Criminal Justice Act 1948

1948 CHAPTER 58

PART I

POWERS AND PROCEEDINGS OF COURTS.

Abolition of penal servitude, hard labour, prison divisions and sentence of whipping.

1 Abolition of penal servitude, hard labour and prison divisions.

(1) No person shall be sentenced by a court to penal servitude; and every enactment conferring power on a court to pass a sentence of penal servitude in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before the commencement of this Act.

(2) No person shall be sentenced by a court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Act; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect.

(3) So far as any enactment provides that a person sentenced to imprisonment or committed to prison is or may be directed to be treated as an offender of a particular division, or to be placed in a separate division, it shall cease to have effect.

2 Abolition of sentence of whipping.

—No person shall be sentenced by a court to whipping; and so far as any enactment confers power on a court to pass a sentence of whipping it shall cease to have effect.

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:

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 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 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 ta4he 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—

(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 ".

(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.

(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

(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;

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:

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 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;

(b) the revesting 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.

Fines and recognizances.

13 Power to fine on conviction of felony on indictment.

Any court before which an offender is convicted on indictment of felony (not being a felony the sentence for which is fixed by law) shall have power to fine the offender in lieu of or in addition to dealing with him in any other manner in which the court has power to deal with him.

14 Powers of courts of assize and quarter sessions in relation to fines and forfeited recognizances.

(1) Subject to the provisions of this section, where a fine is imposed by, or a recognizance is forfeited before, a court of assize or quarter sessions, an order may be made in accordance with the provisions of this section—

(a) allowing time for the payment of the amount of the fine or the amount due under the recognizance;

(b) directing payment of the said amount by instalments of such amounts and on such dates respectively as may be specified in the order;

(c) fixing a term of imprisonment which the person liable to make the payment is to undergo if any sum which he is liable to pay is not duly paid or recovered;

(d) in the case of a recognizance, discharging the recognizance or reducing the amount due thereunder:

Provided that any term of imprisonment fixed under this subsection in default of payment of a fine shall not exceed twelve months.

(2) Any order under this section may be made by the court by which the fine is imposed or before which the recognizance is forfeited; and (subject as hereinafter provided) an order under this section providing for any such matters as are mentioned in paragraph (a) or paragraph (b) of the foregoing subsection may be made—

(a) where the fine was imposed or the recognizance forfeited by or before the Central Criminal Court, by a judge of that court upon application made in writing to the clerk of the court;

(b) where the fine was imposed or the recognizance forfeited by or before any other court of assize, by a judge of the High Court upon application made in writing to the clerk of assize;

(c) where the fine was imposed or the recognizance forfeited by or before a court of quarter sessions, by the chairman or any deputy chairman of that court, or by the recorder or any deputy recorder, as the case may be, upon application made in writing to the clerk of the peace;

and may amend any previous order made under this section so far as it provides for those matters:

Provided that no application shall be made under paragraphs (a) to (c) of this subsection after the refusal of a previous application made thereunder.

(3) Where any person liable for the payment of a fine or a sum due under a recognizance to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term of imprisonment, the court may order that any term of imprisonment fixed under paragraph (c) of subsection (1) of this section shall not begin to run until after the end of the first-mentioned term of imprisonment.

(4) The power conferred by this section to discharge a recognizance or reduce the amount due thereunder shall be in addition to the powers conferred by any other Act relating to the discharge, cancellation, mitigation or reduction of recognizances or sums forfeited thereunder.

(5) This section shall not apply to a fine imposed by a court of quarter sessions on appeal against a decision of a court of summary jurisdiction.

15 Incidental provisions as to fines and forfeited recognizances.

(1) Any order made under the last foregoing section before the enrolment of the fine or recognizance under section thirty-two of the Queen's Remembrancer Act, 1859, or section two of the Levy of Fines Act, 1822, shall be enrolled under the said section thirty-two or the said section two, as the case may be:

Provided that—

(a) if the order is for the discharge of a recognizance, neither the order nor the recognizance shall be enrolled as aforesaid; and

(b) if the order is for the reduction of the amount due under a recognizance, the reduced amount shall be deemed to be the amount forfeited under the recognizance and shall be enrolled as aforesaid.

(2) Where application is duly made for an order under the last foregoing section after the enrolment of the fine or recognizance as aforesaid, the clerk to whom the application is made shall give notice thereof to the officer responsible for the recovery of the fine or the amount due under the recognizance, and shall give the like notice of any decision thereon.

(3) Where an order under the last foregoing section allowing time for the payment of the amount of the fine or the amount due under the recognizance, or directing payment of the said amount by instalments, is enrolled under subsection (1) of this section, or notice of the making of any such order is given to the officer responsible for the recovery of the fine or the amount due under the recognizance in accordance with the provisions of the last foregoing subsection, that officer shall not exercise his powers until there is a default in complying with the order.

(4) Where any such order as aforesaid is made directing payment by instalments of a fine or the amount due under a recognizance, and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.

(5) Where any such order as aforesaid is made fixing a term of imprisonment in default of payment of a fine or the amount due under a recognizance, then—

(a) on payment of the fine or the said amount to the officer responsible for the recovery thereof, or (if the person in respect of whom the order was made is in prison) to the governor of the prison, the order shall cease to have effect; and, if the said person is in prison and is not liable to be detained for any other cause, he shall forthwith be discharged;

(b) on payment to the said officer or to the governor of the prison of a part of the fine or of the amount due under the recognizance, the total number of days in the term of imprisonment shall be reduced proportionately, that is to say, by such number of days as bears to the said total number of days less one day the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the amount of the fine or the amount due under the recognizance.

(6) Any sums received by the governor of a prison under the last foregoing subsection shall be paid by him to the officer responsible for the recovery of sums due in respect of the fine or the recognizance.

Powers relating to young offenders.

16 Restriction on sentence of death.

The following subsection shall be substituted for subsection (1) of section fifty-three of the Children and Young Persons Act, 1933:—

"(1) Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of eighteen years; but in lieu thereof the court shall sentence him to be detained during His Majesty's pleasure; and if so sentenced he shall be liable to be detained in such place and under such conditions as the Secretary of State may direct."

17 Restriction on imprisonment.

(1) A court of summary jurisdiction shall not impose imprisonment on a person under seventeen years of age; and a court of assize or quarter sessions shall not impose imprisonment on a person under fifteen years of age.

(2) No court shall impose imprisonment on a person under twenty-one years of age unless the court is of opinion that no other method of dealing with him, is appropriate; and for the purpose of determining whether any other method of dealing with any such person is appropriate the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.

(3) Where a court of quarter sessions or a court of summary jurisdiction imposes imprisonment on any such person as is mentioned in the last foregoing subsection, the court shall state the reason for its opinion that no other method of dealing with him is appropriate, and if the court is a court of summary jurisdiction the reason shall be specified in the warrant of commitment and entered in the register required to be kept under section twenty-two of the Summary Jurisdiction Act, 1879.

