Blackstone's Statutes on

Criminal Justice & Sentencing

5th edition

edited by

Nicola Padfield

Master, Fitzwilliam College, Cambridge Reader in Criminal and Penal Justice, University of Cambridge

OXFORI UNIVERSITY PRESS



Great Clarendon Street, Oxford, OX2 6DP, United Kingdom

Oxford University Press is a department of the University of Oxford.

It furthers the University's objective of excellence in research, scholarship, and education by publishing worldwide. Oxford is a registered trade mark of Oxford University Press in the UK and in certain other countries

This selection © Oxford University Press 2014

The moral rights of the author have been asserted

Second edition 2004 Third edition 2007 Fourth edition 2008 Fifth edition 2014

Impression: 1

All rights reserved. No part of this publication may be reproduced, store d in a retrieval system, or transmitted, in any form or by any means, with not the prior permission in writing of Oxford University Press, or as express, y permitted by law, by licence or under terms agreed with the appropriate terrographics rights organization. Enquiries concerning reproduction outside the scope of the above should be sent to the Rights Department, Oxford University Press, at the address above

You must not circulate this work in any other form and you must impose this same and you must not circulate this work in any other form.

Public sector information reproduced in der Open Government Licence v1.0 (http://www.nationalarchives.gov.uk/doc/ope,-government-licence/open-government-licence.htm)

Crown Copyright mate (a), eproduced with the permission of the Controller, HMSC (under the terms of the Click Use licence)

Published in the billed States of America by Oxford University Press 198 Madison Wenue, New York, NY 10016, United States of America

ritish Library Cataloguing in Publication Data

Data available

ISBN 978-0-19-958231-0

Printed in Great Britain by Bell & Bain Ltd, Glasgow

Links to third party websites are provided by Oxford in good faith and for information only. Oxford disclaims any responsibility for the materials contained in any third party website referenced in this work.

Oxford University Press is committed to using paper from sustainable and ethical sources.

Contents

	Editors' preface to the fifth edition Editors' preface to the first edition		
	New to this edition	viii	
Part I	Criminal Justice	1	
	European Convention on Human Rights, Articles 5, 6, 8	1	
	Criminal Appeal Act 1968, ss 2, 7(1), 23, 23A, 33	2	
	Theft Act 1968, s 27	4	
	Juries Act 1974, ss 1, 3, 8–9A, 17, Schedule 1	5	
	Bail Act 1976, ss 3–7, Schedule 1, Pt 1, paras 2–6, 8, 9		
	Magistrates' Courts Act 1980, ss 17–23, 25, 26, 108, 111, Schedule 1	20	
	Contempt of Court Act 1981, s 8	28	
	Senior Courts Act 1981, s 48	28	
	Police and Criminal Evidence Act 1984, ss 1–3, 24, 24A, 22-30A,		
	37–47A, 55, 55A, 56, 58, 61–65, 76–78, 82(1), (1A), and (3)	29	
	Police and Criminal Evidence Act 1984, Code A, parts 1–5	71	
	Police and Criminal Evidence Act 1984, Code C. parts 2, 3, 5, 6, 8, 9,		
	10–16	85	
	Police and Criminal Evidence Act 1984, Code D, paras 3–6	119	
	Police and Criminal Evidence Act 1984, Code E, paras 3–7	147	
	Police and Criminal Evidence Act 1984, Code F, paras 2–6	154	
	Police and Criminal Evidence At 1984, Code G, paras 2–4	160	
	Prosecution of Offences Act 15 %, ss 1–3, 10	168	
	Bail (Amendment) Act 1953, s 1	170	
	Criminal Justice and Fullic Order Act 1994, ss 25, 34–37, 60	172	
	Criminal Appeal Act 1995, ss 8, 13	178	
	Criminal Evider ce (Amendment) Act 1997, ss 1, 2	178	
	Youth Justice and Criminal Evidence Act 1999, s 59	180	
	Police Rate an Act 2002, ss 9–13, 15–24, 26–29	180	
	Cri. vi. a. Justice Act 2003, ss 22–27, 57–61, 67, 75–79, 82, 84,		
	98–110, 118	198	
	Serious Organised Crime and Police Act 2005, s 112	211	
Part II	Contonaing	213	
rait II	Sentencing	213	
	Prevention of Crime Act 1953, s 1	213	
	Murder (Abolition of Death Penalty) Act 1965 (as amended), s 1	213	
	Firearms Act 1968, ss 51A, 52	213	
	Justices of the Peace Act 1968, s 1(7)	214	
	Misuse of Drugs Act 1971, s 27	215	
	Magistrates' Courts Act 1980, ss 32, 115	215	
	Protection from Harassment Act 1997 (as amended), s 5	216	
	Crime and Disorder Act 1998 (as amended), ss 1C, 1CA, 8, 9	217	
	Powers of Criminal Courts (Sentencing) Act 2000 (as amended),		
	ss 12–33, 36B, 60, 61, 73–78, 82A, 83, 89–108, 110–115, 130–150	221	

