



Criminal Justice Act 1967

1967 CHAPTER 80

PART I

CRIMINAL PROCEDURE, ETC.

Committal proceedings

1 Committal for trial without consideration of the evidence.

- (1) A magistrates' court inquiring into an offence as examining justices may, if satisfied that all the evidence before the court (whether for the prosecution or the defence) consists of written statements tendered to the court under the next following section, with or without exhibits, commit the defendant for trial for the offence without consideration of the contents of those statements, unless—
 - (a) the defendant or one of the defendants is not represented by counsel or a solicitor;
 - (b) counsel or a solicitor for the defendant or one of the defendants, as the case may be, has requested the court to consider a submission that the statements disclose insufficient evidence to put that defendant on trial by jury for the offence.
- (2) Section 7(1) of the Magistrates' Courts Act 1952 (committal for trial on consideration of the evidence) shall not apply to a committal for trial under this section.

2 Written statements before examining justices.

- (1) In committal proceedings a written statement by any person shall, if the conditions mentioned in the next following subsection are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.
- (2) The said conditions are:—
 - (a) the statement purports to be signed by the person who made it;

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- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;
 - (c) before the statement is tendered in evidence, a copy of the statement is given, by or on behalf of the party proposing to tender it, to each of the other parties to the proceedings ; and
 - (d) none of the other parties, before the statement is tendered in evidence at the committal proceedings, objects to the statement being so tendered under this section.
- (3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say—
 - (a) if the statement is made by a person under the age of twenty-one, it shall give his age;
 - (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read; and
 - (c) if it refers to any other document as an exhibit, the copy given to any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party to whom it is given to inspect that document or a copy thereof.
- (4) Notwithstanding that a written statement made by any person may be admissible in committal proceedings by virtue of this section, the court before which the proceedings are held may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.
- (5) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court commits the defendant for trial by virtue of the last foregoing section or the court otherwise directs, be read aloud at the hearing, and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.
- (6) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.
- (7) Section 13(3) of the Criminal Justice Act 1925 (reading of deposition as evidence at the trial) shall apply to any written statement tendered in evidence in committal proceedings under this section, as it applies to a deposition taken in such proceedings, but in its application to any such statement that subsection shall have effect as if paragraph (b) thereof were omitted.
- (8) In section 2(2) of the Administration of Justice (Miscellaneous Provisions) Act 1933 (procedure for preferring bills of indictment) the reference in proviso (i) to facts disclosed in any deposition taken before a justice in the presence of the defendant shall be construed as including a reference to facts disclosed in any such written statement as aforesaid.
- (9) Section 23 of the Magistrates' Courts Act 1952 (use in summary trial of evidence given in committal proceedings) shall not apply to any such statement as aforesaid.

- (10) A person whose written statement is tendered in evidence in committal proceedings under this section shall be treated for the purposes of section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (witness orders) as a witness who has been examined by the court.

3 Restrictions on reports of committal proceedings.

- (1) Except as provided by subsections (2) and (3) of this section, it shall not be lawful to publish in Great Britain a written report, or to broadcast in Great Britain a report, of any committal proceedings in England and Wales containing any matter other than that permitted by subsection (4) of this section.
- (2) A magistrates' court shall, on an application for the purpose made with reference to any committal proceedings by the defendant or one of the defendants, as the case may be, order that the foregoing subsection shall not apply to reports of those proceedings.
- (3) It shall not be unlawful under this section to publish or broadcast a report of committal proceedings containing any matter other than that permitted by the next following subsection.—
- (a) where the magistrates' court determines not to commit the defendant or the defendants for trial, after it so determines;
- (b) where the court commits the defendant or any of the defendants for trial, after the conclusion of his trial or, as the case may be, the trial of the last to be tried; and where at any time during the inquiry the court proceeds to try summarily the case of one or more of the defendants under section 18, 19 or 20 of the Magistrates' Courts Act 1952 (summary trial of indictable offences), while committing the other defendant or one or more of the other defendants for trial, it shall not be unlawful under this section to publish or broadcast as part of a report of the summary trial, after the court determines to proceed as aforesaid, a report of so much of the committal proceedings containing any such matter as takes place before the determination.
- (4) The following matters may be contained in a report of committal proceedings published or broadcast without an order under subsection (2) of this section before the time authorised by the last foregoing subsection, that is to say.—
- (a) the identity of the court and the names of the examining justices;
- (b) the names, addresses and occupations of the parties and witnesses and the ages of the defendant or defendants and witnesses;
- (c) the offence or offences, or a summary of them, with which the defendant or defendants is or are charged;
- (d) the names of counsel and solicitors engaged in the proceedings;
- (e) any decision of the court to commit the defendant or any of the defendants for trial, and any decision of the court on the disposal of the case of any defendants not committed;
- (f) where the court commits the defendant or any of the defendants for trial, the charge or charges, or a summary of them, on which he is committed and the court to which he is committed;
- (g) where the committal proceedings are adjourned, the date and place to which they are adjourned;
- (h) any arrangements as to bail on committal or adjournment ;
- (i) whether legal aid was granted to the defendant or any of the defendants.

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- (5) If a report is published or broadcast in contravention of this section, the following persons, that is to say—
- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
 - (b) in the case of a publication of a written report other wise than as part of a newspaper or periodical, the person who publishes it;
 - (c) in the case of a broadcast of a report, any body corporate which transmits or provides the programme in which the report is broadcast and any person having functions in relation to the programme corresponding to those of the editor of a newspaper or periodical;
- shall be liable on summary conviction to a fine not exceeding £500.
- (6) Proceedings for an offence under this section shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney-General.
- (7) Subsection (1) of this section shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports and proceedings of magistrates' and other courts.

4 Notice of result of committal proceedings.

Where a magistrates' court acting as examining justices commits any person for trial or determines to discharge him, the clerk of the court shall, on the day on which the committal proceedings are concluded or the next day, cause to be displayed in a part of the court house to which the public have access a notice—

- (a) in either case giving that person's name, address, and age (if known);
- (b) in a case where the court so commits him, stating the charge or charges on which he is committed and the court to which he is committed;
- (c) in a case where the court determines to discharge him, describing the offence charged and stating that it has so determined.

5 Privilege of newspaper reports of committal proceedings in libel actions.

Any report in a newspaper, and any broadcast report, of committal proceedings in a case where publication is permitted by virtue only of section 3(3) of this Act, published as soon as practicable after it is so permitted, shall be treated for the purposes of section 3 of the Law of Libel Amendment Act 1888 (privilege of contemporaneous newspaper reports of court proceedings) and section 9(2) of the Defamation Act 1952 (extension of the said section 3 to broadcasting) as having been published or broadcast contemporaneously with the committal proceedings.

6 Duty of examining justices to sit in open court.

- (1) Examining justices shall sit in open court except where any enactment contains an express provision to the contrary and except where it appears to them as respects the whole or any part of committal proceedings that the ends of justice would not be served by their sitting in open court.
- (2) Section 4(2) of the Magistrates' Courts Act 1952 (no obligation on examining justices to sit in open court) is hereby repealed.

7 Signature of depositions.

An examining justice who signs a certificate authenticating one or more depositions or statements tendered under section 2 of this Act shall be treated for the purposes of section 13(3)(c) of the Criminal Justice Act 1925 (requirement that depositions read at the trial must have been signed by an examining justice) as signing that deposition or statement or each of those depositions and statements.

Miscellaneous provisions as to evidence, procedure and trial

8 Proof of criminal intent.

A court or jury, in determining whether a person has committed an offence.—

- (a) shall not be bound in law to infer that he intended or foresaw a result of his actions by reason only of its being a natural and probable consequence of those actions; but
- (b) shall decide whether he did intend or foresee that result by reference to all the evidence, drawing such inferences from the evidence as appear proper in the circumstances.

9 Proof by written statement.

(1) In any criminal proceedings, other than committal proceedings, a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.

(2) The said conditions are—

- (a) the statement purports to be signed by the person who made it;
- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;
- (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings : and
- (d) none of the other parties or their solicitors, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section:

Provided that the conditions mentioned in paragraphs (c) and (d) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.

(3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say—

- (a) if the statement is made by a person under the age of twenty-one, it shall give his age ;
- (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read ; and

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- (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy thereof.
- (4) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section—
 - (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence; and
 - (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.
- (5) An application under paragraph (b) of the last foregoing subsection to a court other than a magistrates' court may be made before the hearing and on any such application the powers of the court shall be exercisable—
 - (a) in the case of a court of quarter sessions, by the chairman or any deputy chairman of the court or, in the case of a court of quarter sessions for a borough, the recorder or any deputy or assistant recorder;
 - (b) in any other case, by any person entitled to sit as a judge of the court.
- (6) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.
- (7) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.
- (8) A document required by this section to be served on any person may be served—
 - (a) by delivering it to him or to his solicitor; or
 - (b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at his office; or
 - (c) by sending it in a registered letter or by the recorded delivery service addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at his office; or
 - (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it in a registered letter or by the recorded delivery service addressed to the secretary or clerk of that body at that office.

10 Proof by formal admission.

- (1) Subject to the provisions of this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the prosecutor or defendant, and the admission by any party of any such fact under this section shall as against that party be conclusive evidence in those proceedings of the fact admitted.
- (2) An admission under this section—
 - (a) may be made before or at the proceedings;

- (b) if made otherwise than in court, shall be in writing;
 - (c) if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or manager, or the secretary or clerk, or some other similar officer of the body corporate;
 - (d) if made on behalf of a defendant who is an individual, shall be made by his counsel or solicitor;
 - (e) if made at any stage before the trial by a defendant who is an individual, must be approved by his counsel or solicitor (whether at the time it was made or subsequently) before or at the proceedings in question.
- (3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter (including any appeal or retrial).
- (4) An admission under this section may with the leave of the court be withdrawn in the proceedings for the purpose of which it is made or any subsequent criminal proceedings relating to the same matter.

11 Notice of alibi.

- (1) On a trial on indictment the defendant shall not without the leave of the court adduce evidence in support of an alibi unless, before the end of the prescribed period, he gives notice of particulars of the alibi.
- (2) Without prejudice to the foregoing subsection, on any such trial the defendant shall not without the leave of the court call any other person to give such evidence unless—
- (a) the notice under that subsection includes the name and address of the witness or, if the name or address is not known to the defendant at the time he gives the notice, any information in his possession which might be of material assistance in finding the witness;
 - (b) if the name or the address is not included in that notice, the court is satisfied that the defendant, before giving the notice, took and thereafter continued to take all reasonable steps to secure that the name or address would be ascertained;
 - (c) if the name or the address is not included in that notice, but the defendant subsequently discovers the name or address or receives other information which might be of material assistance in finding the witness, he forthwith gives notice of the name, address or other information, as the case may be; and
 - (d) if the defendant is notified by or on behalf of the prosecutor that the witness has not been traced by the name or at the address given, he forthwith gives notice of any such information which is then in his possession or, on subsequently receiving any such information, forthwith gives notice of it.
- (3) The court shall not refuse leave under this section if it appears to the court that the defendant was not informed in accordance with rules under section 15 of the Justices of the Peace Act 1949 (rules of procedure for magistrates' courts) of the requirements of this section.
- (4) Any evidence tendered to disprove an alibi may, subject to any directions by the court as to the time it is to be given, be given before or after evidence is given in support of the alibi.