(4) His Majesty may by Order in Council prohibit courts of summary jurisdiction from—

(a) sentencing to imprisonment persons under the age of twenty-one years or such lower age as may be specified in the Order;

(b) committing such persons to prison in default of payment of a sum adjudged to be paid by a conviction;

and any such Order may be limited to persons of one of the sexes:

Provided that no Order in Council shall be made under this subsection until the Secretary of State is satisfied that the methods, other than imprisonment, available for the treatment of offenders afford to courts of summary jurisdiction adequate means of dealing with the persons to whom the Order relates.

(5) A draft of any Order in Council under this section shall be laid before Parliament, and the draft shall not be submitted to His Majesty in Council unless each House of Parliament presents an Address to His Majesty praying that the Order be made.

(6) In this section the expression " court " includes a justice of the peace.

18 Detention in a detention centre.

(1) Where a court has power, or would but for the last foregoing section have power, to impose imprisonment on a person who is not less than fourteen but under twenty-one years of age, the court may, if it has been notified by the Secretary of State that a detention centre is available for the reception from that court of persons of his class or description, order him to be detained in a detention centre to be specified in the order for a term of three months:

Provided that—

(a) if the maximum term of imprisonment which the court might, or might but for the last foregoing section, impose is less than three months, the term for which he is ordered to be detained as aforesaid shall (except as provided by paragraph (c) of this proviso) be a term equal to that maximum term of imprisonment;

(b) if the maximum term of imprisonment aforesaid exceeds three months and the court is of opinion, having regard to any special circumstances, that a term of three months' detention would be insufficient, the term for which he is ordered to be detained as aforesaid shall be any term not exceeding six months or the maximum term of imprisonment aforesaid, whichever is the shorter; and

(c) if the offender is of compulsory school age and the court is of opinion that a term of detention of three months, or equal to the maximum term of imprisonment aforesaid, would be excessive, the term for which he is ordered to be detained as aforesaid may be any term of not less than one month and not more than three months or the maximum term of imprisonment aforesaid.

(2) A court shall not order a person to be detained in a detention centre—

(a) if he has been previously sentenced to imprisonment or Borstal training;

(b) if he is not less than seventeen years of age, and has previously been ordered to be so detained since attaining that age;

and shall not order any other person to be so detained unless the court has considered every other method (except imprisonment) by which the court might deal with him and is of opinion that none of those methods is appropriate.

(3) Where a person has been ordered to be detained in a detention centre in default of the payment of any sum of money then, on the payment of the whole or part of that sum, he shall be discharged, or, as the case may be, the term of his detention shall be reduced, in the same manner as if the term were a term of imprisonment.

(4) A court shall not make an order that an offender who is not less than fourteen years of age be committed to custody in a remand home under section fifty-four of the Children and Young Persons Act, 1933, if it has been notified by the Secretary of State that a detention centre is available for the reception from that court of persons of his class or description.

(5) In this section the expression " court " includes a justice of the peace, and the expression " compulsory school age " has the meaning assigned to it by section thirty-five of the Education Act, 1944:

Provided that section eight of the Education Act, 1946 (which provides that a person who attains a particular age during a school term shall be deemed not to have attained that age until the end of the term) shall not apply.

19 Attendance at an attendance centre.

(1) Where a court of summary jurisdiction has power, or would but for section seventeen of this Act have power, to impose imprisonment on a person who is not less than twelve but under twenty-one years of age, or to deal with any such person under section six of this Act for failure to comply with any of the requirements of a probation order, the court may, if it has been notified by the Secretary of State that an attendance centre is available for the reception from that court of persons of his class or description, order him to attend at such a centre, to be specified in the order, for such number of hours, not exceeding twelve in the aggregate, as may be so specified:

Provided that no such order shall be made in the case of a person who has been previously sentenced to imprisonment, Borstal training or detention in a detention centre, or has been ordered to be sent to an approved school.

(2) The times at which an offender is required to attend at an attendance centre by virtue of an order made under this section shall be such as to avoid interference, so far as practicable, with his school hours or working hours, and the first such time shall be specified in the order (being a time at which the centre is available for the attendance of the offender in accordance with the notification of the Secretary of State) and the subsequent times shall be fixed by the officer in charge of the centre, having regard to the offender's circumstances:

Provided that an offender shall not be required under this section to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.

(3) The court by which an order has been made under subsection (1) of this section, or any justice acting for the petty sessional division or place for which that court acts, may, on the application of the offender or of the officer in charge of the attendance centre specified in the order—

(a) by order discharge the order; or

(b) by order vary the day or hour specified therein for the offender's first attendance at the centre;

and where the application is made by the said officer, the court or justice may deal with it without summoning the offender.

(4) Where an order is made under subsection (1) or subsection (3) of this section, the clerk to the justices shall deliver or send a copy of the order to the officer in charge of the attendance centre specified therein, and shall also deliver a copy to the offender or send a copy by registered post addressed to the offender's last or usual place of abode.

(5) Where a person has been ordered to attend at an attendance centre in default of the payment of any sum of money then—

(a) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;

(b) on the payment of a part of the said sum as aforesaid, the total number of hours for which the offender is required to attend at the centre shall be reduced proportionately, that is to say by such number of complete hours as bears to the said total number the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the said sum.

(6) Provision may be made by rules under section twenty-nine of the Summary Jurisdiction Act, 1879, as to the application of sums paid under the last foregoing subsection and for determining the persons authorised to receive such payments and the conditions under which such payments may be made.

(7) Where an order under subsection (1) of this section has been made and it appears on information to a justice acting for the petty sessional division or place for which the court which made the order acts that the person in whose case the order was made—

(a) has failed without reasonable excuse to attend at the centre in accordance with the order; or

(b) while attending at the centre has committed a breach of the rules made under section fifty-two of this Act which cannot be adequately dealt with under those rules;

the justice may issue a summons requiring the offender to appear at the place and time specified therein before a court of summary jurisdiction for the petty sessional division

or place for which the justice acts, or may, if the information is in writing and on oath, issue a warrant for his arrest requiring him to be brought before such a court.

(8) If it is proved to the satisfaction of the court before which an offender appears or is brought under the last foregoing subsection that he has failed to attend as aforesaid, or has committed such a breach of rules as aforesaid, that court may revoke the order requiring his attendance at the attendance centre and deal with him in any manner in which he could have been dealt with by the court which made the order if the order had not been made.

20 Borstal training.

(1) Where a person is convicted on indictment of an offence punishable with imprisonment, then if on the day of his conviction he is not less than sixteen but under twenty-one years of age, and the court is satisfied having regard to his character and previous conduct, and to the circumstances of the offence, that it is expedient for his reformation and the prevention of crime that he should undergo a period of training in a Borstal institution, the court may, in lieu of any other sentence, pass a sentence of Borstal training.

(2) A person sentenced to Borstal training shall be detained in a Borstal institution, and after his release therefrom shall be subject to supervision, in accordance with the provisions of the Second Schedule to this Act; subject, however, to the power of the Secretary of State under this Act to commute in certain cases the unexpired part of the term for which a person is liable to be so detained to a term of imprisonment.

(3) Where a person is convicted by a court of summary jurisdiction of an offence punishable on summary conviction with imprisonment, then if on the day of his conviction he is not less than sixteen but under twenty-one years of age, and the court is satisfied of the matters mentioned in subsection (1) of this section, the court may commit him in custody to quarter sessions for sentence in accordance with the following provisions of this section.

