



# Criminal Justice Act 1948

## 1948 CHAPTER 58

### PART I

#### POWERS AND PROCEEDINGS OF COURTS.

##### *Probation and discharge.*

### 3 Probation.

- (1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him, make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer for a period to be specified in the order of not less than one year nor more than three years.
- (2) A probation order shall name the petty sessional division in which the offender resides or will reside; and the offender shall (subject to the provisions of the First Schedule to this Act relating to probationers who change their residence) be required to be under the supervision of a probation officer appointed for or assigned to that division.
- (3) Subject to the provisions of the next following section, a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences:  
  
Provided that (without prejudice to the power of the court to make an order under subsection (2) of section eleven of this Act) the payment of sums by way of damages for injury or compensation for loss shall not be included among the requirements of a probation order.
- (4) Without prejudice to the generality of the last foregoing subsection, a probation order may include requirements relating to the residence of the offender:

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

Provided that—

- (a) before making an order containing any such requirements, the court shall consider the home surroundings of the offender; and
  - (b) where the order requires the offender to reside in an approved probation hostel, an approved probation home or any other institution, the name of the institution and the period for which he is so required to reside shall be specified in the order, and that period shall not extend beyond twelve months from the date of the order.
- (5) Before making a probation order, the court shall explain to the offender in ordinary language the effect of the order (including any additional requirements proposed to be inserted therein under subsection (3) or subsection (4) of this section or under the next following section) and that if he fails to comply therewith or commits another offence he will be liable to be sentenced for the original offence; and if the offender is not less than fourteen years of age the court shall not make the order unless he expresses his willingness to comply with the requirements thereof.
- (6) The court by which a probation order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy to the offender, to the probation officer responsible for the supervision of the offender and to the person in charge of any institution in which the probationer is required by the order to reside; and the court shall, except where it is itself the supervising court, send to the clerk to the justices for the petty sessional division named in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to the supervising court.
- (7) Where a probation order requires the offender to reside in any institution, not being—
- (a) an approved probation hostel or approved probation home; or
  - (b) an institution in which he is required to reside for the purposes of any such treatment as is mentioned in paragraph (a) or paragraph (b) of subsection (2) of the next following section,
- the court shall forthwith give notice of the terms of the order to the Secretary of State.

#### **4 Probation orders requiring treatment for mental condition.**

- (1) Where the court is satisfied, on the evidence of a duly qualified medical practitioner appearing to the court to be experienced in the diagnosis of mental disorders, that the mental condition of an offender is such as requires and as may be susceptible to treatment but is not such as to justify his being certified as a person of unsound mind under the Lunacy Act, 1890, or as a defective under the Mental Deficiency Act, 1913, the court may, if it makes a probation order, include therein a requirement that the offender shall submit, for such period not extending beyond twelve months from the date of the order as may be specified therein, to treatment by or under the direction of a duly qualified medical practitioner with a view to the improvement of the offender's mental condition.
- (2) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—
- (a) treatment as a voluntary patient under section one of the Mental Treatment Act, 1930, in such institution within the meaning of that Act, or in such hospital, nursing home or place approved by the Minister of Health for the

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

purposes of the said section one, or in the charge of such person so approved, as may be specified in the order;

- (b) treatment as a resident patient in such institution or place approved for the purposes of this section by the said Minister as may be specified in the order;
- (c) treatment as a non-resident patient at such institution or place as may be specified in the order; or
- (d) treatment by or under the direction of such duly qualified medical practitioner as may be specified in the order;

but except as aforesaid the nature of the treatment shall not be specified in the order.