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- (5) Any notice purporting to be given under this section on behalf of the defendant by his solicitor shall, unless the contrary is proved, be deemed to be given with the authority of the defendant.
- (6) A notice under subsection (1) of this section shall either be given in court during, or at the end of, the proceedings before the examining justices or be given in writing to the solicitor for the prosecutor, and a notice under paragraph (c) or (d) of subsection (2) of this section shall be given in writing to that solicitor.
- (7) A notice required by this section to be given to the solicitor for the prosecutor may be given by delivering it to him, or by leaving it at his office, or by sending it in a registered letter or by the recorded delivery service addressed to him at his office.
- (8) In this section—
 - " evidence in support of an alibi " means evidence tending to show that by reason of the presence of the defendant at a particular place or in a particular area at a particular time he was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission.
 - " the prescribed period " means the period of seven days from the end of the proceedings before the examining justices.
- (9) In computing the said period a Sunday, Christmas Day, Good Friday, a day which is a bank holiday under the Bank Holidays Act 1871 in England and Wales or a day appointed for public thanksgiving or mourning shall be disregarded.

12 Application of sections 9 to 11 to courts-martial.

Without prejudice to section 99(1) of the Army Act 1955 or of the Air Force Act 1955 (application to proceedings before courts-martial of civil rules as to the admissibility of evidence) and to any power to make rules or orders for the procedure of, and otherwise for the trial of offences by, courts-martial, the three last foregoing sections shall apply to such proceedings as they apply to proceedings on indictment subject, however, to such modifications as may be prescribed by regulations made by the Secretary of State, being modifications which appear to him to be necessary or proper for the purpose of the operation of those sections in relation to proceedings before courts-martial.

13 Majority verdicts of juries in criminal proceedings.

- (1) Subject to the following provisions of this section, the verdict of a jury in criminal proceedings need not be unanimous if—
 - (a) in a case where there are not less than eleven jurors, ten of them agree on the verdict; and
 - (b) in a case where there are ten jurors, nine of them agree on the verdict;and a verdict authorised by this subsection is hereafter in this section referred to as " a majority verdict ".
- (2) A court shall not accept a majority verdict of guilty unless the foreman of the jury has stated in open court the number of jurors who respectively agreed to and dissented from the verdict.

- (3) A court shall not accept a majority verdict unless it appears to the court that the jury have had not less than two hours for deliberation or such longer period as the court thinks reasonable having regard to the nature and complexity of the case.

14 Disqualification of ex-prisoners from serving on juries in criminal proceedings.

- (1) The following persons shall be disqualified from serving on a jury in any criminal proceedings, that is to say—
- (a) any person who at any time during the ten years immediately preceding the date on which the jury is sworn for the purpose of those proceedings has served, in the United Kingdom, the Channel Islands or the Isle of Man, any part of a sentence of imprisonment or detention, being a sentence for a term of three months or more;
 - (b) any person who has been sentenced at any time in the United Kingdom, the Channel Islands or the Isle of Man to imprisonment or detention for life or for a term of five years or more or to penal servitude for such a term.
- (2) For the purposes of the foregoing subsection a person sentenced to borstal training shall be treated as if he had been sentenced for a term of more than three months, and a person sentenced to be detained for an offence during Her Majesty's pleasure or during the pleasure of the Governor of Northern Ireland shall be treated as if he had been sentenced to detention for life.
- (3) A person who serves on a jury in any criminal proceedings when disqualified by this section from doing so shall be liable on summary conviction to a fine not exceeding £250.
- (4) Section 38(2) to (5) of the Criminal Justice Act 1961 (construction of references to sentences, imprisonment or detention and similar expressions) shall apply for the purposes of this section as it applies for the purposes of Part III of that Act.
- (5) Any sheriff or other officer having power to summon persons to serve on juries in criminal proceedings shall send with every summons for that purpose a notice stating the effect of the foregoing provisions of this section.
- (6) For the purposes of section 27 of the Juries Act 1825 (challenge of jurors not qualified according to that Act), in its application to criminal proceedings, a person disqualified from serving on a jury by this section shall be treated as not qualified according to that Act.
- (7) Section 2(1) of the Juries Act 1922 (liability of persons included in jurors books to serve notwithstanding their disqualification) shall not apply to any person disqualified from serving on a jury by this section.
- (8) Section 10 of the Juries Act 1870 (disqualification of persons convicted of infamous crimes) shall not apply to criminal proceedings.

15 Validation of verdict where juror disqualified.

It is hereby declared that the verdict of a jury in criminal proceedings (as in other proceedings) is not void by reason only that a member of the jury is disqualified from serving on the jury in those proceedings.

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16 Continuation of exemption from jury service at criminal trials.

- (1) The persons to whom this section applies (being persons exempted from jury service by section 9 of the Juries Act 1870 in the case of persons mentioned in paragraphs (a) to (k), by section 4 of the Port of London Act 1959 in the case of persons mentioned in paragraph (l) and by section 43(2) of the British Transport Commission Act 1962 in the case of persons mentioned in paragraph (m) of the next following subsection) shall for ten years after the date on which they cease to hold the office or employment or practise the profession by virtue of which they are so exempt continue to enjoy the like exemption from serving on juries in criminal proceedings as they enjoy before that date.
- (2) The persons to whom this section shall apply are—
 - (a) judges;
 - (b) barristers-at-law;
 - (c) solicitors, and their managing clerks;
 - (d) the registrar of criminal appeals, clerks of assize and persons appointed or employed to assist him or them in the exercise of his or their functions;
 - (e) clerks of the peace and their deputies ;
 - (f) coroners;
 - (g) prison officers;
 - (h) sheriff's officers;
 - (i) members of police forces and special constables for police areas;
 - (j) metropolitan stipendiary magistrates;
 - (k) justices of the peace ;
 - (l) constables appointed by the Port of London Authority ; and
 - (m) constables in the British Transport Police Force.

17 Entry of verdict of not guilty by order of a judge.

Where a defendant arraigned on an indictment or inquisition pleads not guilty and the prosecutor proposes to offer no evidence against him, the court before which the defendant is arraigned may, if it thinks fit, order that a verdict of not guilty shall be recorded without the defendant being given in charge to a jury, and the verdict shall have the same effect as if the defendant had been tried and acquitted on the verdict of a jury.

18 Restrictions on refusal of bail.

- (1) Where a person who has attained the age of seventeen is charged before a magistrates' court with a summary offence which is not also an indictable offence and is punishable with not more than six months' imprisonment, then, subject to the following provisions of this section, if the court adjourns the trial and remands him, it shall remand him on bail.
- (2) Where by virtue of section 18 or section 19 of the Magistrates' Courts Act 1952 (offences triable on indictment or summarily) a magistrates' court proceeds to try any such person as aforesaid summarily for an offence which is both a summary offence and an indictable offence and is punishable on summary conviction with not more than six months' imprisonment, or for an offence specified in Schedule 1 to that Act, then,

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subject to the following provisions of this section, if after he has pleaded to the charge the court adjourns the trial and remands him, it shall remand him on bail.

- (3) Where any such person as aforesaid is charged with a summary offence and he or the prosecutor claims that he shall be tried by jury, then, subject to the following provisions of this section, if the magistrates' court adjourns the inquiry as examining justices or commits him for trial, it shall remand or commit him on bail.
- (4) The foregoing provisions of this section shall not require a magistrates' court to remand or commit a person on bail if he fails to give the court or a person prescribed for the purposes of section 95 of the Magistrates' Courts Act 1952 a proper recognizance and to produce sufficient and satisfactory sureties if required to do so.
- (5) The foregoing provisions of this section shall not require a magistrates' court to remand or commit a person on bail—
 - (a) where he is charged with an offence punishable by that court with imprisonment for a term of not less than six months and it appears to the court that he has been previously sentenced to imprisonment or borstal training;
 - (b) where it appears to the court that, having been released on bail on any occasion, he has failed to comply with the conditions of any recognizance entered into by him on that occasion;
 - (c) where he is charged with an offence alleged to have been committed while he was released on bail;
 - (d) where it appears to the court that it is necessary to detain him to establish his identity or address;
 - (e) where it appears to the court that he has no fixed abode or that he is ordinarily resident outside the United Kingdom;
 - (f) where the act or any of the acts constituting the offence with which he is charged consisted of an assault on or threat of violence to another person, or of having or possessing a firearm, an imitation firearm, an explosive or an offensive weapon, or of indecent conduct with or towards a person under the age of sixteen years ;
 - (g) where it appears to the court that unless he is remanded or committed in custody he is likely to commit an offence; or
 - (h) where it appears to the court necessary for his own protection to refuse to remand or commit him on bail.
- (6) The requirements of subsections (1) and (2) of this section shall not apply to the adjournment of a trial by a magistrates' court under section 26 of the Magistrates' Courts Act 1952 for the purpose of enabling a medical examination and report to be made on the defendant if it appears to the court that it would be impracticable to obtain such a report without remanding the defendant in custody.
- (7) Where a magistrates' court refuses to remand or commit on bail any person who has attained the age of seventeen, the court shall, if he is not represented by counsel or a solicitor, inform him that he may apply to a judge of the High Court to be admitted to bail.
- (8) Where a magistrates' court refuses as aforesaid under subsection (5) of this section or otherwise refuses to commit any such person as aforesaid for trial on bail the court shall, if he is not so represented or if he is so represented and his counsel or solicitor so requests, give him a written notice stating the reason for the refusal.

19 Restriction on justices sitting after dealing with bail.

- (1) A justice of the peace shall not take part in trying the issue of a defendant's guilt on the summary trial of an information if in the course of the same proceedings the justice has been informed, for the purpose of determining the question of the defendant's admission to bail, that he has one or more previous convictions.
- (2) For the purposes of this section any committal proceedings from which the proceedings on the summary trial arose shall be treated as part of the trial.

20 Power of magistrates' court to commit on bail for sentence.

Where a magistrates' court has power to commit an offender to a court of quarter sessions under section 5 of the Vagrancy Act 1824 (incorrigible rogues) or section 28 or 29 of the Magistrates' Courts Act 1952 (committal for sentence), the court may instead of committing him in custody commit him on bail.

21 Special conditions of bail.

- (1) The conditions on which any person is admitted to bail may include conditions appearing to the court to be likely to result in his appearance at the time and place required or to be necessary in the interests of justice or for the prevention of crime.
- (2) A court which on admitting, or directing the admission of, any person to bail imposes a condition under the foregoing subsection shall not require him to find sureties in respect of that condition.

22 Extension of power of High Court to grant, or vary conditions of, bail.

- (1) Where in connection with any criminal proceedings an inferior court has power to admit any person to bail, but either refuses to do so, or does so or offers to do so on terms unacceptable to him, the High Court may admit him or direct his admission to bail or, where he has been admitted to bail, may vary any conditions on which he was so admitted or reduce the amount in which he or any surety is bound or discharge any of the sureties.
- (2) The conditions as to the time and place of appearance of a person admitted to bail under this section which are to be included in a recognizance entered into by him shall be such conditions as the inferior court had power to impose.
- (3) Subsections (3), (4) and (6) of section 37 of the Criminal Justice Act 1948 (ancillary provisions as to persons admitted to bail by the High Court under that section and the currency of sentence in the case of persons so admitted) shall apply in relation to the powers conferred by this section and persons admitted to bail in pursuance of those powers as it applies in relation to the powers conferred by that section and persons admitted to bail in pursuance of those powers, except that the said subsection (6) shall not apply in relation to a person admitted to bail pending an appeal from a magistrates' court to a court of quarter sessions.
- (4) In this section " inferior court " means a court of quarter sessions, a magistrates' court or a coroner.
- (5) The powers conferred on the High Court by this section shall be in substitution for the powers so conferred by paragraphs (a), (b) and (c) of section 37(1) of the Criminal

Justice Act 1948, but except as aforesaid this section shall not prejudice any powers of the High Court to admit or direct the admission of persons to bail.