(4) An offender so committed as aforesaid shall be committed—

(a) where the court of summary jurisdiction acts for a county other than the County of London or for a borough not having a separate court of quarter sessions, to the appeal committee of the quarter sessions for that county or for the county in which that borough is situated, as the case may be;

(b) in any other case, to the next court of quarter sessions having jurisdiction in the county, borough or place for which the court of summary jurisdiction acts;

and where the offender is so committed to an appeal committee, the clerk to the court of summary jurisdiction shall notify the clerk of the peace, and the clerk of the peace shall give notice to the prosecutor and to the governor of the remand centre or prison to which the offender is committed of the date on which the case will be dealt with by the appeal committee, being the next available sitting of a court consisting of members of that committee.

(5) Where an offender is so committed for sentence as aforesaid, the following provisions shall have effect, that is to say:—

(a) the appeal committee or court of quarter sessions shall inquire into the circumstances of the case and may—

(i) if satisfied of the matters mentioned in subsection (1) of this section, sentence him to Borstal training; or

(ii) in any case, deal with him in any manner in which the court of summary jurisdiction might have dealt with him;

(b) the Poor Prisoners Defence Act, 1930, shall apply as if the offender were committed for trial for an indictable offence, subject to the modifications that in subsection (2) of section one the words " after reading the depositions " and in subsection (2) of section three the words " and the costs of a copy of the depositions " shall be omitted;

(c) the Costs in Criminal Cases Act, 1908, shall apply in relation to the proceedings before the appeal committee or court of quarter sessions as it applies in relation to the prosecution of an indictable offence before a court of quarter sessions;

(d) if the appeal committee or court of quarter sessions passes a sentence of Borstal training, the offender may appeal against the sentence to the Court of Criminal Appeal as if he had been convicted on indictment, and the provisions of the Criminal Appeal Act, 1907, shall apply accordingly.

(6) References to a court of quarter sessions or a court in any enactment as applied by the last foregoing subsection, or in any other enactment relating to persons dealt with by quarter sessions (including any such enactment contained in this Act) shall be construed as including references to an appeal committee of quarter sessions by whom an offender is dealt with under that subsection.

(7) Before a sentence of Borstal training is passed under this section, and before a person is committed for sentence under subsection (3) of this section, the court or committee shall consider any report or representations made by or on behalf of the Prison Commissioners on the offender's physical and mental condition and his suitability for the sentence; and if the court is a court of summary jurisdiction and has not received such a report or representations it shall after conviction remand the offender in custody for such a period or periods, not exceeding three weeks in the case of any single period, as the court thinks necessary to enable the report or representations to be made.

(8) A copy of any report or representations in writing made to a court or appeal committee by the Prison Commissioners for the purposes of the last foregoing subsection shall be given .by the court or committee to the offender or his counsel or solicitor.

Powers relating to persistent offenders.

21 Corrective training and preventive detention.

(1) Where a person who is not less than twenty-one years of age—

(a) is convicted on indictment of an offence punishable with imprisonment for a term of two years or more; and

(b) has been convicted on at least two previous occasions since he attained the age of seventeen of offences punishable on indictment with such a sentence,

then, if the court is satisfied that it is expedient with a view to his reformation and the prevention of crime that he should receive training of a corrective character for a substantial time, followed by a period of supervision if released before the expiration of his sentence, the court may pass, in lieu of any other sentence, a sentence of corrective training for such term of not less than two nor more than four years as the court may determine.

(2) Where a person who is not less than thirty years of age—

(a) is convicted on indictment of an offence punishable with imprisonment for a term of two years or more; and

(b) has been convicted on indictment on at least three previous occasions since he attained the age of seventeen of offences punishable on indictment with such a sentence, and was on at least two of those occasions sentenced to Borstal training, imprisonment or corrective training;

then, if the court is satisfied that it is expedient for the protection of the public that he should be detained in custody for a substantial time, followed by a period of supervision if released before the expiration of his sentence, the court may pass, in lieu of any other sentence, a sentence of preventive detention for such term of not less than five nor more than fourteen years as the court may determine.

(3) A person sentenced to corrective training or preventive detention shall be detained in a prison for the term of his sentence subject to his release on licence in accordance with the provisions of the Third Schedule to this Act, and while so detained shall be treated in such manner as may be prescribed by rules made under section fifty-two of this Act.

(4) Before sentencing any offender to corrective training or preventive detention, the court shall consider any report or representations which may be made to the court by or on behalf of the Prison Commissioners on the offender's physical and mental condition and his suitability for such a sentence.

(5) A copy of any report or representations in writing made to the court by the Prison Commissioners for the purposes of the last foregoing subsection shall be given by the court to the offender or his counsel or solicitor.

(6) For the purposes of paragraph (b) of subsection (2) of this section, a person who has been convicted by a court of summary jurisdiction of an indictable offence and sentenced for that offence by a court of quarter sessions, or on appeal frofh such a court, to Borstal training, imprisonment or corrective training shall be treated as if he had been convicted of that offence on indictment.

22 Power to order certain discharged prisoners to notify address.

(1) Where a person is convicted on indictment of an offence punishable with imprisonment for a term of two years or more and that person—

(a) has been convicted on at least two previous occasions of offences for which he was sentenced to Borstal training or imprisonment; or

(b) has been previously convicted of an offence for which he was sentenced to corrective training,

the court, if it sentences him to a term of imprisonment of twelve months or more, shall, unless having regard to the circumstances, including the character of the offender, it otherwise determines, order that he shall for a period of twelve months from his next discharge from prison be subject to the provisions of this section.

(2) Where any such order as aforesaid has been made—

(a) the offender shall, on his next discharge from prison and thereafter from time to time, inform the appointed society of his address in accordance with such instructions as may be given to him by or on behalf of the society;

(b) if the offender fails to comply to the satisfaction of the appointed society with the aforesaid requirement to notify his address on his discharge, the society shall, and if he subsequently fails to keep the society informed of his address to their satisfaction, the society may, give notice by registered post of the

failure to the Commissioner of Police of the Metropolis, and shall use their best endeavours to inform the offender that the notice has been given;

and as from the date on which any such notice has been given as aforesaid, the provisions of the Fourth Schedule to this Act shall apply to the offender.

(3) It shall be the duty of the governor of a prison on the discharge from prison of an offender against whom an order has been made under this section to serve upon him a notice stating the effect of the order.

(4) The Secretary of State may by a direction in writing relieve an offender against whom an order has been made under this section of any requirement of this section or of the Fourth Schedule to this Act; and any such direction may be made conditional upon the observance of such requirements as may be specified therein; and the Secretary of State may, if he is satisfied that any requirement so imposed has been contravened, cancel the direction.

(5) In this section the expression " the appointed society " means a society appointed by the Prison Commissioners for the purposes of this section, being a society approved by the Secretary of State; and the Prison Commissioners may appoint a society either to act in all cases or to act in such cases or classes of cases as they may direct.

23 Proof of previous convictions etc. for purposes of ss. 21 and 22.

(1) For the purpose of determining whether an offender is liable to be sentenced to corrective training or preventive detention or to be ordered to be subject to the provisions of the last foregoing section, no account shall be taken of any previous conviction or sentence unless notice has been given to the offender and to the proper officer of the court at least three days before the trial that it is intended to prove the conviction or sentence; and unless any such previous conviction or sentence is admitted by the offender the question shall be determined by the verdict of a jury.