- (3) A court shall not make a probation order containing such a requirement as aforesaid unless it is satisfied that arrangements have been or can be made for the treatment intended to be specified in the order, and, if the offender is to be treated as a voluntary patient or as a resident patient as aforesaid, for his reception.
- (4) While the probationer is under treatment as a voluntary patient or as a resident patient in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the discharge or amendment of the order.
- (5) Where the medical practitioner by whom or under whose direction a probationer is being treated for his mental condition in pursuance of a probation order is of opinion that part of the treatment can be better or more conveniently given in or at an institution or place not specified in the order, being an institution or place in or at which the treatment of the probationer will be given by or under the direction of a duly qualified medical practitioner, he may, with the consent of the probationer, make arrangements for him to be treated accordingly; and the arrangements may provide for the probationer to receive part of his treatment as a resident patient in an institution or place notwithstanding that the institution or place is not one which could have been specified in that behalf in the probation order.
- (6) Where any such arrangements as are mentioned in the last foregoing subsection are made for the treatment of a probationer—
  - (a) the medical practitioner by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the probationer, specifying the institution or place in or at which the treatment is to be carried out; and
  - (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.
- (7) Subject as hereinafter provided, a report in writing as to the mental condition of any person purporting to be signed by a duly qualified medical practitioner experienced in the diagnosis of mental disorders may be received in evidence for the purposes of subsection (1) of this section without proof of the signature, qualifications or experience of the practitioner :

Provided that such a report shall not be so received unless the person to whom it relates consents or, where that person is under seventeen years of age, unless his parent or guardian consents or no parent or guardian can be found.

- (8) Where a person of whose mental condition evidence is received for the purposes of subsection (1) of this section (or, where that person is under seventeen years of age, his parent or guardian) desires to call rebutting evidence, the court shall not make a probation order in his case containing any such requirement as is authorised by this

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

section unless he, or his parent or guardian, as the case may be, has been afforded an opportunity of calling such evidence.

- (9) Except as provided by this section, a court shall not make a probation order requiring a probationer to submit to treatment for his mental condition.

## **5 Discharge, amendment and review of probation orders.**

- (1) The provisions of the First Schedule to this Act shall have effect in relation to the discharge and amendment of probation orders.
- (2) Where a probation order, whether as originally made or as amended under the said Schedule, requires the probationer to reside in an approved probation hostel or home or other institution (otherwise than for the purpose of submitting to treatment for his mental condition as a voluntary or resident patient) for a period extending beyond six months from the date of the order as originally made or of the amending order, as the case may be, the probation officer shall, as soon as may be after the expiration of six months after that date, report to the supervising court on the case.
- (3) On receipt of any such report, the supervising court shall review the probation order for the purpose of considering whether to cancel the requirement as to residence or reduce the period thereof, and may, if it thinks fit, amend the order accordingly without the necessity for any application in that behalf.
- (4) Where, under the following provisions of this Part of this Act, a probationer is sentenced for the offence for which he was placed on probation, the probation order shall cease to have effect.

## **6 Breach of requirement of probation order.**

- (1) If at any time during the probation period it appears on information to a justice of the peace on whom jurisdiction is hereinafter conferred that the probationer has failed to comply with any of the requirements of the order, the justice may issue a summons requiring the probationer to appear at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.
- (2) The following justices shall have jurisdiction for the purposes of the foregoing subsection, that is to say:—
- (a) if the probation order was made by a court of summary jurisdiction, any justice acting for the petty sessional division or place for which that court or the supervising court acts;
  - (b) in any other case, any justice acting for the petty sessional division or place for which the supervising court acts;
- and any summons or warrant issued under this section shall direct the probationer to appear or be brought before a court of summary jurisdiction for the petty sessional division or place for which the justice issuing the summons or warrant acts.
- (3) If it is proved to the satisfaction of the court before which a probationer appears or is brought under this section that the probationer has failed to comply with any of the requirements of the probation order, that court may without prejudice to the continuance of the probation order, impose on him a fine not exceeding ten pounds or, in a case to which section nineteen of this Act applies, make an order under that section requiring him to attend at an attendance centre, or may—

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (a) if the probation order was made by a court of summary jurisdiction, deal with the probationer, for the offence in respect of which the probation order was made, in any manner in which the court could deal with him if it had just convicted him of that offence;
  - (b) if the probation order was made by a court of assize or quarter sessions, commit him to custody or release him on bail (with or without sureties) until he can be brought or appear before the court of assize or quarter sessions.
- (4) Where the court of summary jurisdiction deals with the case as provided in paragraph (b) of the last foregoing subsection then—
- (a) the court shall send to the court of assize or quarter sessions a certificate signed by a justice of the peace, certifying that the probationer has failed to comply with such of the requirements of the probation order as may be specified in the certificate, together with such other particulars of the case as may be desirable; and a certificate purporting to be so signed shall be admissible as evidence of the failure before the court of assize or quarter sessions; and
  - (b) where the probationer is brought or appears before the court of assize or quarter sessions, and it is proved to the satisfaction of that court that he has failed to comply with any of the requirements of the probation order, that court may deal with him, for the offence in respect of which the probation order was made, in any manner in which the court could deal with him if he had just been convicted before that court of that offence.
- (5) A fine imposed under this section in respect of a failure to comply with the requirements of a probation order shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.
- (6) A probationer who is required by the probation order to submit to treatment for his mental condition, shall not be treated for the purposes of this section as having failed to comply with that requirement on the ground only that he has refused to undergo any surgical, electrical or other treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances; and without prejudice to the provisions of section eight of this Act, a probationer who is convicted of an offence committed during the probation period shall not on that account be liable to be dealt with under this section for failing to comply with any requirement of the probation order.