23 Arrest of persons granted bail.

- (1) A constable may arrest without warrant any person who has been admitted to bail—
 - (a) if the constable has reasonable grounds for believing that that person is likely to break the condition that he will appear at the time and place required or any other condition on which he was admitted to bail, or has reasonable cause to suspect that that person is breaking or has broken any such other condition ; or
 - (b) on being notified in writing by any surety for that person that the surety believes that that person is likely to break the first-mentioned condition and for that reason the surety wishes to be relieved of his obligations as a surety.
- (2) A person arrested under the foregoing subsection—
 - (a) shall, except where he was so arrested within the period of twenty-four hours immediately preceding an occasion on which he is required by virtue of a condition of his bail to appear before any court, be brought as soon as practicable and in any event within twenty-four hours after his arrest before a justice of the peace acting for the petty sessions area in which he was arrested ; and
 - (b) in the said excepted case shall be brought before the court before which he is required to appear as aforesaid.
- (3) A justice of the peace before whom a person is brought under the last foregoing subsection may, if of the opinion that that person has broken or is likely to break any condition on which he was admitted to bail, remand him in custody or commit him to custody, as the case may require, or alternatively release him on his original recognizance or on a new recognizance, with or without sureties, and if not of that opinion shall release him on his original recognizance.

24 Process for minor offences.

- (1) A warrant for the arrest of any person who has attained the age of seventeen shall not be issued under section 1 of the Magistrates' Courts Act 1952 (summons or warrant to answer a charge) unless—
 - (a) the offence to which the warrant relates is an indictable offence or is punishable with imprisonment; or
 - (b) the address of the defendant is not sufficiently established for a summons to be served on him.
- (2) A warrant for the arrest of any such person shall not be issued under section 15(2) of the said Act of 1952 (non-appearance of defendant) unless—
 - (a) the offence to which the warrant relates is punishable with imprisonment; or
 - (b) the court, having convicted the defendant, proposes to impose a disqualification on him;and proviso (a) to that subsection (restriction on issue of warrant for arrest of defendant who fails to appear at an adjourned trial) shall cease to have effect.
- (3) Where a summons has been issued under the said section 1 and a magistrates' court has begun to try the information to which the summons relates, then, if—

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- (a) the defendant, at any time during or after the trial, makes a statutory declaration that he did not know of the summons or the proceedings until a date specified in the declaration, being a date after the court has begun to try the information; and
- (b) within fourteen days of that date the declaration is served on the clerk to the justices;

without prejudice to the validity of the information, the summons and all subsequent proceedings shall be void.

- (4) For the purposes of the last foregoing subsection a statutory declaration shall be deemed to be duly served on the clerk to the justices if it is delivered to him, or left at his office, or is sent in a registered letter or by the recorded delivery service addressed to him at his office.
- (5) Rules under section 15 of the Justices of the Peace Act 1949 (rules of procedure for magistrates' courts) shall not, unless the foregoing provisions of this section have come into force, include a provision dispensing with the need to prove that a summons issued under section 1 of the Magistrates' Courts Act 1952 and served in accordance with the rules has come to the knowledge of the defendant; and any such provision in the rules shall not in any event apply to a summons for an indictable offence.
- (6) Where any proceedings have become void by virtue of subsection (3) of this section, the information shall not be tried again by any of the same justices.

25 Restrictions on issue of search warrants under Obscene Publications Act 1959.

A justice of the peace shall not issue a warrant under section 3(1) of the Obscene Publications Act 1959 (search for and seizure of obscene articles) except on an information laid by or on behalf of the Director of Public Prosecutions or by a constable.

26 Restrictions on passing sentence in the absence of the defendant.

- (1) A magistrates' court shall not in a person's absence sentence him to imprisonment or detention in a detention centre or make an order under section 40 of this Act that a suspended sentence passed on him shall take effect.
- (2) A magistrates' court shall not in a person's absence impose any disqualification on him, except on resumption of the hearing after an adjournment under section 14(3) of the Magistrates' Courts Act 1952 (adjournment after convicting, but before sentencing, the defendant).
- (3) Where a trial is adjourned in pursuance of the last foregoing subsection, the notice required by section 14(2) of that Act (notice of resumption) shall include notice of the reason for the adjournment.

27 Summary trial of certain offences under the Forgery Act 1913.

The Magistrates' Courts Act 1952 shall have effect as if the following offences were included among those specified in paragraphs 1 to 18 of Schedule 1 to that Act (indictable offences which are by virtue of section 19 of that Act triable summarily with the consent of the defendant)—

- (a) offences under section 2(2)(a) of the Forgery Act 1913 (forgery of valuable securities) in relation to any document being an accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal;
- (b) offences under section 4 of the said Act of 1913 (forgery of documents in general); and
- (c) uttering any forged document the forgery of which is an offence which by virtue of the said section 19 is triable summarily with the consent of the defendant.

28 Jurisdiction of magistrates' courts to try offences.

A magistrates' court for any area by which a person is tried for an offence shall have jurisdiction to try him for any summary offence for which he could be tried by a magistrates' court for any other area.

29 Plea by a corporation before a magistrates' court.

- (1) On the trial by a magistrates' court of an information against a corporation, a representative may on behalf of the corporation enter a plea of guilty or not guilty.
- (2) Section 33(6) of the Criminal Justice Act 1925 shall apply to a representative for the purposes of the foregoing subsection as it applies to a representative for the purposes of that section.
- (3) A notification or intimation for the purposes of section 1(2) of the Magistrates' Courts Act 1957 (trial in absence of accused who has notified desire to plead guilty without appearing before the court) may be given on behalf of a corporation by a director or the secretary of the corporation ; and that subsection shall apply in relation to a notification or intimation purporting to be so given as it applies to a notification or intimation purporting to be given by an individual defendant.

30 Period of adjournment under sections 14 and 26 of the Magistrates' Courts Act 1952.

The maximum period for which a magistrates' court may adjourn a case at any one time—

- (a) under section 14(3) of the Magistrates' Courts Act 1952 (adjournment after conviction and before sentence) for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with the defendant; or
- (b) under section 26(1) of that Act for the purpose of enabling a medical examination and report to be made on the defendant;

shall be a period of four weeks instead of three weeks except where the court remands the defendant in custody.

31 Extension of Costs in Criminal Cases Act 1952.

- (1) Subject to the following provisions of this section, the Costs in Criminal Cases Act 1952 shall apply to proceedings for dealing with an offender under section 6, 8 or 9 of the Criminal Justice Act 1948 (probation orders and orders for conditional discharge), and to proceedings under section 40(1) of this Act for dealing with an offender in

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respect of a suspended sentence, as if the offender had been tried in those proceedings for the offence for which the order was made or the sentence passed.

- (2) The provisions of the said Act of 1952 other than section 6 (costs as between parties) shall apply with all necessary modifications to proceedings in which it is alleged that an offender required on conviction of an indictable offence to enter into a recognizance to keep the peace or be of good behaviour has failed to comply with a condition of that recognizance, as if that failure were an indictable offence committed in the same place as the offence of which he was convicted.
- (3) Where any proceedings mentioned in either of the foregoing subsections take place before a court of assize or quarter sessions and the fund out of which the costs of those proceedings fall to be paid by virtue of that subsection is maintained by a local authority other than the authority for the local government area in which that court is held, those costs shall—
 - (a) be paid in the first instance by the local authority for that area; and
 - (b) be recoverable, together with such sum (if any) in respect of the expenses of holding that court as may be determined in accordance with regulations made by the Secretary of State under section 18(3) of the Criminal Justice Administration Act 1962 (contributions to certain costs), from the local authority maintaining that fund.
- (4) Where proceedings for dealing with an offender under section 8 of the Criminal Justice Act 1948 (commission of further offences by probationers and persons conditionally discharged) or proceedings under section 40(1) of this Act for dealing with an offender in respect of a suspended sentence take place before a court of assize or quarter sessions before which the offender is convicted of an indictable offence committed during the period of probation or conditional discharge or the operational period of the sentence, or by which he is sentenced for any such offence after being committed for sentence to that court, the costs of those proceedings shall be treated for the purposes of the Costs in Criminal Cases Act 1952 as part of the costs of the proceedings in which he was convicted or sentenced.
- (5) Where any proceedings mentioned in subsection (1) of this section take place before a magistrates' court and relate to an order made or a sentence passed for an offence committed outside the local government area for which or for part of which that court acts, the offence shall be treated for the purposes of section 7(1) of the said Act of 1952 (local funds out of which costs are to be paid) as having been committed in that area.
- (6) In this section " local authority " means the council of a county or county borough or the Greater London Council, " local government area " means a county, county borough or Greater London and " operational period " has the same meaning as in Part II of this Act.

32 Amendments of Costs in Criminal Cases Act 1952.

- (1) For subsections (1) and (2) of section 2 of the Costs in Criminal Cases Act 1952 (power of court of assize or quarter sessions to award costs as between parties) there shall be substituted the following subsection:—
 - “(1) A court of assize or quarter sessions before which any person is prosecuted or tried on indictment or inquisition—

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- (a) may, if the accused is convicted, order him to pay the whole or any part of the costs incurred in or about the prosecution and conviction, including any proceedings before the examining justices;
 - (b) may, if the accused is acquitted, order the prosecutor to pay the whole or any part of the costs incurred in or about the defence, including any proceedings before the examining justices.”
- (2) Sections 1 and 5 of the said Act of 1952 (costs awarded by assizes, quarter sessions or magistrates' courts out of local funds), section 8 of the Criminal Appeal Act 1966 (payment of expenses of witnesses in connection with criminal appeals out of local funds) and paragraph 8 of Schedule 1 to the said Act of 1966 (payment out of moneys provided by Parliament of expenses of witnesses in connection with appeals to the Courts-Martial Appeal Court) shall apply in relation to a registered medical practitioner making a written report to a court in pursuance of a request to which this subsection applies as they apply in relation to a person called to give evidence at the instance of the court, and in the case of a report made in pursuance of such a request made by a magistrates' court shall so apply notwithstanding that the proceedings for the purposes of which the report is made are not proceedings to which the said section 5 applies.
- (3) The last foregoing subsection applies to a request to a registered medical practitioner to make a written or oral report on the medical condition of an offender or defendant, being a request made by a court—
 - (a) for the purpose of determining whether or not to make an order under section 4 of the Criminal Justice Act 1948 (probation orders requiring treatment for mental condition) or section 60 of the Mental Health Act 1959 (hospital orders and guardianship orders) or otherwise for the purpose of determining the most suitable method of dealing with an offender; or
 - (b) in exercise of the powers conferred by section 26 of the Magistrates' Courts Act 1952 (remand of a defendant for medical examination and requirement of such an examination on committing a defendant for trial on bail).
- (4) Sections 1 and 5 of the Costs in Criminal Cases Act 1952 shall apply to a person properly attending at the instance of the court to give evidence as they apply to a person called to give evidence at the instance of the court.
- (5) In section 3(2) of the said Act of 1952 (power of criminal division of Court of Appeal to award costs to be paid out of local funds to a successful appellant) any reference to an appeal against conviction which is allowed shall include a reference to an appeal which is allowed against a special verdict within the meaning of the Criminal Procedure (Insanity) Act 1964 or a finding that the accused is under disability within the meaning of the said Act of 1964.

33 Taking and use of finger-prints and palm-prints.

Section 40 of the Magistrates' Courts Act 1952 (taking of finger-prints from a person not less than fourteen who has been taken into custody and charged with an offence) shall apply to any person of not less than fourteen who appears before a magistrates' court in answer to a summons for any offence punishable with imprisonment, and in that section and in section 39 of the Criminal Justice Act 1948 (proof of previous convictions by finger-print) any reference to finger-prints shall be construed as including a reference to palm-prints.

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34 Committal of persons under twenty-one accused of extradition crimes, etc.

