) This paragraph applies to any offender who at the...
- 8 Where at the commencement of sections 1 to 15 above...
- 9 Rules under section 47 of the Prison Act 1952 may...
- 10 (1) Where under section 23(1)(a) or (b) of the Powers...
- 11 A person who immediately before the commencement of sections 1...
- 12 A person who immediately before the commencement of sections 1...
- 13 A person who immediately before the commencement of sections 1...
- 14 (1) Where— (a) a person has been released from prison,...
- 15 Until the commencement of sections 1 to 15 above, if...

*Probation*

- 16 .....
- 17 .....

*Fines*

- 18 Any provision of Schedule 15 to this Act which alters...

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**Changes and effects yet to be applied to :**

- s. 70 and cross-heading repealed by [2022 c. 32 s. 81\(3\)\(d\)\(i\)](#)
- s. 70 repealed by [2003 c. 44 Sch. 37 Pt. 9](#)
- Sch. 14 para. 60 repealed by [2008 c. 4 Sch. 28 Pt. 1](#)
- Sch. 14 para. 1 and cross-heading repealed by [2022 c. 32 s. 81\(3\)\(d\)\(ii\)](#)
- Sch. 15 para. 6 repealed by [1995 c. 25 Sch. 24](#)
- Sch. 15 para. 7 repealed by [1995 c. 25 Sch. 24](#)

**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. 32(1A)(ca) words inserted by [2021 c. 11 Sch. 13 para. 36](#)