



Criminal Justice Act 1988

CHAPTER 33

CRIMINAL JUSTICE ACT 1988

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- 6 Except as provided by paragraphs 7 and 8 below, a...
- 7 A person in custody shall not be entitled to be...
- 8 The power of the Court of Appeal to pass sentence...
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- 11 (1) Where on a reference to the Court of Appeal...
- 12 In the application of this Schedule to Northern Ireland—

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- 1 The Drug Trafficking Offences Act 1986 shall be amended as...
- 2 In section 7 (cases in which restraint orders and charging...
- 3 (1) The following subsection shall be inserted after subsection (5)...

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- 4 (1) The following paragraphs shall be substituted for subsection (3)(a)...
 - 5 Subsection (1) of section 10 of that Act (charging orders:...
 - 6 (1) Section 12 (application of proceeds of realisation and other...
 - 7 In section 15 (bankruptcy of defendant etc.)—
 - 8 (1) Section 16 (sequestration in Scotland of defendant etc.) shall...
 - 9 In subsection (1) of section 17 (winding up of company...
 - 10 The following section shall be inserted after that section— Insolvency...
 - 11 In subsection (2) of section 18 (receivers: supplementary provisions)
for...
 - 12 In section 19 (compensation)— (a) in paragraph (b)(i) of subsection...
 - 13
 - 14 (1) The following paragraph shall be substituted for subsection (1)(d)...
 - 15 The following sections shall be substituted for section 26—
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 - 16 The following subsections shall be substituted for subsections (12)
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 - 17 In section 40(4) (effect of Act in Scotland), in paragraph...
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- 18 The Criminal Justice (Scotland) Act 1987 shall be amended as...
 - 19 In section 1 (confiscation orders) in paragraph (b) of subsection...
 - 20 In subsection (6)(a) of section 11 (which applies the provisions...
 - 21 In subsection (3) of section 16 (application of proceeds of...
 - 22 In section 34(6)(d) (bankruptcy in England and Wales of person...
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- 2 In any enactment except— (a) section 21 of the Firearms...
- 3 (1) In any enactment except— (a) Part II of Schedule...

Army Act 1955 (c. 18)

Air Force Act 1955 (c. 19)

Naval Discipline Act 1957 (c. 53)

- 4 In subsection (6) – (a) of section 71AA of the...
- 5 In sub-paragraph (6) of paragraph 10— (a) of Schedule 5A...

Firearms Act 1968 (c. 27)

- 6 In section 21(1) and (2) of the Firearms Act 1968...

Employment Agencies Act 1973 (c. 35)

- 7 In section 13(7)(a)(ii) of the Employment Agencies Act 1973 for...

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Juries Act 1974 (c. 23)

8 In Part I of Schedule 1 to the Juries Act...

Rehabilitation of Offenders Act 1974 (c. 53)

9 In section 5 of the Rehabilitation of Offenders Act 1974...

Criminal Justice Act 1982 (c. 48)

10 The following paragraph shall be inserted after paragraph (b) of...

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11 (1) Where— (a) before the date on which section 1A...

12 An offender who was sentenced to youth custody on a...

13 A person who at the commencement of section 1A of...

14 Rules under section 47 of the Prison Act 1952 may...

15 Where on the commencement of section 1A of the Criminal...

16 Nothing in this Act affects any right of appeal against...

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1

Army Act 1955 (c. 18)

Air Force Act 1955 (c. 19)

Naval Discipline Act 1957 (c. 53)

2 In subsection (6)— (a) of section 71AA of the Army...

3 In sub-paragraph (6) of paragraph 10— (a) of Schedule 5A...

Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55)

4 In paragraph (b) of Part II (Persons Disqualified) of Schedule...

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

5 In section 41(2)(b)(ii) of the Criminal Justice (Scotland) Act 1980...

Part II — TRANSITIONAL PROVISIONS

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7 A person who at the commencement of section 124 of...

8 Section 5 of the Rehabilitation of Offenders Act 1974 (rehabilitation...

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- 2
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- 1 Schedule 3 to the Powers of Criminal Courts Act 1973...
- 2 In paragraph 4— (a) in sub-paragraph (1), for the word...
- 3 The following paragraphs shall be inserted after paragraph 6—
- 4 Paragraph 7 shall cease to have effect.
- 5 The following paragraph shall be substituted for paragraph 10(3)(a)—
- 6 The following paragraph shall be inserted after paragraph 18(1)(a)—

Amendment of Local Government Finance Act 1982

- 8 In paragraph (1) of section 12(2) of the Local Government...