Any person under the age of twenty-one who apart from this section would be committed to prison under section 10 of the Extradition Act 1870 (committal of a person alleged to have committed an extradition crime) or section 5(1)(a) of the Backing of Warrants (Republic of Ireland) Act 1965 (remand in custody of a person for whose arrest a warrant has or is alleged to have been issued in the Republic of Ireland) shall be committed to an institution to which he could be committed if he were charged with an offence before the court which commits him, and any reference in those provisions to prison shall be construed accordingly.

35 Examining justices.

It is hereby declared for the avoidance of doubt that a magistrates' court before which a person is charged with an indictable offence begins to act as examining justices as soon as he appears or is brought before the court, except where before that time the court has determined under section 18 of the Magistrates' Courts Act 1952 to try him summarily.

36 Interpretation of Part I.

(1) In this Part of this Act—

" broadcast " means broadcast by wireless telegraphy sounds or visual images intended for general reception ;

" committal proceedings " means proceedings before a magistrates' court acting as examining justices;

" publish ", in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

" director ", in relation to a body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

(2) Expressions used in any provision of this Part of this Act relating to magistrates' courts or proceedings before such courts and also used in the Magistrates' Courts Act 1952 have the same meanings in any such provision as they have in that Act.

PART II

POWERS OF COURTS TO DEAL WITH OFFENDERS

Powers to deal with persistent offenders

37 Punishment of persistent offenders.

(1) No person shall be sentenced by a court to preventive detention or corrective training.

(2) Where an offender is convicted on indictment of an offence punishable with imprisonment for a term of two years or more and the conditions specified in subsection (4) of this section are satisfied, then, if the court is satisfied, by reason of his previous conduct and of the likelihood of his committing further offences, that it is

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expedient to protect the public from him for a substantial time, the court may impose an extended term of imprisonment under this section.

- (3) The extended term which may be imposed under this section for any offence may exceed the maximum term authorised for the offence apart from this section if the maximum so authorised is less than ten years, but shall not exceed ten years if the maximum so authorised is less than ten years or exceed five years if the maximum so authorised is less than five years.
- (4) The conditions referred to in subsection (2) of this section are:—
 - (a) the offence was committed before the expiration of three years from a previous conviction of an offence punishable on indictment with imprisonment for a term of two years or more or from his final release from prison after serving a sentence of imprisonment, corrective training or preventive detention passed on such a conviction; and
 - (b) the offender has been convicted on indictment on at least three previous occasions since he attained the age of twenty-one of offences punishable on indictment with imprisonment for a term of two years or more; and
 - (c) the total length of the sentences of imprisonment, corrective training or preventive detention to which he was sentenced on those occasions was not less than five years and—
 - (i) on at least one of those occasions a sentence of preventive detention was passed on him; or
 - (ii) on at least two of those occasions a sentence of imprisonment (other than a suspended sentence which has not taken effect) or of corrective training was so passed and of those sentences one was a sentence of imprisonment for a term of three years or more in respect of one offence or two were sentences of imprisonment each for a term of two years or more in respect of one offence.
- (5) Where an extended term of imprisonment is imposed on an offender under this section, the court shall issue a certificate (hereafter in this Act referred to as " an extended sentence certificate ") stating that the term was so imposed.

38 Supplementary provisions as to persistent offenders.

- (1) For the purposes of subsection (4)(a) of the last foregoing section a certificate purporting to be signed by the governor of a prison to the effect—
 - (a) that a prisoner was finally released from that prison on a date specified in the certificate after serving a sentence so specified; or
 - (b) that a prisoner had not been finally released from that prison on a date so specified after serving a sentence so specified;shall be evidence of the matter so certified.
- (2) For the purposes of subsection (4)(b) of the last foregoing section a person who has been convicted by a magistrates' court of an indictable offence and sentenced for that offence by a court of quarter sessions, or on appeal from such a court, to imprisonment, corrective training or preventive detention shall be treated as if he had been convicted of that offence on indictment.
- (3) For the purpose of determining whether the conditions specified in subsection (4) of the last foregoing section are satisfied in relation to an offender no account shall be taken of any previous conviction or sentence unless notice has been given to the

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offender at least three days before the later sentence is passed on him that it is intended to prove the previous conviction or sentence to the court.

- (4) For the purposes of the last foregoing subsection a certificate purporting to be signed by a constable or a prison officer that a copy of a notice annexed to the certificate was given to an offender shall be evidence that it was so given and of the contents of the notice.
- (5) In this section and the last foregoing section " final release " includes a release on licence under section 60 or 61 of this Act, but does not include any temporary discharge.
- (6) A person sentenced at any time to corrective training or preventive detention in Scotland or Northern Ireland and transferred under section 26 of the Criminal Justice Act 1961 to England and Wales shall be treated for the purposes of detention, release, recall and otherwise as having been sentenced in England and Wales to a term of imprisonment of the same length as the term of his original sentence and, if he was originally sentenced to preventive detention, he shall also be so treated as if an extended sentence certificate had been issued in respect of him.
- (7) A person sentenced to an extended term of imprisonment under the last foregoing section and transferred under the said section 26 to Scotland or Northern Ireland shall, notwithstanding anything in subsection (4) of the said section 26 (treatment of prisoners so transferred) be treated as if an extended sentence certificate had not been issued in respect of him.

Suspended sentences

39 Suspended sentences of imprisonment.

- (1) A court which passes a sentence of imprisonment for a term of not more than two years for an offence may order that the sentence shall not take effect unless, during a period specified in the order, being not less than one year or more than three years from the date of the order, the offender commits in Great Britain another offence punishable with imprisonment and thereafter a court having power to do so orders under the next following section that the original sentence shall take effect; and in this Part of this Act " operational period ", in relation to a suspended sentence, means the period so specified.
- (2) A court which passes a suspended sentence on any person for an offence shall not make a probation order in his case in respect of another offence of which he is convicted by or before the court or for which he is dealt with by the court.
- (3) A court which passes a sentence of imprisonment for a term of not more than six months in respect of one offence shall make an order under subsection (1) of this section unless—
 - (a) the act or any of the acts constituting that offence consisted of an assault on or threat of violence to another person, or of having or possessing a firearm, an imitation firearm, an explosive or an offensive weapon or of indecent conduct with or towards a person under the age of sixteen years;
 - (b) that offence is one in respect of which a probation order or order for conditional discharge was originally made or the offender was subject to such an order at the time of committing that offence ;

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- (c) on the occasion on which sentence is passed for that offence, the court passes or proposes to pass a sentence of immediate imprisonment on the offender for another offence which the court is not required to suspend;
 - (d) the offender is serving, or has since the commission of the offence served, a sentence of imprisonment or borstal training previously passed for another offence; or
 - (e) the offender had at any time before the commission of the offence been sentenced to, or served any part of a sentence of, corrective training, imprisonment or borstal training previously passed for another offence or been subject to a suspended sentence.
- (4) The Secretary of State may by order provide that paragraph (e) of the last foregoing subsection shall have effect in any case prescribed by the order as if the reference to any time were a reference to any time during a period so prescribed (being a period of not less than three years); and an order under this subsection may make different provision for different cases.
- (5) The Secretary of State may by order provide that subsection (3) of this section shall have effect as if for the reference to six months there were substituted a reference to twelve months.
- (6) No order shall be made by the Secretary of State under this section unless a draft of the order has been laid before Parliament and approved by both Houses of Parliament.
- (7) On passing a suspended sentence the court shall explain to the offender in ordinary language his liability under the next following section if during the operational period he commits an offence punishable with imprisonment.
- (8) Where a court has passed a suspended sentence on any person, and that person is subsequently sentenced to borstal training, he shall cease to be liable to be dealt with in respect of the suspended sentence unless the subsequent sentence or any conviction or finding on which it was passed is quashed on appeal.
- (9) Subject to any provision to the contrary contained in this Act or any enactment passed or instrument made under any enactment after the commencement of this Act—
- (a) a suspended sentence which has not taken effect under the next following section shall be treated as a sentence of imprisonment for the purposes of all enactments and instruments made under enactments except any enactment or instrument which provides for disqualification for or loss of office, or forfeiture of pensions, of persons sentenced to imprisonment; and
 - (b) where a suspended sentence has taken effect under that section, the offender shall be treated for the purposes of the said excepted enactments and instruments as having been convicted on the ordinary date on which the period allowed for making an appeal against an order under that section expires or, if such an appeal is made, the date on which it is finally disposed of or abandoned or fails for non-prosecution.

40 Power of court on conviction of further offence to deal with suspended sentence.

- (1) Where an offender is convicted of an offence punishable with imprisonment committed during the operational period of a suspended sentence and either he is so convicted by or before a court having power under the next following section to deal with him in respect of the suspended sentence or he subsequently appears or is brought

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before such a court, then, unless the sentence has already taken effect, that court shall consider his case and deal with him by one of the following methods:—

- (a) the court may order that the suspended sentence shall take effect with the original term unaltered ;
- (b) it may order that the sentence shall take effect with the substitution of a lesser term for the original term;
- (c) it may by order vary the original order under subsection (1) of the last foregoing section by substituting for the period specified therein a period expiring not later than three years from the date of the variation; or
- (d) it may make no order with respect to the suspended sentence;

and a court shall make an order under paragraph (a) of this subsection unless the court is of opinion that it would be unjust to do so in view of all the circumstances which have arisen since the suspended sentence was passed, including the facts of the subsequent offence, and where it is of that opinion the court shall state its reasons.

- (2) Where a court orders that a suspended sentence shall take effect, with or without any variation of the original term, the court may order that that sentence shall take effect immediately or that the term thereof shall commence on the expiration of another term of imprisonment passed on the offender by that or another court.
- (3) Where under subsection (1)(a) or (b) of this section a court orders that a suspended sentence shall take effect with a term of not more than six months and the court would have had power to sentence the offender to be detained in a detention centre for that term if it had convicted him of the original offence on the occasion of the order, the order may include a direction that he shall serve the sentence in a detention centre.
- (4) Without prejudice to the last foregoing subsection, where under the said subsection (1) (a) or (b) a court orders that a suspended sentence shall take effect with a term of less than three months, the court may include such a direction in the order if the offender is then liable to be detained in a detention centre by virtue of an order or warrant made or issued by that or another court.
- (5) An order under the said subsection (1)(a) or (b) which includes such a direction shall be treated for all purposes as an order under section 4 of the Criminal Justice Act 1961 (detention of offenders aged fourteen to twenty) for the detention of the offender in a detention centre, and subsection (2) of this section shall not apply in relation to any such order.
- (6) In proceedings for dealing with an offender in respect of a suspended sentence which take place before a court of assize or quarter sessions any question whether the offender has been convicted of an offence punishable with imprisonment committed during the operational period of the suspended sentence shall be determined by the court and not by the verdict of a jury.
- (7) Where a court deals with an offender under this section in respect of a suspended sentence the clerk of the court shall notify the clerk of the court which passed the sentence of the method adopted.
- (8) Where on consideration of the case of an offender a court makes no order with respect to a suspended sentence, the clerk of the court shall record that fact.
- (9) For the purposes of any enactment conferring rights of appeal in criminal cases any such order made by a court shall be treated as a sentence passed on the offender by that court for the offence for which the suspended sentence was passed.

41 Court by which suspended sentence is to be dealt with.

- (1) An offender may be dealt with in respect of a suspended sentence by any court of assize or quarter sessions before which he appears or is brought or, where the sentence was passed by a magistrates' court, by any magistrates' court before which he appears or is brought.
- (2) Where an offender is convicted by a magistrates' court of an offence punishable with imprisonment and the court is satisfied that the offence was committed during the operational period of a suspended sentence passed by a court of assize or quarter sessions.—
 - (a) the court may, if it thinks fit, commit him in custody or on bail to a court of assize or quarter sessions having power to deal with him in respect of the suspended sentence; and
 - (b) if it does not, shall give written notice of the conviction to the clerk of the court by which the suspended sentence was passed.
- (3) The court to which a magistrates' court commits an offender under the last foregoing subsection shall be the court of assize or quarter sessions by which the suspended sentence was passed, except that the magistrates' court may commit him to some other court of assize or quarter sessions if, having regard to the time when and the place where he is likely to be dealt with in respect of the suspended sentence by the court by which that sentence was passed, it would be more convenient that he should be dealt with by that other court:

Provided that a magistrates' court shall not commit the offender to that other court of assize or quarter sessions in any case where it appears to the magistrates' court that he would thereby suffer hardship.