## **7 Absolute and conditional discharge.**

- (1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment and that a probation order is not appropriate, the court may make an order discharging him absolutely, or, if the court thinks fit, discharging him subject to the condition that he commits no offence during such period, not exceeding twelve months from the date of the order, as may be specified therein.
- (2) An order discharging a person subject to such a condition as aforesaid is in this Act referred to as "an order for conditional discharge", and the period specified in any such order as "the period of conditional discharge".

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (3) Before making an order for conditional discharge the court shall explain to the offender in ordinary language that if he commits another offence during the period of conditional discharge he will be liable to be sentenced for the original offence.
- (4) Where, under the following provisions of this Part of this Act, a person conditionally discharged under this section is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

## **8 Commission of further offence.**

- (1) If it appears to a judge or justice of the peace on whom jurisdiction is hereinafter conferred that a person in whose case a probation order or an order for conditional discharge has been made has been convicted by a court in any part of Great Britain of an offence committed during the probation period or during the period of conditional discharge, and has been dealt with in respect of that offence, the judge or justice may issue a summons requiring that person to appear at the place and time specified therein, or may issue a warrant for his arrest:

Provided that a justice of the peace shall not issue such a summons except on information and shall not issue such a warrant except on information in writing and on oath.

- (2) The following persons shall have jurisdiction for the purposes of the foregoing subsection, that is to say:—
  - (a) if the probation order or the order for conditional discharge was made by the Central Criminal Court, a judge of that court;
  - (b) if the order was made by a court of assize (other than the Central Criminal Court), a judge of the High Court or a committing justice;
  - (c) if the order was made by a court of quarter sessions, a justice for the county or place for which that court was held, or a committing justice;
  - (d) if the order was made by a court of summary jurisdiction, a justice acting for the petty sessional division or place for which that court acts;
  - (e) in the case of a probation order, by whatever court it was made, a justice acting for the petty sessional division or place for which the supervising court acts,
- (3) A summons or warrant issued under this section shall direct the person so convicted to appear or to be brought before the court by which the probation order or the order for conditional discharge was made:

Provided that—

- (a) if that court is a court of summary jurisdiction and the summons or warrant is issued by a justice acting for the petty sessional division for which the supervising court acts, the summons or warrant may direct him to appear or to be brought before the supervising court; and
- (b) if a warrant is issued requiring him to be brought before a court of assize or quarter sessions, and he cannot forthwith be brought before that court because that court is not being held, the warrant shall have effect as if it directed him to be brought before a court of summary jurisdiction for the place in Great Britain where he is arrested; and the court of summary jurisdiction shall commit him to custody or release him on bail (with or without sureties) until he can be brought or appear before the court of assize or quarter sessions.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (4) If a person in whose case a probation order or an order for conditional discharge has been made by a court of assize or quarter sessions is convicted and dealt with by a court of summary jurisdiction in respect of an offence committed during the probation period or during the period of conditional discharge, the court of summary jurisdiction may commit him to custody or release him on bail (with or without sureties) until he can be brought or appear before the court by which the order was made; and if it does so the court of summary jurisdiction shall send to the court of assize or quarter sessions a copy of the minute or memorandum of the conviction entered in the register required to be kept under section twenty-two of the Summary Jurisdiction Act, 1879, signed by the clerk of the court by whom the register is kept.
- (5) Where it is proved to the satisfaction of the court by which a probation order or an order for conditional discharge was made, or, if the order (being a probation order) was made by a court of summary jurisdiction, to the satisfaction of that court or the supervising court, that the person in whose case that order was made has been convicted and dealt with in respect of an offence committed during the probation period, or during the period of conditional discharge, as the case may be, the court may deal with him, for the offence for which the order was made, in any manner in which the court could deal with him if he had just been convicted by or before that court of that offence.
- (6) If a person in whose case a probation order or an order for conditional discharge has been made by a court of summary jurisdiction is convicted before a court of assize or quarter sessions of an offence committed during the probation period or during the period of conditional discharge, or is dealt with by a court of assize or quarter sessions for an offence so committed in respect of which he was committed for sentence to that court, the court of assize or quarter sessions may deal with him, for the offence for which the order was made, in any manner in which the court of summary jurisdiction could deal with him if it had just convicted him of that offence.
- (7) If a person in whose case a probation order or an order for conditional discharge has been made by a court of summary jurisdiction is convicted by another court of summary jurisdiction of any offence committed during the probation period, or during the period of conditional discharge, that court may, with the consent of the court which made the order or, in the case of a probation order, with the consent of that court or of the supervising court, deal with him, for the offence for which the order was made, in any manner in which the court could deal with him if it had just convicted him of that offence.
- (8) In this section the expression " committing justice ", in relation to a person in whose case a probation order or an order for conditional discharge has been made by a court of assize or quarter sessions, includes any justice acting for the petty sessional division or place for which the justices acted by whom he was committed for trial or for sentence.

## **9 Probation orders relating to persons residing in Scotland.**

- (1) Where the court by which a probation order is made under section three of this Act is satisfied that the offender resides or will reside in Scotland, subsection (2) of section three of this Act shall not apply to the order, but the order shall—
  - (a) specify as the appropriate court for the purposes of this section a court of summary jurisdiction having jurisdiction in the probation area in Scotland in which the offender resides or will reside; and

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (b) require the offender to be under the supervision, of such person as may be nominated by the appropriate court in accordance with the provisions of section four of the Probation of Offenders (Scotland) Act, 1931.
- (2) Where a probation order has been made under section three of this Act, or has effect by virtue of the next following section as if it were so made, and the Supervising court is satisfied that the probationer proposes to reside or is residing in Scotland, the power of that court to amend the order under the First Schedule to this Act shall include power to amend it by omitting the name of the petty sessional division named therein and by inserting therein the provisions required by subsection (1) of this section; and the court may so amend the order without summoning the probationer and without his consent:

Provided that where the original order was made by a court in Scotland under the Probation of Offenders Act, 1907, that court shall be specified as the appropriate court in the order as so amended.

- (3) Notwithstanding anything in the foregoing provisions of this Part of this Act, an order as made or amended under this section shall not require the offender to reside in any institution, or to submit to treatment for his mental condition, but without prejudice to any power of a court in Scotland to impose any such requirement under the next following subsection.
- (4) For the purposes of the law of Scotland relating to the probation of offenders, any order made or amended as aforesaid shall have effect as if it were a probation order made by the appropriate court under the Probation of Offenders Act, 1907, and as if the requirements of the order were the conditions of a bond entered into under that Act; and subsections (1) to (3) of section five, and subsections (1) and (2) of section six of this Act shall not apply to any such order:

Provided that (except where the original order was made by a court in Scotland under the Probation of Offenders Act, 1907, and is amended under subsection (2) of this section) subsection (5) of section six of the said Act of 1907 (which enables a court to convict a probationer of his original offence and sentence him therefor) and subsection (6) of section eight of the Probation of Offenders (Scotland) Act, 1931 (which enables a court to sentence a probationer to detention in a Borstal institution) shall not apply, and paragraph (b) of subsection (5) of the said section eight shall have effect as if the words " instead of sentencing the offender for the original offence and " were omitted.