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- 1 A person may only be appointed to be an assessor...
- 2 A person shall hold and vacate office as an assessor...
- 3 A person shall vacate office as an assessor—
- 4 A person may at any time resign his office as...
- 5 Subject to paragraph 6 below, the Secretary of State may...
- 6 (1) The exercise of the power conferred by paragraph 5...
- 7 An assessor shall be paid such remuneration and allowances as...
- 8 In relation to an assessor appointed by the Department of...

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- 1 In this Schedule— “procedural instruments” means— (a) Court Martial rules...

First-hand hearsay

- 2 Sections 23 and 24 above shall have effect in relation...

Documentary evidence

- 3 Section 25 above shall have effect in relation to proceedings...
- 4 In section 26 above— (a) the reference to criminal proceedings...
- 5 Without prejudice to the generality of any enactment conferring power...

Letters of request etc.

- 6 (1) No application shall be made under section 7 of...

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Form of evidence and glossaries

- 7 For the purpose of helping members— (a) of courts-martial constituted...

Use of television links

- 8 (1) The Secretary of State may by order direct that...

Video recordings of evidence

- 9 (1) The Secretary of State may by order direct that...

Cross -examination of children

- 10 (1) The Secretary of State may by order direct that...

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- 1 Section 30 of the Criminal Law Act 1826 (which enables...

Offences against the Person Act 1861 (c. 100)

- 2 The Offences against the Person Act 1861 shall be amended...
3 There shall be omitted from section 44 (certificates as to...
4 In section 45 (bars to further proceedings) for the words...

Bankruptcy Act 1914 (c. 59)

- 5 Section 28 of the Bankruptcy Act 1914 (effect of order...

Land Registration Act 1925 (c. 21)

- 6 In section 49(1)(g) of the Land Registration Act 1925 (protection...
7

Children and Young Persons Act 1933 (c. 12)

- 8 In Schedule 1 to the Children and Young Persons Act...
9 References in that Act to the offences mentioned in Schedule...

Administration of Justice (Miscellaneous Provisions) Act 1933 (c. 36)

- 10 The following paragraph shall be substituted for paragraph (iA) of...

Prison Act 1952 (c. 52)

- 11 The following paragraph shall be inserted after paragraph (a) of...
12 In subsection (3) of that section, for the word “or”...

Visiting Forces Act 1952 (c. 67)

- 13 In section 5 of the Visiting Forces Act 1952 (custody...
14 (1) In subsection (1) of section 12 of that Act,...
15 —In paragraphs 1(a) and 2(a) of the Schedule, after the...

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Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)

16 In paragraph 4 of the Schedule to the Backing of...

Criminal Justice Act 1967 (c. 80)

17 The Criminal Justice Act 1967 shall be amended as follows....

18 In section 62— (a) in subsection (10) (subsequent release of...

19 In subsection (6) of section 67 (computation of sentences) for...

Criminal Appeal Act 1968 (c. 19)

20 The Criminal Appeal Act 1968 shall be amended as follows....

21 Section 9 shall be renumbered so as to become section...

22 (1) In subsection (2)(b) of section 10 (proceedings from which...

23 (1) In subsection (2) of section 11 (supplementary provisions as...

24 The following subsection shall be substituted for subsection (4) of...

25 The following section shall be inserted after section 18— Appeals...

26 In subsection (1) of section 19 (bail)—

27 In section 29(2)(b) (circumstances in which there may not be...

28 The following section shall be substituted for section 30— Restitution...

29 The following shall be substituted for the words in section...

30 The following subsection shall be inserted after subsection (2A) of...

31 The following shall be substituted in the first subsection of...

32 The following paragraph shall be inserted after paragraph 1 of...

Theft Act 1968 (c. 60)

33

34

54, 55

57

81

83, 84

85—88

92—94

95, 96

Children and Young Persons Act 1969 (c. 54)

35 In subsection (1) of section 20A of the Children and...

36 In section 29 of that Act (recognisance on release of...

Tribunals and Inquiries Act 1971 (c. 62)

37

Powers of Criminal Courts Act 1973 (c. 62)

38

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Legal Aid Act 1974 (c. 4)

43 In section 28(7A) of the Legal Aid Act 1974 for...

Juries Act 1974 (c. 23)

44 In subsection (1) of section 3 of the Juries Act...
45 In section 6(1) of that Act (summoning of jury in...
46 In section 20(4) of that Act (offences) after the word...