- (4) For the purposes of this and the next following sections a suspended sentence passed on an offender on appeal shall be treated as having been passed by the court by which he was originally sentenced.

42 Discovery of further offences.

- (1) If it appears to a judge or justice of the peace on whom jurisdiction is conferred by the next following subsection that an offender has been convicted in Great Britain of an offence punishable with imprisonment committed during the operational period of a suspended sentence and that he has not been dealt with in respect of the suspended sentence, the judge or justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, subject to the following provisions of this section, issue a warrant for his arrest.
- (2) The following persons shall have jurisdiction for the purposes of the foregoing subsection, that is to say—
 - (a) if the suspended sentence was passed by the Central Criminal Court, a judge of that court;
 - (b) if it was passed by the Crown Court at Liverpool or the Crown Court at Manchester, a judge of the court by which it was passed;
 - (c) if it was passed by a court of assize (other than the Central Criminal Court or one of the said Crown Courts), a judge of the High Court;
 - (d) if it was passed by a court of quarter sessions, a justice acting for the area for which that court was held ;

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- (e) if it was passed by a magistrates' court, a justice acting for the area for which that court acted.
- (3) Where an offender is convicted by a court in Scotland of an offence punishable with imprisonment and the court is informed that the offence was committed during the operational period of a suspended sentence passed in England or Wales, the court shall give written notice of the conviction to the clerk of the court by which the suspended sentence was passed.
- (4) Unless he is acting in consequence of a notice under subsection (2) of the last foregoing section or under the last foregoing subsection, a justice of the peace shall not issue a summons under this section except on information and shall not issue a warrant under this section except on information in writing and on oath.
- (5) A summons or warrant issued under this section shall direct the offender to appear or to be brought before the court by which the suspended sentence was passed ; but if a warrant is so 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 magistrates' court for the place where he is arrested and the latter court shall commit him in custody or on bail to that court of assize or quarter sessions or if, having regard to the time when and the place where he is likely to be dealt with in respect of the suspended sentence by that court, it would be more convenient that he should be dealt with by another court of assize or quarter sessions, to that other court:
- Provided that a magistrates' court shall not commit the offender to that other court in any case where it appears to the magistrates' court that he would thereby suffer hardship.
- (6) Section 4 of the Summary Jurisdiction (Process) Act 1881 (execution of process of English courts in Scotland and vice versa) shall apply to any process issued by any judge or justice under this section as it applies to process issued under the Magistrates' Courts Act 1952 by a magistrates' court.

Power of magistrates' courts to impose fines

43 General power of magistrates' courts to impose fines.

- (1) The maximum fine which may be imposed under section 19(6) of the Magistrates' Courts Act 1952 (liability of adults summarily convicted of certain indictable offences to imprisonment and fine) shall be £400 instead of £100.
- (2) In section 27(3) of the said Act of 1952 (power of a magistrates' court to fine an offender where the court would otherwise only have power to sentence him to imprisonment or other detention) for the words " twenty-five pounds " there shall be substituted the words " £100 ".
- (3) Nothing in this section shall affect the amount of the fine which may be imposed on conviction of an offence committed before the commencement of this Act.

Enforcement of payment of fines, etc.

44 Restriction on magistrates' courts' power to impose imprisonment for default in payment of fines, etc.

- (1) The following provisions of this section shall have effect with respect to the issue of a warrant of commitment under Part III of the Magistrates' Courts Act 1952 for default in paying a sum adjudged to be paid by a conviction of a magistrates' court; and accordingly sections 69 and 70(1) of that Act (existing restrictions on the power of magistrates' courts to issue such warrants) shall cease to have effect.
- (2) A magistrates' court shall not on the occasion of convicting an offender of an offence issue a warrant of commitment for a default in paying any such sum unless—
 - (a) in the case of an offence punishable with imprisonment, he appears to the court to have sufficient means to pay the sum forthwith;
 - (b) it appears to the court that he is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods; or
 - (c) on the occasion of that conviction the court sentences him to immediate imprisonment or detention in a detention centre for that or another offence or he is already serving a term of imprisonment or detention in a detention centre.
- (3) A magistrates' court shall not in advance of the issue of a warrant of commitment fix a term of imprisonment which is to be served by an offender in the event of a default in paying a sum adjudged to be paid by a conviction, except where it has power to issue a warrant of commitment forthwith, but postpones issuing the warrant under section 65(2) of the Magistrates' Courts Act 1952 (power to fix a term and postpone the issue of a warrant).
- (4) Where on the occasion of the offender's conviction a magistrates' court does not issue a warrant of commitment for a default in paying any such sum as aforesaid or fix a term of imprisonment under the said section 65(2) which is to be served by him in the event of any such default, it shall not thereafter issue a warrant of commitment for any such default or for want of sufficient distress to satisfy such a sum unless—
 - (a) he is already serving a term of imprisonment or detention in a detention centre ; or
 - (b) the court has since the conviction inquired into his means in his presence on at least one occasion.
- (5) Where a magistrates' court is required by the last foregoing subsection to inquire into a person's means, the court may not on the occasion of the inquiry or at any time thereafter issue a warrant of commitment for a default in paying any such sum unless—
 - (a) in the case of an offence punishable with imprisonment, the offender appears to the court to have sufficient means to pay the sum forthwith; or
 - (b) the court has considered or tried all other methods of enforcing payment of the sum and it appears to the court that they are inappropriate or unsuccessful.
- (6) After the occasion of an offender's conviction by a magistrates' court, the court shall not, unless—
 - (a) the court has previously fixed a term of imprisonment under section 65(2) of the Magistrates' Courts Act 1952 which is to be served by the offender in the event of a default in paying a sum adjudged to be paid by the conviction; or

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(b) the offender is serving a term of imprisonment or detention in a detention centre ;

issue a warrant of commitment for a default in paying the sum or fix such a term except at a hearing at which the offender is present; and subsections (2) to (5) of section 70 of that Act (process for securing appearance of offender at means inquiry) shall apply in relation to a hearing required to be held by this subsection as they apply in relation to an inquiry into a person's means.

- (7) Where a magistrates' court issues a warrant of commitment on the ground that one of the conditions mentioned in subsection (2) or (5) of this section is satisfied, it shall state that fact, specifying the ground, in the warrant.
- (8) A magistrates' court may, either before or on inquiring into a person's means under this section, and a justice of the peace acting for the same petty sessions area as that court may before any such inquiry, order him to furnish to the court within a period specified in the order such a statement of his means as the court may require.
- (9) A person who fails to comply with an order under the last foregoing subsection shall be liable on summary conviction to a fine not exceeding £50.
- (10) Where a fine has been imposed on conviction of an offender by a magistrates' court, the court may, on inquiring into his means or at a hearing under subsection (6) of this section, remit the whole or any part of the fine if the court thinks it just to do so having regard to any change in his circumstances since the conviction, and where the court remits the whole or part of the fine after a term of imprisonment has been fixed, it shall also reduce the term by an amount which bears the same proportion to the whole term as the amount remitted bears to the whole fine or, as the case may be, shall remit the whole term.

In calculating the reduction in a term of imprisonment required by this subsection any fraction of a day shall be left out of account.

- (11) The last foregoing subsection shall not authorise a magistrates' court to remit the whole or any part of a sum ordered under section 95 of the National Insurance Act 1965 or section 69 of the National Insurance (Industrial Injuries) Act 1965 (recovery of unpaid contributions on prosecutions under those Acts) to be paid to the National Insurance Fund or the Industrial Injuries Fund and recoverable as a penalty by virtue of subsection (6) of either of those sections.

45 Enforcement of payment of fines by High Court and county court.

- (1) Subject to the provisions of the next following subsection, payment of a sum adjudged to be paid by a conviction of a magistrates' court may be enforced by the High Court or a county court (otherwise than by issue of a writ of fieri facias or other process against goods or by imprisonment) as if the sum were due to the clerk of the magistrates' court in pursuance of a judgment or order of the High Court or county court, as the case may be.
- (2) The foregoing subsection shall not be construed as authorising the enforcement by a county court of payment of a fine exceeding the limit for the time being in force under section 40 of the County Courts Act 1959 on the amount of any penalty recoverable by statute in a county court.
- (3) The clerk of the magistrates' court shall not take proceedings by virtue of subsection (1) of this section to recover any sum adjudged to be paid by a conviction of the court

from any person unless authorised to do so by the court after an inquiry under the last foregoing section into that person's means.

- (4) Any expenses incurred by the clerk of a magistrates' court in recovering any such sum shall be treated for the purposes of Part IV of the Justices of the Peace Act 1949 as expenses of the magistrates' courts committee.

46 Enforcement of payment of fines by attachment of earnings orders.

- (1) If it appears to a magistrates' court by which a sum has been adjudged to be paid by a conviction that the offender has defaulted in the payment of that sum and that he is a person to whom earnings fall to be paid, the court may, after inquiring into his means under section 44 of this Act, make one or more attachment of earnings orders within the meaning of the Maintenance Orders Act 1958.
- (2) The provisions of Schedule 1 to this Act shall have effect for the purpose of applying, with modifications, provisions of the Maintenance Orders Act 1958 to attachment of earnings orders under this section and for the purpose of making a consequential amendment of that Act.

47 Fines imposed and recognizances forfeited at assizes and quarter sessions.

- (1) A court of assize or quarter sessions by which a fine is imposed on any person or the recognizance of any person is forfeited shall, subject to the next following subsection, make an order under section 14(1) of the Criminal Justice Act 1948 (powers of courts of assize and quarter sessions in relation to fines and forfeited recognizances) fixing a term of imprisonment which that person is to undergo if the sum which he is liable to pay is not duly paid or recovered.
- (2) No person shall on the occasion when a fine is imposed on him or his recognizance is forfeited by any such court be committed to prison in pursuance of such an order unless—
- (a) in the case of an offence punishable with imprisonment, he appears to the court to have sufficient means to pay the sum forthwith ;
 - (b) it appears to the court that he is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods ; or
 - (c) on the occasion when the order is made the court sentences him to immediate imprisonment or detention in a detention centre for that or another offence, or sentences him as aforesaid for an offence in addition to forfeiting his recognizance, or he is already serving a term of imprisonment or detention in a detention centre.
- (3) Subject to the provisions of subsection (8) of this section, a fine imposed or a recognizance forfeited by a court of assize or quarter sessions after the commencement of this Act shall be treated for the purposes of collection, enforcement and remission of the fine or other sum as having been imposed or forfeited—
- (a) by a magistrates' court specified in an order made by the former court; or
 - (b) if no such order is made, by the magistrates' court by which the offender was committed to the former court to be tried or dealt with ;

and in the case of a fine as having been so imposed on conviction by the magistrates' court in question.