Criminal Justice Act 2003, ss 142–150A, 152, 153, 156–166, 174–180,				
189–218, 220–226B, 229, 231, 235, 237–244, 246–250, 252–261,				
263–265, 267–277, 284–291, 293–301, Schedules 15, 15B and 21	260			
Sexual Offences Act 2003, ss 80–92	330			
Serious Crime Act 2007, ss 1, 2, 5–8, 16	343			
Criminal Justice and Immigration Act 2008, ss 1–7, 10				
Coroners and Justice Act 2009, ss 118–133, 135, 136	350			
Index	359			

Preview Corpidated Meterial

Alphabetical contents

- B Bail Act 1976, ss 3–7, Schedule 1, Pt 1, paras 2–6, 8, 9 . . . 8 Bail (Amendment) Act 1993, s 1 . . . 170
- C Contempt of Court Act 1981, s 8...28 Coroners and Justice Act 2009, ss 118–133, 135, 136...350
 - Crime and Disorder Act 1998 (as amended), ss 1C, 1CA, 8, 9...217
 - Criminal Appeal Act 1968, ss 2, 7(1), 23, 23A, 33...2
 - Criminal Appeal Act 1995, ss 8, 13...178 Criminal Evidence (Amendment) Act 1997, ss 1, 2...178
 - Criminal Justice Act 2003, ss 22–27, 57–61, 67, 75–79, 82, 84, 98–110, 118...198 ss 142–150A, 152, 153, 156–166, 174–180, 189–218, 220–226B, 229, 231, 235, 237–244, 246–250, 252–261, 263–265, 267–277, 284–291, 293–301,
 - Schedules 15, 15B and 21...266
 Criminal Justice and Immigration Act 2008, ss 1–7. 10...346
 - Criminal Justice and Public Order Act 1294, ss 25, 34–37, 60 . . . 172
- E European Convention on Harris Rights, Articles 5, 6, 8...1
- F Firearms Act 1968, ss 51A, 52...213
- J Juries Act 1974, ss 1, 3, 8–9A, 17, Schedule 1...5 Justices of the Peace Act 1968, s 1(7)...214
- M Magistrates' Courts Act 1980,
 ss 17–23, 25, 26, 108, 111, Schedule 1...20
 ss 32, 115...215
 Misuse of Drugs Act 1971, s 27...215
 Murder (Abolition of Death Penalty) Act 1965
 (as amended), s 1...213