Rehabilitation of Offenders Act 1974 (c. 53)

47 In section 1(2)(a) of the Rehabilitation of Offenders Act 1974...

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

48 In each of sections 171 and 368 of the Criminal...
49 In section 289G of that Act (which creates the standard...
50 In Schedule 1 to that Act (which lists offences against...
51 In the said Schedule 1 after paragraph (d) there shall...

Bail Act 1976 (c. 63)

52

Sexual Offences (Amendment) Act 1976 (c. 82)

53 (1) The Sexual Offences (Amendment) Act 1976 shall have effect...

Judicature (Northern Ireland) Act 1978 (c. 23)

56 In section 49(6) of the Judicature (Northern Ireland) Act 1978...

Interpretation Act 1978 (c. 30)

58 In Schedule 1 to the Interpretation Act 1978—
59 In the definition of “offence triable either way” in that...

Protection of Children Act 1978 (c. 37)

60 The Protection of Children Act 1978 shall be amended as...
61 (1) In subsection (1) of section 4 (entry, search and...
62 (1) In subsection (2) of section 5 (forfeiture) the words...

Justices of the Peace Act 1979 (c. 55)

63

Child Care Act 1980 (c. 5)

64 In section 73(1)(b) of the Child Care Act 1980 (places...

Magistrates’ Courts Act 1980 (c. 43)

65 The Magistrates’ Courts Act 1980 shall be amended as follows....
66 In section 6(5) (display of notice of committal or discharge)...
67 In subsection (1) of section 37 (committal to Crown Court...
68 At the end of subsection (8) of section 102 (written...
69 (1) In subsection (3A) of section 128 (remand in custody...

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

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

- 71 The Criminal Appeal (Northern Ireland) Act 1980 shall be amended...
- 72 The following subsection shall be substituted for subsection (4) of...
- 73 The following section shall be inserted after section 16— Appeals...
- 74 The following section shall be substituted for section 17— Bail....
- 75 The following section shall be substituted for section 18— Groundless...
- 76 (1) In section 44(1) (constitution of Court of Appeal on...
- 77 The following paragraph shall be substituted for section 45(2)(d)—
- 78 The following subsection shall be inserted after section 45(3)—

Supreme Court Act 1981 (c. 54)

- 79
- 80 The following paragraph shall be inserted after subsection (4)(a) of...

Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 82 In section 18(4A) of the Civil Jurisdiction and Judgments Act...

Civic Government (Scotland) Act 1982 (c. 45)

- 89 In subsection (7) of section 52 of the Civic Government...

Criminal Justice Act 1982 (c. 48)

- 90 At the end of section 15(11) of the Criminal Justice...
- 91 At the end of part II of Schedule 1 to...

Police and Criminal Evidence Act 1984 (c. 60)

- 97 The Police and Criminal Evidence Act 1984 shall be amended...
- 98 At the end of subsection (3)(b) of section 24 (arrest)...
- 99 In section 55(1) (intimate searches) for the words “such a...
- 100 In section 65, in the definition of “intimate samples”, for...
- 101 In section 120 (extent) the second of the two subsections...
- 102 At the end of Schedule 5 to that Act there...

Prosecution of Offences Act 1985 (c. 23)

- 103 The following paragraph shall be inserted after subsection (4)(a) of...
- 104 In subsection (11) of section 22 of that Act (power...

Local Government Act 1985 (c. 51)

- 105

Bankruptcy (Scotland) Act 1985 (c. 66)

- 106 The Bankruptcy (Scotland) Act 1985 shall be amended as follows....
- 107 In section 5(4) (interpretation) after “1987” there shall be added...
- 108 In section 7(1) (constitution of apparent insolvency)—
- 109 Section 55(2) (discharge of debtor not to release him from...