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- (4) Accordingly no proceedings shall be taken or other thing done in relation to a fine imposed, or sum due under a recognizance forfeited, after the commencement of this Act by a court of assize or quarter sessions under the Levy of Fines Act 1822, the Levy of Fines Act 1823, the Fines Act 1833 or the Queen's Remembrancer Act 1859.
- (5) Where a fine is imposed or a recognizance forfeited by a court of assize or quarter sessions, the clerk of the court shall—
- (a) as soon as practicable give particulars of the fine or recognizance to the clerk of the magistrates' court by which payment of the fine or the sum due under the recognizance is to be enforced ;
 - (b) at the end of the assizes or sessions at which the fine or recognizance is imposed or forfeited give those particulars to the Secretary of State, specifying the magistrates' court by which payment of the fine or other sum is to be enforced.
- (6) The term of imprisonment specified in any warrant of commitment issued by a magistrates' court on a default in the payment of a fine imposed, or sum due under a recognizance forfeited, by a court of assize or quarter sessions as the term which the offender is liable to serve shall be the term fixed by the latter court or, if that term has been reduced under section 67(2) of the Magistrates' Courts Act 1952 (part payment) or section 44(10) of this Act, that term as so reduced, notwithstanding that that term exceeds the period applicable to the case under Schedule 3 to that Act or section 285 of the Customs and Excise Act 1952 (maximum periods of imprisonment in default of payment of fines, etc.).
- (7) The foregoing provisions of this section shall apply in relation to a fine imposed or recognizance forfeited by the criminal division of the Court of Appeal, or by the House of Lords on appeal from that division, as they apply in relation to a fine imposed or recognizance forfeited by a court of assize or quarter sessions, and references in those provisions to a court of assize or quarter sessions and the clerk of the court shall be construed accordingly.
- (8) A magistrates' court shall not under section 44(10) of this Act or section 96 of the Magistrates' Courts Act 1952, as applied by subsection (3) of this section, remit the whole or any part of a fine imposed or a sum due under a recognizance forfeited by a court of assize or quarter sessions, without the consent of—
- (a) a judge of the Central Criminal Court, where the fine was imposed or the recognizance forfeited by that court;
 - (b) a judge of the Crown Court at Liverpool or the Crown Court at Manchester, as the case may require, where the fine was imposed or the recognizance forfeited by one of those courts;
 - (c) a judge of the High Court, where the fine was imposed or the recognizance forfeited by any court of assize (other than the Central Criminal Court or one of the said Crown Courts);
 - (d) the chairman or any deputy chairman, or the recorder or any deputy recorder, as the case may be, of a court of quarter sessions, where the fine was imposed or the recognizance forfeited by that court;
- and the said section 44(10) shall have effect accordingly.
- (9) A fine imposed or a recognizance forfeited by the criminal division of the Court of Appeal on appeal from a court of assize or quarter sessions or by the House of Lords on appeal from that division shall be treated for the purposes of collection, enforcement

and remission of the fine or other sum as having been imposed or forfeited by that court of assize or quarter sessions.

- (10) Any fine or other sum the payment of which is enforceable by a magistrates' court by virtue of this section shall be treated for the purposes of the Justices of the Peace Act 1949 and, in particular, section 27 thereof (application of fines imposed by magistrates' courts) as having been imposed by a magistrates' court, or as being due under a recognizance forfeited by such a court, and as being Exchequer moneys.
- (11) All rights granted by the Crown, by charter or otherwise, to fines imposed or sums due under recognizances forfeited after the commencement of this Act by the High Court or courts of assize or quarter sessions are hereby extinguished and any such fines or sums which apart from the foregoing provision would be paid to the holders of such rights shall be paid into and retained in the Exchequer.
- (12) The Treasury shall out of moneys provided by Parliament pay by way of compensation to the holder of any such right who has received any payment as such a holder during the period Of five years ending with 31st March 1967 an amount equal to three times the aggregate of the sums received by him in respect of fines imposed and recognizances forfeited in that period by the High Court or courts of assize or quarter sessions.

48 Enforcement in Scotland of fines imposed at assizes or quarter sessions.

- (1) The power of a magistrates' court or of a court of summary jurisdiction in Scotland to make a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 (transfer of fine orders to Scotland) or section 44 of the Summary Jurisdiction (Scotland) Act 1954 (transfer of fine orders within and from Scotland) shall be exercisable in relation to a fine imposed on any person or a sum due from any person under a recognizance forfeited by a court of assize or quarter sessions the payment of which is enforceable by the magistrates' court or court of summary jurisdiction, notwithstanding that the court of assize or quarter sessions has in pursuance of the last foregoing section fixed a term of imprisonment which that person is to undergo if the fine or other sum is not duly paid or recovered.
- (2) Section 24 of the Queen's Remembrancer Act 1859 (recovery of fines and other debts due to the Crown in other parts of the United Kingdom) shall cease to apply to the enforcement in Scotland of a fine imposed or a sum due under a recognizance forfeited by a court of assize or quarter sessions.

49 Fines imposed by coroners.

A fine imposed by a coroner after the commencement of this Act under section 19 of the Coroners Act 1887 shall be treated for purposes of its collection, enforcement and remission as having been imposed by the magistrates' court for the area in which the coroner's court was held, and the coroner shall as soon as practicable after imposing the fine give particulars of the fine to the clerk of that court.

50 Supplementary provisions as to payment of fines etc.

Sections 44 to 46 of this Act and Part III of the Magistrates' Courts Act 1952 shall have effect as if those sections were contained in that Part of that Act and in section 5(5) of the Criminal Justice Act 1961 (construction of references to terms of imprisonment)

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the reference to section 14 of the Criminal Justice Act 1948 shall be construed as including a reference to section 47 of this Act.

Probation and discharge

51 Combination of disqualification and endorsement for motoring offences with probation orders and orders for discharge.

- (1) Notwithstanding anything in section 12(2) of the Criminal Justice Act 1948 (conviction of an offender placed on probation or discharged to be disregarded for the purposes of enactments relating to disqualification), a court which on convicting a person of an offence specified in Schedule 1 to the Road Traffic Act 1962 (offences involving disqualification) makes a probation order or an order discharging him absolutely or conditionally may on that occasion also exercise any power conferred, and shall also discharge any duty imposed, on the court by section 5 or 7 of the said Act of 1962 (disqualification and endorsement).
- (2) A conviction in respect of which a court has ordered a person to be disqualified or of which particulars have been endorsed on any licence held by him shall, notwithstanding anything in section 12(1) of the said Act of 1948 (conviction of offender placed on probation or discharged to be disregarded for the purpose of subsequent proceedings), be taken into account in determining his liability to punishment or disqualification for any offence specified in the said Schedule 1 committed subsequently.
- (3) In this section—
 - " disqualified " means disqualified for holding or obtaining a licence, and
 - " disqualification " shall be construed accordingly;
 - " licence " means a licence to drive a motor vehicle granted under Part II of the Road Traffic Act 1960.

52 Duration of conditions of discharge.

In section 7(1) of the Criminal Justice Act 1948 (power of a court on conviction of an offender to make an order discharging him absolutely or subject to the condition that he commits no offence during a specified period not exceeding twelve months) for the words " twelve months " there shall be substituted the words " three years ".

53 Substitution of conditional discharge for probation.

- (1) Where on an application made by the probationer or the probation officer it appears to the court having power to discharge a probation order made under section 3 of the Criminal Justice Act 1948 that the order is no longer appropriate in the case of the probationer, the court may make, in substitution for the probation order, an order discharging him in respect of the original offence, subject to the condition that he commits no offence between the making of the order under this section and the expiration of the probation period.
- (2) A person in respect of whom an order is made under this section shall so long as the said condition continues in force be treated in all respects and in particular for the purposes of section 8 of the said Act of 1948 (commission of further offence by probationer or person subject to order for conditional discharge) as if the original order

made in his case had been an order for conditional discharge made under section 7 of that Act by the court which made the original order and as if the period of conditional discharge were the same as the probation period.

- (3) On the making of an order under this section the clerk of the court shall forthwith give copies thereof to the probation officer, who shall give a copy to the person in respect of whom the order is made and to the person in charge of any institution in which that person was required by the probation order to reside.

54 Miscellaneous provisions as to probation orders.

- (1) The power of discharging a probation order conferred by paragraph 1 of Schedule 1 to the Criminal Justice Act 1948 on the court by or before which the probationer is convicted shall, except where that court is a court of assize or quarter sessions and includes in the order a direction to the contrary, be exercised instead by the supervising court within the meaning of that Act.
- (2) The power of discharging such an order conferred by virtue of section 80(5) of the said Act of 1948, in a case where the order is made on appeal, on the court from which the appeal is brought shall, except where that court is a court of assize or quarter sessions and there is included in the order a direction that the power should be reserved to that court, be exercised instead by the supervising court within the meaning of that Act.
- (3) Subsections (2) and (3) of section 5 of the said Act of 1948 (compulsory review of probation orders after six months) shall cease to have effect.
- (4) Where a magistrates' court has committed a probationer in custody under section 6(3)(b) of the said Act of 1948 (committal to assizes or quarter sessions on breach of probation order), that court or any other magistrates' court acting for the same area as that court may at any time before the first sitting of the court of assize or quarter sessions to which he has been committed release him on bail (with or without sureties) until he can appear before the last-mentioned court.
- (5) A court of assize or quarter sessions before which a probationer appears or is brought and which is satisfied that he has failed to comply with any of the requirements of the probation order may, instead of dealing with him under section 6(4)(b) of the said Act of 1948 for the offence in respect of which the probation order was made, impose on him a fine not exceeding £20, without prejudice, however, to the continuance of the probation order; and the maximum fine which may be imposed by a magistrates' court under section 6(3) of that Act for the like failure shall be £20 instead of £10.
- (6) The maximum fine which may be imposed by a court in Scotland under section 5(2)(a) of the Criminal Justice (Scotland) Act 1949 on a probationer for failure to comply with any of the requirements of a probation order shall be £20 instead of £10.
- (7) A probation order made or amended by virtue of section 9 of the Criminal Justice Act 1948 (probationers residing or intending to reside in Scotland) may, notwithstanding section 4(9) of that Act, include a requirement that the probationer shall submit to treatment for his mental condition, and—
 - (a) subsections (1), (3) and (7) of the said section 4 and section 3(2) of the Criminal Justice (Scotland) Act 1949 (all of which regulate the making of probation orders which include any such requirement) shall apply to the making of an order which includes any such requirement by virtue of this subsection as they apply to the making of an order which includes any such requirement by virtue of the said sections 4 and 3 respectively ; and

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- (b) subsections (4) to (6) of the said section 3 (functions of probation officer and medical practitioner where such a requirement has been imposed) shall apply in relation to a probationer who is undergoing treatment in Scotland in pursuance of a requirement imposed by virtue of this subsection as they apply in relation to a probationer undergoing such treatment in pursuance of a requirement imposed by virtue of the said section 3.
- (8) A probation order made or amended by virtue of section 7 of the Criminal Justice (Scotland) Act 1949 (Scottish probation orders relating to persons residing or intending to reside in England) may, notwithstanding section 3(9) of that Act, include a requirement that the probationer shall submit to treatment for his mental condition, and—
- (a) subsections (1), (3) and (7) of the said section 3 and section 4(2) of the Criminal Justice Act 1948 (all of which regulate the making of probation orders which include any such requirement) shall apply to the making of an order which includes any such requirement by virtue of this subsection as they apply to the making of an order which includes any such requirement by virtue of the said sections 3 and 4 respectively ; and
 - (b) subsections (4) to (6) of the said section 4 (functions of probation officer and medical practitioner where such a requirement has been imposed) shall apply in relation to a probationer who is undergoing treatment in England or Wales in pursuance of a requirement imposed by virtue of this subsection as they apply in relation to a probationer undergoing such treatment in pursuance of a requirement imposed by virtue of the said section 4.

55 Selection of probation officers.

A probation officer under whose supervision a woman or girl is placed in pursuance of an order under section 3 of the Criminal Justice Act 1948 or any provision of the Children and Young Persons Act 1933 may be a man or a woman, and accordingly paragraph 4(2) of Schedule 5 to the said Act of 1948 and paragraph 13 of Schedule 1 to the Children and Young Persons Act 1963 (which provide that the officer must be a woman) shall cease to have effect.