(2) For the purposes of this section, evidence that a person has previously been sentenced to corrective training or preventive detention shall be evidence of the convictions and sentences which rendered him liable to that sentence.

Reception orders.

24 Power to make reception order.

(1) Where a person is charged before a court of summary jurisdiction with any act or omission as an offence punishable on summary conviction with imprisonment, and the court—

(a) is satisfied that the person did the act or made the omission charged; and

(b) is satisfied on the evidence of at least two duly qualified medical practitioners that the person is of unsound mind; and

(c) is also satisfied that he is a proper person to be detained,

the court may, in lieu of dealing with him in any other manner, by order direct him to be received and detained in such institution for persons of unsound mind as may be named in the order, and may further direct the duly authorised officer of the local health authority in whose area the court is situated, or any constable, to convey the person of unsound mind forthwith to that institution; and the provisions of the Lunacy and Mental Treatment Acts, 1890 to 1930, shall have effect as if an order made under

this section were a summary reception order made under section sixteen of the Lunacy Act, 1890.

(2) The court by which an order is made under this section shall send to the institution named in the order such information in the possession of the court as it considers likely to be of assistance in dealing with the person to whom the order relates.

(3) The Costs in Criminal Cases Act, 1908, shall apply in relation to any duly qualified medical practitioner who gives evidence for the purposes of this section notwithstanding that the proceedings in which the evidence is given are not proceedings to which section one of that Act applies.

Adjournment, remand etc.

25 Power of courts of summary jurisdiction to adjourn a case after conviction and before sentence.

(1) It is hereby declared that the powers of a court of summary jurisdiction under section sixteen of the Summary Jurisdiction Act, 1848, to adjourn the hearing of a case includes power, after a person has been convicted and before he has been sentenced or otherwise dealt with, to adjourn the case for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with his case:

Provided that a court of summary jurisdiction shall not for the purpose aforesaid adjourn the hearing of a case under the said section sixteen for any single period exceeding three weeks.

(2) Where a person has been convicted of an offence by a court of summary jurisdiction and the case has been adjourned in pursuance of the said section sixteen or any other enactment relating to remand, he may be sentenced or otherwise dealt with for that offence by any court of summary jurisdiction acting for the same petty sessional division or place as the court by which he was convicted; and, in relation to any case required to be heard and determined by a court of summary jurisdiction consisting of two or more justices, the provisions of this section shall have effect notwithstanding anything in the proviso to section twenty-nine of the Summary Jurisdiction Act, 1848:

Provided that if the court by which a person is sentenced or otherwise dealt with does not wholly consist of the same justices as the court by which he was convicted, the court shall, inquire into the circumstances of the case before sentencing or otherwise dealing with him.

26 Remand for inquiry into physical or mental condition.

(1) Without prejudice to any powers exercisable by a court under the last foregoing section, where a person is charged before a court of summary jurisdiction with an offence punishable on summary conviction with imprisonment, and the court is satisfied that the offence has been committed by that person but is of opinion that an inquiry ought to be made into his physical or mental condition before the method of dealing with him is determined, the court shall remand him in custody or on bail (with or without sureties) for such period or periods, no single period exceeding three weeks, as the court thinks necessary to enable a medical examination and report to be made.

(2) Where a person is remanded on bail under this section, it shall be a condition of the recognizance that he shall undergo medical examination by a duly qualified medical

practitioner at such institution or place as may be specified in the recognizance or by such duly qualified medical practitioner as may be so specified; and, if arrangements have been made for his reception, it may be a condition of the recognizance that the person shall, for the purpose of the examination, reside, for such period as may be specified in the recognizance, in an institution or place so specified, not being an institution or place to which he could have been committed.

(3) Where a person charged before a court of summary jurisdiction with an indictable offence is admitted to bail on his entering into a recognizance with or without sureties conditioned for his appearance at a court of assize or quarter sessions, and the court is of opinion that an inquiry ought to be made as aforesaid, it may be made a further condition of the recognizance, but subject to the condition for his appearance, that he shall undergo medical examination or shall reside as aforesaid.

(4) On exercising the powers conferred by Ibis action: the court shall—

(a) where the person is remanded in custody, send to the institution or place to which he is committed; and

(b) where the person is released on bail, send to the institution or place at which or the person by whom he is to be examined,

a statement of the reasons for which the court is of opinion that an inquiry ought to be made into his physical or mental condition, and of any information before the court about his physical or mental condition.

(5) The Costs in Criminal Cases Act, 1908, shall apply in relation to any duly qualified medical practitioner who makes a report otherwise than in writing for the purposes of this section as it applies to a person called to give evidence and shall so apply notwithstanding that the proceedings for the purposes of which the report is made are not proceedings to which section one of that Act applies.

(6) Notwithstanding anything in the Lunacy and Mental Treatment Acts, 1890 to 1930, or the Mental Deficiency Acts, 1913 to 1938, a person who has been remanded on bail under this section may be received, for the purpose of medical examination, in an institution within the meaning of the Mental Treatment Act, 1930, or in an institution for defectives or certified house within the meaning of the Mental Deficiency Acts, 1913 to 1938:

Provided that a person received under this section in a licensed house or registered hospital shall, for the purposes of any provisions of the Lunacy Act, 1890, relating to the number of patients who may be so received, be reckoned as a patient.

27 Remand and committal of persons under 21.

(1) Where a court remands or commits for trial or for sentence a person under twenty-one years of age who is charged with or convicted of an offence and is not released on bail, then, except as otherwise expressly provided by this section, the following provisions shall have effect, that is to say—

(a) if he is under fourteen years of age, he shall be committed to a remand home;

(b) if he is not less than fourteen but under seventeen years of age, he shall be committed to a remand home unless the court certifies that he is of so unruly a character that he cannot safely be detained in a remand home or of so depraved a character that he is not fit to be so detained;

(c) , if he is not less than seventeen years of age, or if the court certifies as mentioned in the last foregoing paragraph, and the court has been notified by

the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, he shall be committed to a remand centre,

instead of being committed to a prison.

(2) Subject as hereinafter provided, where a person is committed or remanded in custody by a court of summary jurisdiction under section twenty of this Act with a view to a sentence of Borstal training he shall be committed—

(a) if the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, to a remand centre; and

(b) if the court has not been so notified, to a prison:

Provided that if, being under seventeen years of age, he is remanded under subsection (7) of the said section twenty for a report or representations of the Prison Commissioners, and the court has not been notified as aforesaid, he shall be committed to a remand home unless the court certifies that he is of so unruly a character that he cannot safely be detained in a remand home or of so depraved a character that he is not fit to be so detained.

(3) Where a person being not less than fourteen but under seventeen years of age is remanded in custody under section twenty-six of this Act for an inquiry into his physical or mental condition, and the court is satisfied that facilities for such an inquiry during his detention in the remand home to which he would, but for this subsection, have been committed are not provided or otherwise made available under this Act, then if the court has been notified that a remand centre is available for the reception from that court of persons of his class or description, he shall be committed to a remand centre.