Changes to legislation: Criminal Justice Act 1988 is up to date with all changes known to be in force on or before 08 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

Insolvency Act 1986 (c. 45)

110 Section 281(4) of the Insolvency Act 1986 (discharge of debtor...

Criminal Justice Act 1987 (c. 38)

Criminal Justice (Scotland) Act 1987 (c. 41)

111 The following paragraph shall be substituted for subsection (6)(j) of...

Criminal Justice Act 1987 (c. 38)

112 The Criminal Justice Act 1987 shall be amended as follows....

113 (1) In subsection (2) of section 2 (Director's investigation powers),...

114 (1) In subsection (1) of section 11, for the words...

115 In section 13(1), for the words "operates only so as..."

116 In paragraph 6(1) of Schedule 1, for "(4)" there shall...

Criminal Justice (Scotland) Act 1987 (c. 41)

117 (1) Section 52 of the Criminal Justice (Scotland) Act 1987...

The Public Order (Northern Ireland) Order 1987 S.I. 1987 No. 463 (N.I.7)

118 (1) In Article 24(2) of the Public Order (Northern Ireland)...

SCHEDULE 16 — Repeals

1 The repeals in the Offences against the Person Act 1861...

2 The repeal in the Road Traffic Act 1972 does not...

3 The repeal of sections 74 and 75 of the Criminal...

Changes to legislation:

Criminal Justice Act 1988 is up to date with all changes known to be in force on or before 08 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. 36(2)(b)(iii) word omitted by 2019 c. 17 s. 13(3)(a)
- s. 96 repealed by 2002 c. 29 Sch. 11 para. 17(2)(a)Sch. 12
- s. 97 repealed by 2002 c. 29 Sch. 11 para. 17(2)(a)Sch. 12
- s. 139A(5ZA) words substituted by 2020 c. 17 Sch. 24 para. 443(1)
- s. 139AZA(1)(a)(i) word omitted by 2019 c. 17 s. 13(4)(a)
- s. 139AZA(1)(b) words substituted by S.I. 2019/780 reg. 30(2)(a) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- s. 139AZA(1)(c) word inserted by S.I. 2019/780 reg. 30(2)(b) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- s. 139AZA(1)(e) and word omitted by S.I. 2019/780 reg. 30(2)(c) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- s. 139AZA(2) words omitted by S.I. 2019/780 reg. 30(3)(b) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- s. 139AZA(2) words omitted by S.I. 2019/780 reg. 30(3)(c) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- s. 139AZA(2) words substituted by S.I. 2019/780 reg. 30(3)(a) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- s. 141(4) repealed by 2009 c. 26 Sch. 7 para. 119(2)Sch. 8 Pt. 10
- s. 141(5)(b) and word repealed by 2009 c. 26 Sch. 7 para. 119(3)Sch. 8 Pt. 10
- s. 141(8)(b) and word repealed by 2009 c. 26 Sch. 7 para. 119(3)Sch. 8 Pt. 10
- s. 141(11A) restricted by 2007 asp 17 s. 60(2)
- s. 141(11A) words repealed by 2009 c. 26 Sch. 7 para. 119(5)Sch. 8 Pt. 10
- s. 141(11A)(b) and word repealed by 2009 c. 26 Sch. 7 para. 119(4)Sch. 8 Pt. 10
- s. 141(11C)-(11E) repealed by 2009 c. 26 Sch. 7 para. 119(7)Sch. 8 Pt. 10
- s. 141(11D)(a) words repealed by 2009 c. 26 Sch. 7 para. 119(6)(a)Sch. 8 Pt. 10
- s. 141(11D)(b) words repealed by 2009 c. 26 Sch. 7 para. 119(6)(b)Sch. 8 Pt. 10
- s. 141(14)(a) words inserted by 2019 c. 17 s. 46(16)
- s. 141ZB-141ZD inserted by 2009 c. 26 s. 102
- s. 153 repealed by 2001 c. 16 Sch. 7 Pt. 6
- s. 172(2) words repealed by 2002 c. 29 Sch. 12
- s. 172(4) words repealed by 2002 c. 29 Sch. 12

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. 36(2)(b)(v) and word inserted by 2019 c. 17 s. 13(3)(b)
- s. 36(3A)(3B) substituted for s. 36(3A) by 2008 c. 4 s. 46(2)
- s. 41(4A) inserted by 2004 c. 28 Sch. 10 para. 28
- s. 139AZA(1)(a)(iii) and word inserted by 2019 c. 17 s. 13(4)(b)