Miscellaneous

56 Committal for sentence for offences tried summarily.

- (1) Where a magistrates' court—
- (a) has convicted a person of an offence punishable with imprisonment or of an offence in respect of which the court has a power or duty to order him to be disqualified under section 5 of the Road Traffic Act 1962 (disqualification for certain motoring offences), or has power under section 41(1) of this Act to deal with a person in respect of a suspended sentence ; and
 - (b) commits that person in custody or on bail to a court of assize or quarter sessions under any enactment to which this section applies to be sentenced or otherwise dealt with in respect of another offence ;

the magistrates' court may commit him in custody or on bail, as the case may require, to that court of assize or quarter sessions to be dealt with in respect of the offence mentioned in paragraph (a) of this subsection.

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- (2) The enactments to which this section applies are the Vagrancy Act 1824 (incorrigible rogues), section 8(4) of the Criminal Justice Act 1948 (probationer convicted of a subsequent offence), sections 28 and 29 of the Magistrates' Courts Act 1952 (committal for sentence) and sections 41(2) and 62(6) of this Act.
- (3) The power of a magistrates' court under section 8(4) of the Criminal Justice Act 1948 to commit to a court of assize or quarter sessions a person subject to a probation order or an order for conditional discharge who has been convicted of an offence by the magistrates' court shall be exercisable notwithstanding that the magistrates' court has not dealt with him in respect of that offence; and accordingly in that subsection and subsection (5) of that section the words " and dealt with " shall cease to have effect.
- (4) The power of a magistrates court to commit an offender to quarter sessions under section 29 of the Magistrates' Courts Act 1952 shall be exercisable in accordance with the following provisions of this section; and accordingly in that section for the words " instead of dealing with him in any other manner " there shall be substituted the words " in accordance with section 56 of the Criminal Justice Act 1967 ".
- (5) Where under subsection (1) of this section a magistrates' court commits a person to be dealt with by a court of assize or quarter sessions in respect of an offence, the latter court may after inquiring into the circumstances of the case deal with him in any way in which the magistrates' court might have dealt with him, and, without prejudice to the foregoing provision, where under that subsection or any enactment to which this section applies a magistrates' court so commits a person, any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court shall not be discharged or exercised by that court but shall instead be discharged or may instead be exercised by the court of assize or quarter sessions.
- (6) Any duty imposed or power conferred by virtue of the last foregoing subsection on a court of quarter sessions, in a case where an offender has been committed to the court under section 28 of the Magistrates' Courts Act 1952, shall be discharged or may be exercised by the court notwithstanding that it sentences him to borstal training and in that or any other case shall be discharged or may be exercised notwithstanding anything in any other enactment and, in particular, in sections 5 and 7 of the Road Traffic Act 1962.
- (7) Where a magistrates' court has power under section 8(4) of the Criminal Justice Act 1948 or section 41 of this Act to commit an offender to a court of assize to be dealt with in respect of an offence and has power under any other enactment to commit him to a court of quarter sessions to be dealt with in respect of another offence, the magistrates' court, if it commits him in respect of both offences, shall commit him to the court of quarter sessions.
- (8) Where under subsection (1) of this section or any enactment to which this section applies a magistrates' court commits an offender to a court of assize or quarter sessions and by reason of the foregoing provisions of this section the magistrates' court does not exercise its power or discharge its duty under section 5 of the Road Traffic Act 1962 of ordering the offender to be disqualified, it may nevertheless order him to be disqualified until the court to which he is committed has dealt with him in respect of the offence.
- (9) Where a court makes an order under the last foregoing subsection in respect of any person, it shall require him to produce to the court any licence under Part II of the Road Traffic Act 1960, and any Northern Ireland licence, held by him and shall cause

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any such licence to be sent to the clerk of the court to which he is committed ; and if he does not produce any such licence as required he shall be liable on summary conviction to a fine not exceeding £50.

(10) Where a court makes any such order in respect of any person, sections 112 and 116(2) of the Road Traffic Act 1960 (supplementary provisions as to disqualification and endorsement) and section 7(1) of the Road Traffic Act 1962 (endorsements) shall not apply in relation to the order, but the court shall—

- (a) if he holds a licence under the said Part II, send notice of the order to the licensing authority by which the licence was granted and to the licensing authority in whose area he resides ;
- (b) if he holds a Northern Ireland licence, send such a notice to the Minister of Transport;

and the court to which he is committed shall, if it determines not to order him to be disqualified under section 5 of the Road Traffic Act 1962, send notice of the determination to any such licensing authority or the Ministry of Transport, as the case may require.

(11) Where a person is committed to a court of assize or quarter sessions under this section or any enactment to which this section applies to be dealt with in respect of an offence specified in Part I or II of Schedule 1 to the Road Traffic Act 1962 (offences involving disqualification) and no order is made in his case under subsection (8) of this section, section 7(4) of that Act (duty to deliver licence to court) shall apply to him as it applies to a person who is prosecuted for such an offence and convicted before that court.

(12) A period of disqualification imposed on any person by virtue of subsection (5) of this section shall be treated as reduced by any period during which he was disqualified by reason only of an order made under subsection (8) thereof; but a period during which he was so disqualified shall not be taken into account under this subsection for the purpose of reducing more than one other period of disqualification.

(13) In this section—

" disqualified " means disqualified for holding or obtaining a licence under Part II of the Road Traffic Act 1960;

" licence " means a licence to drive a motor vehicle; and

" Northern Ireland licence " means a licence under any such provision as is mentioned in section 116(1) of the said Act of 1960 (use of Northern Ireland licences in Great Britain).

57 Social inquiry report before sentence.

- (1) The Secretary of State may by rules make provision requiring that in any case to which the rules apply a court of any prescribed class shall before passing on any person a sentence to which the rules apply consider a social inquiry report, that is to say a report about him and his circumstances, made by a probation officer or any other person authorised to do so by the rules.
- (2) Rules under this section may apply to a sentence of imprisonment or detention of any class prescribed by the rules and may make different provision for different cases.
- (3) No sentence shall be invalidated by the failure of a court to consider a social inquiry report in accordance with rules under subsection (1) of this section, but any other court on appeal from that court shall consider such a report in determining whether

a different sentence should be passed on the appellant from the sentence passed on him by the court below.

- (4) In this section " sentence of imprisonment or detention " means a sentence of imprisonment, borstal training or detention in a detention centre or a sentence of detention passed under section 53 of the Children and Young Persons Act 1933 (young offenders convicted of grave crimes).

58 Power to make recommendations for deportation.

Notwithstanding any rule of practice restricting the matters which ought to be taken into account in dealing with an offender who is sentenced to imprisonment, a recommendation for deportation may be made under section 7 of the Commonwealth Immigrants Act 1962 in respect of an offender who is sentenced to imprisonment for life.

PART III

TREATMENT OF OFFENDERS

Release of prisoners on licence and supervision of prisoners after release

59 Constitution and functions of Parole Board and local review committees.

- (1) For the purpose of exercising the functions conferred on it by this Part of this Act as respects England and Wales there shall be a body to be known as the Parole Board and for the purpose of exercising those functions as respects Scotland there shall be a body to be known as the Parole Board for Scotland, each body consisting of a chairman and not less than four other members appointed by the Secretary of State.
- (2) Any reference in the following provisions of this Part of this Act (including Schedule 2 thereto) to the Parole Board shall be construed as a reference to the Parole Board or the Parole Board for Scotland, as the case may require.
- (3) It shall be the duty of the Board to advise the Secretary of State with respect to—
- (a) the release on licence under section 60(1) or 61, and the recall under section 62, of this Act of persons whose cases have been referred to the Board by the Secretary of State;
 - (b) the conditions of such licences and the variation or cancellation of such conditions ; and
 - (c) any other matter so referred which is connected with the release on licence or recall of persons to whom the said section 60 or 61 applies.
- (4) The following provisions shall have effect with respect to the proceedings of the Board on any case referred to it, that is to say—
- (a) the Board shall deal with the case on consideration of any documents given to it by the Secretary of State and of any reports it has called for and any information whether oral or in writing that it has obtained; and
 - (b) if in any particular case the Board thinks it necessary to interview the person to whom the case relates before reaching a decision, the Board may request

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one of its members to interview him and shall take into account the report of that interview by that member;

and, without prejudice to the foregoing, the Secretary of State may by rules make provision with respect to the proceedings of the Board on cases referred to it, including provision authorising such cases to be dealt with by a prescribed number of members of the Board.

- (5) The documents to be given by the Secretary of State to the Board under the last foregoing subsection shall include—
- (a) where the case referred to the Board is one of release under section 60 or 61 of this Act, any written representations made by the person to whom the case relates in connection with or since his last interview in accordance with rules under the next following subsection;
 - (b) where the case so referred relates to a person recalled under section 62 of this Act, any written representations made under that section.
- (6) The Secretary of State may by rules make provision—
- (a) for the establishment and constitution of local review committees having the duty of reviewing at such times or in such circumstances as may be prescribed by or determined under the rules the cases of persons who are or will become eligible for release under section 60 or 61 of this Act and reporting to the Secretary of State on their suitability for release on licence; and
 - (b) for the interview of such persons by a member of any such committee (not being a prison officer);
- and rules under this subsection may make different provision for different cases.
- (7) The supplementary provisions contained in Schedule 2 to this Act shall have effect with respect to the Parole Board and local review committees.

60 Release on licence of persons serving determinate sentences.

- (1) The Secretary of State may, if recommended to do so by the Parole Board, release on licence a person serving a sentence of imprisonment, other than imprisonment for life, after he has served not less than one-third of his sentence or twelve months thereof, whichever expires the later.
- (2) A person whose sentence falls to be reduced under section 67 of this Act shall, for the purpose of determining under the foregoing subsection whether he has served one-third of his sentence, be treated as if any period spent in custody between conviction and sentence and taken into account under that section were included in his sentence and as if he had served that period as part of that sentence.
- (3) Without prejudice to his earlier release under subsection (1) of this section the Secretary of State may direct that—
 - (a) a person serving a sentence of imprisonment in respect of whom an extended sentence certificate was issued when the sentence was passed ; or
 - (b) a person serving a sentence of imprisonment for a term of eighteen months or more who was under the age of twenty-one when the sentence was passed ;
 shall, instead of being granted remission of any part of his sentence under the prison rules, be released on licence at any time on or after the day on which he could have been discharged from prison if the remission had been granted.

- (4) A person subject to a licence under this section shall comply with such conditions, if any, as may for the time being be specified in the licence.
- (5) The Secretary of State shall consult the Board before including on release, or subsequently inserting, a condition in a licence under this section or varying or cancelling any such condition; and for the purposes of this subsection the Secretary of State shall be treated as having consulted the Board about a proposal to include, insert, vary or cancel a condition in any case if he has consulted the Board about the implementation of proposals of that description generally or in that class of case.
- (6) A licence granted to any person under this section shall, unless previously revoked under section 62 of this Act, remain in force until a date specified in the licence, being—
 - (a) in the case of a licence granted to a person in respect of whom an extended sentence certificate was issued when sentence was passed on him or to a person who was under the age of twenty-one when sentence was passed on him, the date of the expiration of the sentence;
 - (b) in any other case, the date on which he could have been discharged from prison on remission of part of his sentence under the prison rules if, after the date of his release on licence, he had not forfeited remission of any part of the sentence under the rules.
- (7) Section 20 of and Schedule 3 to the Criminal Justice Act 1961 (supervision of discharged prisoners) shall cease to have effect.
- (8) In the application of this section to Scotland—
 - (a) the expression " prison rules " means rules under section 35 of the Prisons (Scotland) Act 1952;'
 - (b) the expression " imprisonment " includes detention in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952 ;
 - (c) subsection (3)(a) shall be omitted ;
 - (d) in paragraph (a) of subsection (6), the words from " to a person " where they first occur to " or " shall be omitted.