(4) Where any person is committed to a remand home or a remand centre under any provision of this Act, the home or centre shall be specified in the warrant and he shall there be detained for the period for which he is remanded or until he is thence delivered in due course of law.

(5) Where any person has been committed to a remand home under any provision of this Act, the court by which he was committed, or, if application cannot conveniently be made to that court, any court of summary jurisdiction having jurisdiction in the place where that court sat, may vary the commitment by substituting another remand home for that remand home; and if the person so committed is not less than fourteen years of age and it appears to the court that he is of so unruly a character that he cannot safely be detained in a remand home, or to be of so depraved a character that he is not fit to be so detained, the court may revoke the commitment and commit the said person—

(a) if the court has been notified that a remand centre is available for the reception from that court of persons of his class or description, to a remand centre; and

(b) if the court has not been so notified, to a prison.

(6) In this section the expression " court " includes a justice of the peace.

Offences punishable on summary conviction or on indictment.

28 Procedure in respect of offences punishable on summary conviction or on indictment.

(1) Subject to the provisions of this section, where a person who is not less than fourteen years of age is charged before a court of summary jurisdiction with an offence which, by virtue of any enactment, is punishable either on summary conviction or on conviction on indictment, then if application in that behalf is made by the prosecutor before the charge has been entered upon, the court may then determine to try the case summarily; but if the court does not so determine it shall proceed to hear the case as if the offence were punishable on conviction on indictment only.

(2) Where the court has begun, in accordance with the last foregoing subsection, to hear a case as if the offence were punishable on conviction on indictment only, then if at any time during the hearing it appears to the court, having regard to any representations made in the presence of the accused by or on behalf of the prosecutor, or made by or on behalf of the accused, and to the nature of the case, that it is proper to do so, the court may then determine (subject to the following provisions of this section) to try the case summarily:

Provided that where the prosecution is being carried on by the Director of Public Prosecutions, the court shall not try the case summarily under this subsection without the consent of the Director.

(3) Where the court proposes to try a case summarily under the last foregoing subsection, the court shall cause the charge to be reduced to writing and read to the accused, and call on him to plead thereto; and unless he pleads guilty the court shall recall for cross-examination any witnesses who have given evidence (except any not required by the accused or by the prosecutor, as the case may be, to be recalled for that purpose), but subject as aforesaid any such evidence shall be deemed to have been given in and for the purposes of the summary trial of the offence.

(4) Where the court proposes to try a case summarily under subsection (1) or subsection (2) of this section and the accused is entitled, under section seventeen of the Summary Jurisdiction Act, 1879, to claim to be tried by a jury, the court shall, after the charge has been read to the accused, address him in the manner required by that section as amended by this Act; and if he then claims to be so tried, the court shall not deal with the case summarily, but shall proceed therewith in the manner required by the said section seventeen.

(5) For the avoidance of doubt it is hereby declared that this section does not apply—

(a) to any offence which is indictable by virtue only of section seventeen of the Summary Jurisdiction Act, 1879; or

(b) to any offence which is triable summarily only with the consent of the accused under section eleven of that Act or section twenty-four of the Criminal Justice Act, 1925;

and nothing in this section shall be construed as affecting any other enactment by virtue of which the consent of any person is required for the summary trial of an indictable offence, or the accused is entitled to object to be tried summarily in respect of such an offence, or as authorising a court to deal summarily with any offence unless the proceedings were commenced within the period prescribed in that behalf by section eleven of the Summary Jurisdiction Act, 1848, or by any other enactment applicable to the offence in question.

(6) Where, under subsection (.1) of this section, a court of summary jurisdiction has begun to deal summarily with an offence which is punishable on conviction on indictment, the court may, at any time before the conclusion of the case for the prosecution, discontinue the summary trial and proceed to hear the charge as for an indictable offence; but except as aforesaid a court, having begun to deal summarily with such an offence, whether under this section or under any other enactment, shall not thereafter proceed to hear the charge as for an indictable offence.

29 Committal for sentence in respect of indictable offences tried summarily.

(1) Where, under subsection (2) of section twenty-eight of this Act or section twenty-four of the Criminal Justice Act, 1925, a person who is not less than seventeen years of age is tried summarily by a court of summary jurisdiction for an indictable offence, and is convicted by that court of that offence, then if, on obtaining information as to his character and antecedents, the court is of opinion that they are such that greater punishment should be inflicted in respect of the offence than that court has power to inflict, the court may, in lieu of dealing with him in any manner in which the court has power to deal with him, commit him in custody to quarter sessions for sentence in accordance with the following provisions of this section.

(2) An offender so committed as aforesaid shall be committed—

(a) where the court of summary jurisdiction acts for a county other than the County of London or for a borough not having a separate court of quarter sessions, to the appeal committee of the quarter sessions for that county or for the county in which that borough is situated, as the case may be;

(b) in any other case, to the next court of quarter sessions having jurisdiction in the county, borough or place for which the court of summary jurisdiction acts;

and where the offender is so committed to an appeal committee, the clerk to the court of summary jurisdiction shall notify the clerk of the peace, and the clerk of the peace shall give notice to the prosecutor and to the governor of the prison or remand centre to which the offender is committed of the date on which the case will be dealt with by the appeal committee, being the next available sitting of a court consisting of members of that committee.

(3) Where an offender is so committed for sentence as aforesaid, the following provisions shall have effect, that is to say:—

(a) the appeal committee or court of quarter sessions shall inquire into the circumstances of the case, and shall have power to deal with the offender in any manner in which he could be dealt with by a court of quarter sessions before which he had just been convicted of the offence on indictment;

(b) the Poor Prisoners Defence Act, 1930, shall apply as if the offender were committed for trial for an indictable offence, subject to the modifications that in subsection (2) of section one the words " after reading the depositions," and in subsection (2) of section three the words " and the costs of a copy of the depositions " shall be omitted;

(c) the Costs in Criminal Cases Act, 1908, shall apply in relation to the proceedings before the appeal committee or court of quarter sessions as it applies in relation to the prosecution of an offence before a court of quarter sessions; and

(d) if the appeal committee or court of quarter sessions passes a sentence which the court of summary jurisdiction would not have had power to pass, the

offender may appeal against the sentence to the Court of Criminal Appeal as if he had been convicted on indictment; and the provisions of the Criminal Appeal Act, 1907, shall apply accordingly.

(4) References to a court of quarter sessions or a court in any enactment as applied by the last foregoing subsection or in any other enactment relating to persons dealt with by quarter sessions (including any such enactment contained in this Act) shall be construed as including references to an appeal committee of quarter sessions by whom an offender is dealt with under that subsection.

(5) In relation to an offender committed for sentence under this section, subsection (1) of section twenty-three of this Act shall have effect as if for the words " by the verdict of a jury," there were substituted the words " by the appeal committee or the court of quarter sessions, as the case may be, and not by the verdict of a jury. "

Miscellaneous provisions relating to procedure, appeals, evidence, etc.

30 Abolition of privilege of peerage in criminal proceedings.

(1) Privilege of peerage in relation to criminal proceedings is hereby abolished.