- (5) If the appropriate court, or any court authorised to exercise the powers of that court under the Probation of Offenders Act, 1907, and the Probation of Offenders (Scotland) Act, 1931, is satisfied that the probationer has failed to observe any condition of the bond, the court may, instead of dealing with him in any manner authorised by the said Acts, commit him to custody or release him on bail until he can be brought or appear before the court in England by which the probation order was made, and, if it so commits him or releases him on bail—
- (a) the court shall send to the said court in England a certificate certifying that the probationer has failed to comply with such of the requirements of the probation order as may be specified in the certificate, together with such other particulars of the case as may be desirable;
  - (b) that court shall have the same powers as if the probationer had been brought or appeared before it in pursuance of a warrant or summons issued under subsection (1) of section six of this Act;



---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

and a certificate purporting to be signed by the clerk of the court by which a probationer is so committed or released on bail shall be admissible as evidence of the failure before the court which made the probation order.

- (6) In relation to a probation order made or amended under this section, the appropriate court shall have jurisdiction for the purposes of subsection (1) of section eight of this Act; and paragraph (a) of the proviso to subsection (3) of that section shall not apply to any summons or warrant issued under that section by that court.
- (7) The court by which a probation order is made or amended under this section shall send three copies of the order as made or amended to the clerk of the appropriate court, together with such documents and information relating to the case as it considers likely to be of assistance to that court; and subsection (6) of section three of this Act, or paragraph 6 of the First Schedule to this Act, as the case may be, shall not apply to any such order.
- (8) Where a probation order made in accordance with subsection (1) of this section, or made by a court in England and amended under subsection (2) of this section, is amended by a court in Scotland under the next, following section upon the probationer's proposing to reside or residing in England, this section shall cease to apply to the order, and the order shall have effect as if it were made under section three of this Act in the case of a person residing in England.

## **10 Scottish probation orders relating to persons residing in England.**

- (1) Where the court in Scotland by which a probation order is made under the Probation of Offenders Act, 1907, is satisfied that the offender resides or will reside in England, the bond into which he is required to enter as a condition of his discharge under the said Act, shall not contain the conditions mentioned in subsection (1) of section two of that Act, but shall contain a condition that he be under the supervision of a probation officer appointed for or assigned to the petty sessional division in which the offender resides or will reside; and that division, and not the officer, shall be named in the order.
- (2) Where a probation order has been made by a court in Scotland under the Probation of Offenders Act, 1907, or has effect by virtue of the last foregoing section as if it were so made, and the court in Scotland having power to vary the conditions of the bond entered into for the purposes of the order is satisfied that the probationer proposes to reside or is residing in England, the power of that court to vary those conditions shall include power to omit therefrom the name of the probation officer named therein and to insert the provisions required by subsection (1) of this section.
- (3) Notwithstanding anything in the Probation of Offenders Act, 1907, as it applies to Scotland, the conditions of a bond entered into for the purposes of a probation order made in accordance with subsection (1) of this section, and the conditions of a bond as varied under the last foregoing subsection, shall not include conditions requiring the offender to reside in any institution, or to submit to treatment for his mental condition, but without prejudice to any power of the supervising court to impose any such requirement under the next following subsection.
- (4) For the purposes of this Act, any such order as aforesaid shall have effect as if it were a probation order made under section three of this Act, and as if the conditions of the bond aforesaid were the requirements of the order:

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

Provided that (except where the original order was made under section three of this Act, and the conditions of the bond deemed to be entered into for the purposes of that order are varied under subsection (2) of this section)—

- (a) paragraph (a) of subsection (2) of section six of this Act, paragraph (a) of subsection (3) of that section, paragraph (b) of subsection (4) of that section and section eight of this Act, shall not apply;
  - (b) paragraph (b) of subsection (2) of the said section six shall have effect as if the words " in any other case " were omitted;
  - (c) paragraph (b) of subsection (3) and paragraph (a) of subsection (4) of the said section six shall have effect as if for references therein to a court of assize or quarter sessions and the court of assize or quarter sessions there were substituted references to a court in Scotland and to the court in Scotland by which the probation order was made.
- (5) If it appears on information to a justice acting for the petty sessional division or place for which the supervising court acts that a person in whose case a probation order has been made or amended under this section has been convicted by a court in any part of Great Britain of an offence committed during the period specified in the order, he may issue a summons requiring that person to appear, at the place and time specified therein, before the court in Scotland by which the probation order was made or, if the information is in writing and on oath, may issue a warrant for his arrest, directing that person to be brought before the last-mentioned court.
- (6) The court by which a probation order is made, or the conditions of a bond are varied, in accordance with the provisions of this section shall send three copies of the order (including the bond) to the clerk to the justices for the petty sessional division named therein, together with such documents and information relating to the case as it considers likely to be of assistance to the supervising court.
- (7) If a warrant for the arrest of a probationer issued under section six of the Probation of Offenders Act, 1907, by a court in Scotland is executed in England, and the probationer cannot forthwith be brought before that court, the warrant shall have effect as if it directed him to be brought before a court of summary jurisdiction for the place where he is arrested; and the court of summary jurisdiction shall commit him to custody or release him on bail (with or without sureties) until he can be brought or appear before the court in Scotland.
- (8) Where a probation order made in accordance with subsection (1) of this section, or made by a court in Scotland and amended under subsection (2) of this section, is amended by a court in England under the last foregoing section upon the probationer's proposing to reside or residing in Scotland, this section shall cease to apply to the order, and the order shall have effect as if it were made under the Probation of Offenders Act, 1907, in the case of a person residing in Scotland.

