



# Criminal Justice Act 1982

## 1982 CHAPTER 48

### PART III

#### FINES ETC.

##### *Application of standard scale to existing enactments*

#### **46 Conversion of references to amounts to references to levels on scale.**

(1) Where—

(a) either—

(i) a relevant enactment makes a person liable to a fine or maximum fine on conviction of a summary offence; or

(ii) a relevant enactment confers power by subordinate instrument to make a person liable to a fine or maximum fine on conviction of a summary offence (whether or not created by the instrument); and

(b) the amount of the fine or maximum fine for the offence is, whether by virtue of this Part of this Act or not, an amount shown in the second column of the standard scale,

a reference to the level in the first column of the standard scale corresponding to that amount shall be substituted for the reference in the enactment to the amount of the fine or maximum fine.

(2) Where a relevant enactment confers a power such as is mentioned in subsection (1)(a) (ii) above, the power shall be construed as a power to make a person liable to a fine or, as the case may be, a maximum fine not exceeding the amount corresponding to the level on the standard scale to which the enactment refers by virtue of subsection (1) above or not exceeding a lesser amount.

(3) If [<sup>F1</sup>regulations under paragraph 5 of Schedule 23 to the Sentencing Act 2020 alter the sums specified in section 122(1) of the Sentencing Code], the second reference to the standard scale in subsection (1) above is to be construed as a reference to that scale as it has effect by virtue of [<sup>F2</sup>the regulations].

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**Changes to legislation:** Criminal Justice Act 1982, Cross Heading: Application of standard scale to existing enactments 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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- (4) In this section “relevant enactment” means—
- (a) any enactment contained in an Act passed before this Act . . . <sup>F3</sup>;
  - (b) any enactment contained in this Act;
  - (c) any enactment contained in an Act passed on the same day as this Act; and
  - (d) any enactment contained in an Act passed after this Act but in the same Session as this Act.
- (5) This section shall not affect so much of any enactment as (in whatever words) makes a person liable on summary conviction to a maximum fine not exceeding a specified amount for each period of a specified length during which a continuing offence is continued.

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**Textual Amendments**

- F1** Words in s. 46(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 71\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F2** Words in s. 46(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 71\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** Words repealed by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), ss. 21, 23, 29, 31(8), [Sch. 1](#)
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**Modifications etc. (not altering text)**

- C1** S. 46 extended (N.I.) by [Finance Act 1983 \(c. 28\)](#), s. 47, [Sch. 9 para. 1\(1\)](#)

**47 Provisions supplementary to sections 35 to 46.**

- (1) In sections 35 to 40 and 46 above “fine” includes a pecuniary penalty but does not include a pecuniary forfeiture or pecuniary compensation.
- (2) Nothing in any provision contained in sections 35 to 46 above shall affect the punishment for an offence committed before that provision comes into force.

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**Modifications etc. (not altering text)**

- C2** S. 47 extended (N.I.) by [Finance Act 1983 \(c. 28\)](#), s. 47, [Sch. 9 para. 1\(1\)](#)

**Changes to legislation:**

Criminal Justice Act 1982, Cross Heading: Application of standard scale to existing enactments 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 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](#)