(2) In any criminal proceedings the jurisdiction to be had and the procedure to be followed, the punishments which may be inflicted, the orders which may be made, and the appeals which may be brought shall, whatever the offence and where-ever the trial is to take place, be the same in the case of persons who would but for this section be entitled to privilege of peerage as in the case of any other of His Majesty's subjects.

31 Jurisdiction and procedure in respect of certain indictable offences committed in foreign countries.

(1) Any British subject employed under His Majesty's Government in the United Kingdom in the service of the Crown who commits, in a foreign country, when acting or purporting to act in the course of his employment, any offence which, if committed in England, would be punishable on indictment, shall be guilty of an offence of the same nature, and subject to the same punishment, as if the offence had been committed in England.

(2) A person may be proceeded against, indicted, tried and punished for an offence under this section in any county or place in England in which he is apprehended or is in custody as if the offence had been committed in that county or place; and the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in that county or place.

(3) Subsection (4) of section one of the Administration of Justice (Miscellaneous Provisions) Act, 1933 (which continues the procedure by way of indictment preferred before a grand jury of the County of London and County of Middlesex in the case of indictments under the enactments specified in the First Schedule to that Act) shall cease to have effect; and subsection (2) of this section shall apply to any offence in respect of which a bill of indictment could, but for this subsection, have been so preferred as it applies to an offence under this section.

32 Issue of single summons on more than one information.

(1) Where two or more informations are laid under the Summary Jurisdiction Acts against the same person or persons, a single summons may be issued under these Acts against that person or each of those persons in respect of all the informations:

Provided that the matter of each information shall be separately stated in the summons.

(2) Any such summons as aforesaid shall be treated for the purpose of the Summary Jurisdiction Acts as if it were a separate summons in respect of each information.

(3) The foregoing provisions of this section shall apply to complaints as they apply to informations.

33 Supply of copies of informations to persons committed for trial.

Where any person is entitled to copies of depositions taken under the Indictable Offences Act, 1848, he shall be entitled also to copies of the written information (if any) required by section twenty of that Act to be transmitted with the depositions; and any enactment relating to the furnishing of copies of depositions shall accordingly apply to any such information as it applies to depositions.

34 Amendment of Summary Jurisdiction (Appeals) Act, 1933.

For paragraph (a) of subsection (3) of section seven of the Summary Jurisdiction (Appeals) Act, 1933, (which regulates the appointment of appeal committees of quarter sessions) there shall be substituted the following paragraph:—

"(a) in appointing members of the committee, quarter sessions shall, so far as practicable, select justices having special qualifications for the hearing of appeals, including justices specially qualified for dealing with juvenile cases."

35 Challenge of jurors and separation of juries.

(1) A person arraigned on an indictment for any felony or misdemeanour may challenge not more than seven jurors without cause and any juror or jurors for cause.

(2) Upon the trial of any person for an offence on indictment, any challenge to jurors for cause shall be tried by the judge, chairman of quarter sessions, recorder or other person before whom the accused is to be tried.

(3) Upon the trial of any person on indictment for felony or misdemeanour, the whole or any two or more of the jury may be sworn together:

Provided that an opportunity to challenge each of them separately shall be furnished to the prosecutor and the accused before the oath is administered.

(4) Upon the trial of any person for an offence on indictment the court may, if it thinks fit, at any time before the jury consider their verdict, permit them to separate.

36 Appeals from courts of summary jurisdiction to quarter sessions.

(1) A person convicted by a court of summary jurisdiction shall have a right of appeal—

(a) if he pleaded guilty or admitted the truth of the information, against his sentence;

(b) in any other case, against the conviction or sentence,

to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts; and a person sentenced by a court of summary jurisdiction in respect of an offence of which he was convicted by another court of summary jurisdiction shall have a like right of appeal against his sentence.

(2) For the purpose of the last foregoing subsection, the expression " sentence " includes any order made on conviction by a court of summary jurisdiction, not being—

(a) a probation order or an order for conditional discharge ;

(b) an order for the payment of costs;

(c) an order under section two of the Protection of Animals Act, 1911 (which enables the court to order the destruction of an animal) ;

(d) an order made in pursuance of any enactment under which the court has no discretion as to the making of the order or the terms thereof.

(3) Where a court of summary jurisdiction has adjourned a case after conviction, the day on which the court sentences or otherwise deals with the offender shall, for the purposes of section thirty-one of the Summary Jurisdiction Act, 1879, be deemed to be the day on which the decision of the court is given.

(4) Where it appears to a court of quarter sessions, on application made in accordance with the following provisions of this section, that any person desiring to appeal to that court in accordance with section thirty-one of the Summary Jurisdiction Act, 1879, has failed to give the notice of appeal required by paragraph (ii) of subsection (1) of that section within the period of fourteen days prescribed by that paragraph, the court may, if it thinks fit, direct that any such notice of appeal previously given by the applicant after the expiration of the said period, or any such notice to be given by him within such further time as may be specified in the direction, shall be treated as if given within the said period.

(5) An application for a direction under the last foregoing subsection shall be made in writing and shall be sent by the applicant to the clerk of the peace; and where any such direction is given by the court, the clerk of the peace shall give notice thereof to the applicant and to the clerk to the court of summary jurisdiction against whose decision the appeal is to be brought, and the applicant shall give notice thereof to the other party to the proceedings.

(6) The powers of a court of quarter sessions under subsection (4) of this section shall be exercised—

(a) in the case of quarter sessions for a county other than the County of London, by the chairman or a deputy chairman of the appeal committee of the quarter sessions;

(b) in the case of quarter sessions for a borough, by the recorder or any deputy recorder ;

(c) in the case of quarter sessions for the County of London, by the paid chairman or a paid deputy chairman of quarter sessions (including any person appointed under section two of the Quarter Sessions (London) Act, 1896, or under section fifty-four of the London County Council (General Powers) Act, 1947, to act temporarily in the office of paid chairman or deputy chairman, or as an additional deputy chairman) ;

and may be exercised either within or outside the county or borough for which the quarter sessions are held.

(7) Paragraph (iii) of subsection (1) of section thirty-one of the Summary Jurisdiction Act, 1879 (which requires an appellant to quarter sessions from a decision of a court of summary jurisdiction to enter into recognizances conditioned to prosecute his appeal with diligence) shall cease to have effect.

(8) The powers of a court of summary jurisdiction under paragraph (iv) of the said subsection (1) (which relates to the grant of bail to an appellant to quarter sessions from a decision of a court of summary jurisdiction) may be exercised by any justice acting for the petty sessional division or place for which that court acts.