## **11 Supplementary provisions as to probation and discharge.**

- (1) Without prejudice to the provisions of subsection (2) of section fifty-five of the Children and Young Persons Act, 1933 (which enables a court to order the parent or guardian of a child or young person charged with an offence to give security for his good behaviour), any court may, on making a probation order or an order for conditional discharge under this Part of this Act, if it thinks it expedient for the purpose of the reformation of the offender, allow any person who consents to do so to give security for the good behaviour of the offender; and section twenty-three of the

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

Summary Jurisdiction Act, 1879, shall apply to any security so given before a court of summary jurisdiction as if it were given under that Act by a surety.

- (2) A court, on making a probation order or an order for conditional discharge or on discharging an offender absolutely under this Part of this Act, may, without prejudice to its power of awarding costs against him, order the offender to pay such damages for injury or compensation for loss as the court thinks reasonable; but, in the case of an order made by a court of summary jurisdiction, the damages and compensation together shall not exceed one hundred pounds or such greater sum as may be allowed by any enactment other than this section.
- (3) An order for the payment of damages or compensation as aforesaid may be enforced in like manner as an order for the payment of costs by the offender; and where the court, in addition to making such an order for the payment of damages or compensation to any person, orders the offender to pay to that person any costs, the orders for the payment of damages or compensation and for the payment of costs may be enforced as if they constituted a single order for the payment of costs.
- (4) In proceedings before a court of assize or quarter sessions under the foregoing provisions of this Act, any question whether a probationer has failed to comply with the requirements of the probation order or has been convicted of an offence committed during the probation period, and any question whether any person in whose case an order for conditional discharge has been made has been convicted of an offence committed during the period of conditional discharge, shall be determined by the court and not by the verdict of a jury.
- (5) Section four of the Summary Jurisdiction (Process) Act, 1881, shall apply to any process issued by any judge or justice under the foregoing provisions of this Act, or under section six of the Probation of Offenders Act, 1907, as it applies to Scotland, as it applies to process issued under the Summary Jurisdiction Acts by a court of summary jurisdiction.

## **12 Effects of probation and discharge.**

- (1) Subject as hereinafter provided, a conviction of an offence for which an order is made under this Part of this Act placing the offender on probation or discharging him absolutely or conditionally shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender under the foregoing provisions of this Act:

Provided that where an offender, being not less than seventeen years of age at the time of his conviction of an offence for which he is placed on probation or conditionally discharged as aforesaid, is subsequently sentenced under this Part of this Act for that offence, the provisions of this subsection shall cease to apply to the conviction.

- (2) Without prejudice to the foregoing provisions of this section, the conviction of an offender who is placed on probation or discharged absolutely or conditionally as aforesaid shall in any event be disregarded for the purposes of any enactment which imposes any disqualification or disability upon convicted persons, or authorises or requires the imposition of any such disqualification or disability.
- (3) The foregoing provisions of this section shall not affect—
  - (a) any right of any such offender as aforesaid to appeal against his conviction, or to rely thereon in bar of any subsequent proceedings for the same offence;

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (b) the re-vesting or restoration of any property in consequence of the conviction of any such offender; or
- (c) the operation, in relation to any such offender, of any enactment in force at the commencement of this Act which is expressed to extend to persons dealt with under subsection (1) of section one of the Probation of Offenders Act, 1907, as well as to convicted persons.