- P Police and Criminal Evidence Act 1984, ss 1–3, 24, 24A, 27–30A, 37–47A, 55, 55A, 56, 58, 61–65, 76–78, 82(1), (1A), and (3)...29
 - Police and Criminal Evidence Act 1984, Code A, paras 1–5...71
 - Police and Criminal Evidence Act 1984, Code C, paras 2, 3, 5, 6, 8, 9, 10–16...85
 - Police and Criminal Evidence Act 1984, Code D, paras 3–6... 119
 - Police and Criminal Evidence Act 1984, Code E, paras 3-7...147
 - Police and Criminal Evidence Act 1984, Code F, parts ?-6...154
 - Police and Crininal Evidence Act 1984, Code G, paras 2–4...160
 - Police Ceform Act 2002, ss 9–13, 15–24, 26–29...180
 - Powers of Criminal Courts (Sentencing) Act 2000 (as amended), ss 12–33, 36B, 60, 61, 73–78, 82A, 83, 89–108, 110–115, 130–150...221
 - Prevention of Crime Act 1953, s 1...213 Prosecution of Offences Act 1985, ss 1–3, 10...168
 - Protection from Harassment Act 1997 (as amended), s 5...216
- S Senior Courts Act 1981, s 48...28 Serious Crime Act 2007, ss 1, 2, 5–8, 16...343 Serious Organised Crime and Police Act 2005, s 112...211 Sexual Offences Act 2003, ss 80–92...330
- T Theft Act 1968, s 27...4
- Y Youth Justice and Criminal Evidence Act 1999, s 59...180

Chronological contents

ss 1–3, 10...168

1950	European Convention on Human Rights, Articles 5, 6, 81	1993	Bail (Amendment) Act 1993, s 1170
1953	Prevention of Crime Act 1953, s 1213	1994	Criminal Justice and Public
	Murder (Abolition of Death Penalty)		Order Act 1994,
	Act 1965 (as amended), s 1213		ss 25, 34–37, 60…172
1968	Criminal Appeal Act 1968, ss 2, 7(1), 23,	1995	Criminal Appeal Act 1995, ss 8, 13178
	23A, 332		Criminal Evidence (Amendment)
	Firearms Act 1968, ss 51A, 52213		Act 1997, ss 1, 2178
	Justices of the Peace Act 1968,		Protection from Harassment
	s 1(7)214		Act 1997 (as amended), s 5216
	Theft Act 1968, s 274	1998	Crime and Disorder Act 1998 (as amended),
1971	Misuse of Drugs Act 1971, s 27215		ss 1C, 1CA, 8, 9 217
1974	Juries Act 1974, ss 1, 3, 8–9A, 17,	1999	Youth Justice and Comminal Evidence
	Schedule 15		Act 1999, s 59 180
1976	Bail Act 1976, ss 3-7, Schedule 1, Pt 1,	2000	Powers of Criminal Courts
	paras 2–6, 8, 9 8		(Sent noing) Act 2000 (as amended),
1980	Magistrates' Courts Act 1980,		s: 12–33, 36B, 60, 61, 73–78, 82A, 83,
	ss 17–23, 25, 26, 108, 111,		83–108, 110–115, 130–150221
	Schedule 120	2002	Police Reform Act 2002,
	ss 32, 115215	ω .	ss 9–13, 15–24, 26–29…180
1981	Contempt of Court Act 1981, s 828	2003	Criminal Justice Act 2003,
	Senior Courts Act 1981, s 4828		ss 22–27, 57–61, 67, 75–79, 82, 84,
1984	Police and Criminal Evidence Act 1984		98–110, 118…198
	ss 1–3, 24, 24A, 27–30A, 37–47A,		ss 142–150A, 152, 153, 156–166,
	55, 55A, 56, 58, 61–65, 76–78,		174–180, 189–218, 220–226B, 229,
	82(1), (1A), and (3) 29		231, 235, 237–244, 246–250, 252–261,
	Codes of Practice, Code A.		263–265, 267–277, 284–291, 293–301,
	paras 1–571		Schedules 15, 15B and 21266
	Codes of Practice, Sede C,		Sexual Offences Act 2003,
	paras 2, 3, 5, 3, 2, 9, 10–16 85		ss 80–92330
	Codes of Practice, Code D,	2005	Serious Organised Crime and Police
	paras 3-6119		Act 2005, s 112211
	Codes of Practice, Code E,	2007	Serious Crime Act 2007,
	paras 3–7147		ss $1, 2, 5-8, 16343$
	Codes of Practice, Code F,	2008	Criminal Justice and Immigration
	paras 2–6154		Act 2008, ss 1–7, 10346
	Codes of Practice, Code G,	2009	Coroners and Justice Act 2009,
	paras 2–4160		ss 118–133, 135, 136…350
1985	Prosecution of Offences Act 1985,		