37 Bail on appeal, case stated or application for certiorari.

(1) Without prejudice to the powers vested before the commencement of this Act in any court to admit or direct the admission of a person to bail—

(a) the High Court may release from custody a person who has given notice of appeal to a court of quarter sessions against a conviction or sentence of a court of summary jurisdiction, on his entering into a recognizance conditioned for his appearance at the hearing of the appeal;

(b) the High Court or a court of quarter sessions may release from custody a person who, having appealed to the court of quarter sessions against such a conviction or sentence as aforesaid, has applied to that court under section twenty of the Criminal Justice Act, 1925, to have a case stated for the opinion of the High Court on the point of law, on his entering into a recognizance conditioned for his appearance (unless the judgment of the High Court otherwise directs) at the sessions at which, under section twenty-five of the Supreme Court of Judicature (Consolidation) Act, 1925, that judgment is entered, or the appeal to quarter sessions is entered for re-hearing, as the case may be;

(c) the High Court may release from custody a person who, having been convicted or sentenced by a court of summary jurisdiction, has applied to the ' court of summary jurisdiction for the statement of a case for the opinion of the High Court on a point of law, on his entering into a recognizance conditioned for his appearance, within ten days after the judgment of the High Court shall have been given, before a court of summary jurisdiction acting for the same petty sessional division or place as the court which convicted or sentenced that person, unless the determination in respect of which the case is stated is reversed by that judgment;

(d) the High Court may release from custody a person who has been convicted or sentenced by a court of summary jurisdiction and has applied to the High Court for an order of certiorari to remove the proceedings of the court of summary jurisdiction into the High Court, or has applied to the High Court for leave to make such application, on his entering into a recognizance conditioned for his appearance, within ten days after the judgment of the High Court shall have been given, before a court of summary jurisdiction acting for the same petty sessional division or place as the court which convicted or sentenced that person, unless the conviction or sentence is quashed by that judgment.

(2) A recognizance entered into for the purposes of the last foregoing subsection shall be in such reasonable sum as the court thinks necessary to fix, and the court may

require the recognizance to be entered into with or without sureties and may, in lieu of requiring a person to enter into a recognizance, consent to his giving other security.

(3) The High Court may, in exercising any power conferred on it by this section to release a person from custody, direct that a recognizance shall be entered into or other security given before a court of quarter sessions or a court of summary jurisdiction or a justice of the peace.

(4) Rules of court may be made under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925.—

(a) for prescribing the manner in which a recognizance shall be entered into or other security given for the purposes of this section and the persons by whom and the manner in which any such recognizance or security as aforesaid may be enforced;

(b) for authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody under this section ;

and the powers conferred by this subsection shall be in addition to the powers conferred by the said section ninety-nine.

(5) The power conferred by paragraph (b) of subsection (1) of this section on a court of quarter sessions may be exercised—

(a) in the case of quarter sessions for a county other than the County of London, by the chairman or a deputy chairman of the appeal committee of the quarter sessions;

(b) in the case of quarter sessions for a borough, by the recorder or any deputy recorder;

(c) in the case of quarter sessions for the County of London, by the paid chairman or a paid deputy chairman of quarter sessions (including any person appointed under section two of the Quarter Sessions (London) Act, 1896, or under section fifty-four of the London County Council (General Powers) Act, 1947, to act temporarily in the office of paid chairman or deputy chairman or as an additional deputy chairman);

and may be exercised either within or outside the county or borough for which the quarter sessions are held.

(6) The time during which a person is admitted to bail under paragraph (b), (c) or (d) of subsection (1) of this section shall not count as part of any term of imprisonment under his sentence; and any sentence of imprisonment imposed by a court of summary jurisdiction, or, on appeal, by a court of quarter sessions, after the imposition of which a person is so admitted to bail, shall be deemed to begin to run or to be resumed as from the day on which he is received in prison under the sentence; and for the purposes of this subsection the expression " prison " shall be deemed to include a detention centre and remand home and the expression " imprisonment " shall be construed accordingly.

38 Amendment of Criminal Appeal Act, 1907.

(1) Where an appellant within the meaning of the Criminal Appeal Act, 1907, is admitted to bail under that Act, the time during which he is at large after being so admitted shall be disregarded in computing the term of any sentence to which he is for the time being subject.

(2) Subject as hereinafter provided, six weeks of the time during which any such appellant, when in custody, is specially treated as such in pursuance of rules made under section fifty-two of this Act, or the whole of that time if it is less than six weeks, shall be disregarded in computing the term of any such sentence as aforesaid:

Provided that—

(a) the foregoing provisions of this subsection shall not apply where leave to appeal is granted under the Criminal Appeal Act, 1907, or any such certificate as is mentioned in paragraph (b) of section three of that Act has been given for the purposes of the appeal; and

(b) in any other case, the Court of Criminal Appeal may direct that no part of the said time, or such part thereof as the court thinks fit (whether shorter or longer than six weeks) shall be disregarded as aforesaid.'

(3) Subject to the foregoing provisions of this section, the term of any sentence passed by the Court of Criminal Appeal under the Criminal Appeal Act, 1907, in substitution for a sentence passed on the appellant in the proceedings from which the appeal is brought shall, unless the court otherwise directs, begin to run from the time when it would have begun to run if passed in those proceedings, and references in this section to any sentence to which an appellant is for the time being subject shall be construed accordingly.

(4) In relation to a person sentenced to Borstal training, any reference in this section to the term of that sentence shall be construed as a reference to the periods during which, under the Second Schedule to this Act, he may be detained in a Borstal institution; and nothing in this section shall be construed as affecting any period during which a person so sentenced is liable to supervision under the said Second Schedule.

(5) The Court of Criminal Appeal may, when they dismiss an appeal or application for leave to appeal, order the appellant or applicant as the case may be to pay the whole or any part of the costs of the appeal or application, including the cost of any transcript of the shorthand notes of the proceedings at the trial made in accordance with a direction given by the registrar under section sixteen of the Criminal Appeal Act, 1907; and any order under this subsection may be enforced by the person to whom the costs are ordered to be paid in the same manner as an order for the payment of costs made by the High Court in civil proceedings.

(6) The power of the Secretary of State under section nineteen of the Criminal Appeal Act, 1907, to refer the case, or any point arising on the case, of a person convicted on indictment to the Court of Criminal Appeal shall be exercisable whether or not that person has petitioned for the exercise of His Majesty's mercy.

39 Proof of previous convictions by finger-prints.

(1) A previous conviction may be proved against any person in any criminal proceedings by the production of such evidence of the conviction as is mentioned in this section, and by showing that his finger-prints and those of the person convicted are the finger-prints of the same person.

(2) A certificate purporting to be signed by or on behalf of the Commissioner of Police of the Metropolis, containing particulars relating to a conviction extracted from the criminal records kept by him, and certifying that the copies of the finger-prints exhibited to the certificate are copies of the finger-prints appearing from the said records to have been taken in pursuance of section eight of the Penal Servitude Act,

1891, from the person convicted on the occasion of the conviction, shall be evidence of the conviction and evidence that the copies of the finger-prints exhibited to the certificate are copies of the finger-prints of the person convicted.

(3) A certificate purporting to be signed by or on behalf of the governor of a prison or remand centre in which any person has been detained in connection with any criminal proceedings, certifying that the finger-prints exhibited thereto were taken from him while he was so detained, shall be evidence in those proceedings that the finger-prints exhibited to the certificate are the finger-prints of that person.

(4) A certificate, purporting to be signed by or on behalf of the Commissioner of Police of the Metropolis, and certifying that the finger-prints, copies of which are certified as aforesaid by or on behalf of the Commissioner to be copies of the finger-prints of a person previously convicted and the finger-prints certified by or on behalf of the governor as aforesaid, or otherwise shown, to be the finger-prints of the person against whom the previous conviction is sought to be proved are the finger-prints of the same person shall be evidence of the matter so certified.

(5) The method of proving a previous conviction authorised by this section shall be in addition to any other method of proving the conviction.

40 Taking of finger-prints by order of justices.

(1) Where any person not less than fourteen years of age who has been taken into custody is charged with an offence before a court of summary jurisdiction, the court may, if it thinks fit, on the application of an officer of police not below the rank of inspector, order that the finger-prints of that person shall be taken by a constable.

(2) Finger-prints taken in pursuance of an order made under this section shall be taken either at the court or if the person to whom the order relates is remanded in custody, at any place to which he is committed; and a constable may use such reasonable force as may be necessary for that purpose.

(3) The provisions of this section shall be in addition to the provisions of any other enactment under which the fingerprints of any person may be taken.

(4) Where the fingerprints of any person have been taken in pursuance of an order made under this section, then if that person is acquitted or discharged under section twenty-five of the Indictable Offences Act, 1848, or if the information against him is dismissed, the fingerprints and all copies and records thereof shall be destroyed.

41 Evidence by certificate.

(1) In any criminal proceedings, a certificate purporting to be signed by a constable, or by a person having the prescribed qualifications, and certifying that a plan or drawing exhibited thereto is a plan or drawing made by him of the place or object specified in the certificate, and that the plan or drawing is correctly drawn to a scale so specified, shall be evidence of the relative position of the things shown on the plan or drawing.

(2) In any proceedings for an offence under the Road Traffic Acts, 1930 to 1947, or under any other enactment relating to the use of vehicles on roads, a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable—

(a) that a particular motor vehicle was being driven by, or belonged to, that person on a particular occasion; or

(b) that a particular motor vehicle belonged on a particular occasion to a firm in which that person also stated that he was at the time of the statement a partner; or

(c) that a particular motor vehicle belonged on a particular occasion to a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven, or to whom it belonged, as the case may be, on that occasion.

(3) In any proceedings for an offence consisting of the stealing of goods in the possession of the British Transport Commission or any Executive (other than the Hotels Executive) constituted under section five of the Transport Act, 1947, or of receiving goods so stolen knowing them to have been stolen, or for an offence under section twelve or eighteen or subsection (2) of section thirty-three of the Larceny Act, 1916, or sections fifty to fifty-six of the Post Office Act, 1908, a statutory declaration made by any person—

(a) that he dispatched or received or failed to receive any goods or postal packet or that any goods or postal packet when dispatched or received by him were in a particular state or condition; or

(b) that a vessel, vehicle or aircraft was at any time employed by or under the Post Office for the transmission of postal packets under contract,

shall be admissible as evidence of the facts stated in the declaration.

(4) Nothing in this section shall be deemed to make a certificate or statutory declaration admissible as evidence in proceedings for an offence except in a case where and to the extent to which oral evidence to the like effect would have been admissible in those proceedings.

(5) Nothing in this section shall be deemed to make a certificate or statutory declaration admissible as evidence in proceedings for any offence—

(a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence; or

(b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves notice in the prescribed form and manner on the prosecutor requiring the attendance at the trial of the person who signed the certificate or the person by whom the declaration was made, as the case may be.

(6) In this section the expression " prescribed " means prescribed by rules made by the Secretary of State.

42 Order of speeches.

(1) Notwithstanding anything in section two of the Criminal Procedure Act, 1865, as amended by section three of the Criminal Evidence Act, 1898, the prosecution shall not be entitled to the right of reply upon the trial of any person on indictment on the ground only that documents have been put in evidence for the defence.

(2) Notwithstanding anything in section two of the Criminal Evidence Act, 1898, or in section fourteen of the Summary Jurisdiction Act,'1848, a person charged with an offence before a court of summary jurisdiction or his counsel or his solicitor shall be entitled to address the court either at the conclusion of the case for the prosecution or

at the conclusion of the evidence, at his discretion; and where oral evidence is given by witnesses for the defence in addition to the evidence of the person charged, the court may allow him or his counsel or solicitor to address the court both at the conclusion of the case for the prosecution and at the conclusion of the evidence, but in that case the prosecutor shall be entitled to the right of reply.

(3) The provisions of the last foregoing subsection shall not apply to proceedings before examining justices.

43 Reports of probation officers.

Where a report by a probation officer is made to any court (other than a juvenile court) with a view to assisting the court in determining the most suitable method of dealing with any person in respect of an offence, a copy of the report shall be given by the court to the offender or his counsel or solicitor:

Provided that if the offender is under seventeen years of age and is not represented by counsel or a solicitor, a copy of the report need not be given to him but shall be given to his parent or guardian if present in court.

44 Payment of costs of defence on acquittal, etc.

(1) If in any such proceedings as are mentioned in section one of the Costs in Criminal Cases Act, 1908, the accused is acquitted or discharged under section twenty-five of the Indictable Offences Act, 1848, or the information is dismissed, the court may, if it thinks fit, direct the payment out of local funds in accordance with the provisions of that Act of such sums as appeal" to the court reasonably sufficient to compensate the accused for the expenses properly incurred by him in carrying on his defence.

(2) Without prejudice to the provisions of subsection (2) of section thirteen of the Criminal Appeal Act, 1907, where an appeal to the Court of Criminal Appeal against a conviction is allowed, the court may, if it thinks fit, direct the payment out of local funds in accordance with the provisions of the Costs in Criminal Cases Act, 1908, of such sums as appear to the court reasonably sufficient to compensate the appellant for any expenses properly incurred in the prosecution of his appeal (including any proceedings preliminary or incidental thereto) or in carrying on his defence.

(3) Where an appeal to the House of Lords brought under subsection (6) of section one of the Criminal Appeal Act, 1907, is determined in favour of the defendant, the House of Lords may, if they think fit, direct the payment out of local funds in accordance with the provisions of the Costs in Criminal Cases Act, 1908, of such sums as appear to them reasonably sufficient to compensate the defendant for any expenses properly incurred by him in the appeal to the House of Lords or in the prosecution of his appeal to the Court of Criminal Appeal or in carrying on his defence.

(4) In relation to a person tried before a court of assize or quarter sessions, references in this section to the carrying on of his defence shall be construed as references to the carrying on of his defence before that court, before the examining justices by whom he was committed for trial, and before any other court of assize or quarter sessions before which proceedings for the offence in respect of which he was committed were begun but not concluded.

(5) The amount of any costs directed to be paid to any person under subsection (1) or subsection (2) of this section shall be ascertained as soon as practicable by the proper

"officer of the court by which the direction is given; and where the direction is given by the Court of Criminal Appeal, the proper officer shall make out and deliver to the said person, or to any person who appears to the proper officer to be acting on behalf of that person, an order on the treasurer of the county or borough out of the funds of which the costs are payable under the Costs in Criminal Cases Act, 1908, for the payment of that amount.

(6) The amount of any costs directed to be paid under subsection (3) of this section shall be ascertained, and an order on the treasurer of the county or borough aforesaid may be made for the payment of any amount so ascertained, by such officer or officers, and in such manner, as may be prescribed by order of the House of Lords.

(7) This section shall be construed as one with the Costs in Criminal Cases Act, 1908, and references in any enactment to costs payable under the Costs in Criminal Cases Act, 1908, shall be construed as including references to costs payable by virtue of the provisions of this section.