61 Release on licence of persons sentenced to imprisonment for life, etc.

- (1) The Secretary of State may, if recommended to do so by the Parole Board, release on licence a person serving a sentence of imprisonment for life or a person detained under section 53 of the Children and Young Persons Act 1933 (young offenders convicted of grave crimes), but shall not do so in the case of a person sentenced to imprisonment for life or to detention during Her Majesty's pleasure or for life except after consultation with the Lord Chief Justice of England together with the trial judge if available.
- (2) Subsections (4) and (5) of the last foregoing section shall apply in relation to a licence under this section as they apply in relation to a licence under that section.
- (3) A licence granted under this section to any person sentenced under section 53(2) of the Children and Young Persons Act 1933 to be detained otherwise than for life shall, unless previously revoked under the next following section, remain in force until a date specified in the licence, being the date of the expiration of the sentence.
- (4) In the application of this section to Scotland—

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- (a) for the references to section 53 and 53(2) of the Children and Young Persons Act 1933 there shall be substituted respectively references to section 57 and 57(2) of the Children and Young Persons (Scotland) Act 1937;
- (b) in subsection (1), for the words " Lord Chief Justice of England " there shall be substituted the words " Lord Justice General ".

62 Revocation of licences and conviction of prisoners on licence.

- (1) Where the Parole Board recommends the recall of any person who is subject to a licence under section 60 or 61 of this Act, the Secretary of State may revoke that person's licence and recall him to prison.
- (2) The Secretary of State may revoke the licence of any such person and recall him as aforesaid without consulting the Board, where it appears to him that it is expedient in the public interest to recall that person before such consultation is practicable.
- (3) A person recalled to prison under the foregoing provisions of this section may make representations in writing with respect to his recall and shall on his return to prison be informed of the reasons for his recall and of his right to make such representations.
- (4) The Secretary of State shall refer to the Board the case of a person recalled under subsection (1) of this section who makes representations under the last foregoing subsection and shall in any event so refer the case of a person returned to prison after being recalled under subsection (2) of this section.
- (5) Where the Board recommends the immediate release on licence of a person whose case is referred to it under this section, the Secretary of State shall give effect to the recommendation, and where it is necessary for that purpose to release that person under subsection (1) of the last foregoing section, the Secretary of State shall do so without the consultation required by that subsection.
- (6) If a person subject to a licence under section 60 or 61 of this Act is convicted by a magistrates' court of an offence punishable on indictment with imprisonment, the court may commit him in custody or on bail to quarter sessions for sentence in accordance with section 29 of the Criminal Justice Act 1948 (power of quarter sessions to sentence persons convicted by magistrates' courts of indictable offences).
- (7) If a person subject to any such licence is convicted on indictment of such an offence as aforesaid or is committed to quarter sessions for sentence as aforesaid or under section 29 of the Magistrates' Courts Act 1952 (committal of persons convicted of indictable offences for sentence), the court by which he is convicted or to which he is committed, as the case may be, may, whether or not it passes any other sentence on him, revoke the licence.
- (8) If a person subject to a licence under section 60 or 61 of this Act is convicted by the High Court of Justiciary, or by a sheriff, whether summarily or on indictment, of an offence punishable on indictment with imprisonment, the court by which he is convicted may, whether or not it passes any other sentence on him, revoke the licence.
- (9) On the revocation of the licence of any person under this section, he shall be liable to be detained in pursuance of his sentence, and, if at large, shall be deemed to be unlawfully at large.
- (10) If in the case of a person subject to a licence under section 60 of this Act a court of assize or quarter sessions or the High Court of Justiciary or a sheriff revokes

that licence under this section, the Secretary of State shall not thereafter release him under subsection (1) of that section before the expiration of one year from the date of revocation or before the expiration of one-third of the period during which the licence would have remained in force, whichever is the later; but the foregoing provision shall not affect any power to release him otherwise than under that subsection.

- (11) This section shall have effect, in its application to a person sentenced to be detained under section 53 of the Children and Young Persons Act 1933 or section 57 of the Children and Young Persons (Scotland) Act 1937 (young offenders convicted of grave crimes), as if for any reference to a prison there were substituted a reference to any place in which the Secretary of State directs that person to be detained.

63 Supervision of young, short-term prisoners after release.

- (1) A person serving a sentence of imprisonment for a term of less than eighteen months who was under the age of twenty-one when the sentence was passed shall be subject after his release from prison to supervision under Schedule 1 to the Criminal Justice Act 1961 (supervision of persons released from detention centres) as if he had been released from a detention centre after being detained there in pursuance of an order under section 4 of that Act (detention centre order), and the provisions of that Schedule shall apply accordingly to any such person—
- (a) with the substitution for any reference to an order under the said section 4 of a reference to a sentence of imprisonment; and
 - (b) with the substitution for any reference to a detention centre of a reference to a prison.
- (2) A notice under the said Schedule 1 given to a person to whom the foregoing subsection applies shall state that he was under the age of twenty-one when the relevant sentence was passed on him.

64 Supplemental.

- (1) For the purposes of the foregoing provisions of this Part of this Act or any notice thereunder the age of any person at the time when sentence was passed on him shall be deemed to have been that which appears to the Secretary of State to have been his age at that time.
- (2) The following powers, that is to say—
- (a) the power conferred on the Secretary of State by section 60 of this Act to insert or include conditions in the licence of any person released under that section after being transferred to either part of Great Britain from another part of the United Kingdom, the Channel Islands or the Isle of Man ;
 - (b) the power conferred on the Secretary of State by section 62 of this Act to revoke the licence of any such person and recall him to prison ;
 - (c) the power conferred on a court by the said section 62 to revoke any such licence ;
- shall be exercisable notwithstanding anything in section 26(6) of the Criminal Justice Act 1961 (exclusion of supervision of persons so transferred).

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Miscellaneous

65 Abolition of corporal punishment in prison.

Corporal punishment shall not be inflicted in any prison or other institution to which the Prison Act 1952 applies, and accordingly section 18 of that Act shall cease to have effect.

66 Miscellaneous amendments of the Prison Act 1952.

- (1) Notwithstanding that a remand centre is provided under section 43 of the Prison Act 1952 for the detention of persons of or over the age of fourteen but under the age of twenty-one who are remanded or committed in custody for trial or sentence, any person required to be detained in an institution to which that Act applies may be detained in a remand centre for any temporary purpose or for the purpose of providing maintenance and domestic services for that centre.
- (2) Section 15 of the said Act of 1952 (provision of separate buildings for male and female prisoners confined in the same prison) shall cease to have effect.
- (3) For sections 30 to 32 of the said Act of 1952 (discharged prisoners aid societies and allowances and expenses for discharged prisoners) there shall be substituted the following section:—

“30 Payments for discharged prisoners.

The Secretary of State may make such payments to or in respect of persons released or about to be released from prison as he may with the consent of the Treasury determine”.

- (4) Any statutory instrument containing rules made under section 47 of the said Act of 1952 (prison rules) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and accordingly so much of section 52(2) of that Act as requires a draft of such an instrument to be laid before Parliament shall cease to have effect.
- (5) In section 47(4) of that Act (duty to include in prison rules provisions for the special treatment of certain classes of prisoners), paragraphs (b) and (c) (persons convicted of sedition, etc., and appellants) shall cease to have effect, and at the end of paragraph (d) (miscellaneous prisoners) there shall be added the words " or a person committed to custody on his conviction ".

67 Computation of sentences of imprisonment passed in England and Wales.

- (1) The length of any sentence of imprisonment imposed on an offender by a court shall be treated as reduced by any period during which he was in custody by reason only of having been committed to custody by an order of a court made in connection with any proceedings relating to that sentence or the offence for which it was passed or any proceedings from which those proceedings arose, but where the offender was previously subject to a probation order, an order for conditional discharge or a suspended sentence in respect of that offence, any such period falling before the order was made or suspended sentence passed shall be disregarded for the purposes of this section.

- (2) For the purposes of this section a suspended sentence shall be treated as a sentence of imprisonment when it takes effect under section 40 of this Act and as being imposed by the order under which it takes effect.
- (3) No period of custody, other than a period which would have been taken into account before the commencement of this Act under section 17(2) of the Criminal Justice Administration Act 1962 (duration of sentence) for the purpose of reducing a term of imprisonment, shall be taken into account for the like purpose under this section unless it falls after the commencement of this Act.
- (4) Any reference in this Act or any other enactment (whether passed before or after the commencement of this Act) to the length of any sentence of imprisonment shall, unless the context otherwise requires, be construed as a reference to the sentence pronounced by the court and not the sentence as reduced by this section.

68 Consideration of time spent in custody in passing sentence in Scotland.

A court in Scotland, in passing a sentence of imprisonment or detention in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952 on a person for any offence, shall, in determining the period of imprisonment or detention, have regard to any period of time spent in custody by that person on remand awaiting trial or sentence.

69 Extension of enactments relating to persons sentenced to imprisonment or detention to young persons sentenced to detention.

- (1) In section 38(3) of the Criminal Justice Act 1961 (construction of references to imprisonment or detention and sentence) at the end there shall be added the following paragraph—
 - “(c) any reference to a person serving a sentence of, or sentenced to, imprisonment or detention shall be construed as including a reference to a person who, under any enactment relating to children and young persons in force in any part of the United Kingdom or any of the Channel Islands or the Isle of Man, has been sentenced by a court to be detained for an offence and is liable to be detained in accordance with directions given by the Secretary of State, by the Minister of Home Affairs for Northern Ireland or by the Governor of the Isle of Man with the concurrence of the Secretary of State, and any other reference to a sentence of imprisonment or detention shall be construed accordingly.”
- (2) In section 49 of the Prison Act 1952, section 37 of the Prisons (Scotland) Act 1952 and section 38(2) of the Prison Act (Northern Ireland) 1953 (persons unlawfully at large) any reference to a person sentenced to imprisonment shall be construed as including a reference to any such person as is mentioned in the foregoing subsection.

70 Prisoner transferred from Scotland to England for security.

- (1) Where the Secretary of State, in the case of a person serving a sentence of imprisonment, corrective training or preventive detention in Scotland, is of the opinion that in the interests of security or of public safety that person ought to be transferred to a prison in England and Wales, he may make an order for his transfer to that prison :

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Provided that the Secretary of State may at any time make an order for the transfer of that person back to a prison in Scotland.

- (2) A person transferred to England and Wales or transferred back to Scotland under this section shall be treated for all purposes as if he had been transferred to England and Wales or, as the case may be, Scotland under section 26 of the Criminal Justice Act 1961.

71 Exercise of powers of release.

Any power conferred by or under any enactment to release a person from a prison or other institution to which the Prison Act 1952 applies or from an approved school may be exercised notwithstanding that he is not for the time being detained in that institution or school and a person released by virtue of this section shall, after his release, be treated in all respects as if he had been released from that institution or school.

72 Power of magistrates to issue warrants for arrest of escaped prisoners and mental patients.

- (1) On an information in writing being laid before a justice of the peace for any area in England and Wales or Northern Ireland and substantiated on oath, or on an application being made to a sheriff, magistrate or justice of the peace in Scotland, alleging that any person is—
- (a) an offender unlawfully at large from a prison or other institution to which the Prison Act applies in which he is required to be detained after being convicted of an offence; or
 - (b) a convicted mental patient liable to be retaken under section 40 or 140 of the Mental Health Act 1959, section 36 or 106 of the Mental Health (Scotland) Act 1960 or section 30 or 108 of the Mental Health Act (Northern Ireland) 1961 (retaking of mental patients who are absent without leave or have escaped from custody);

the justice, sheriff or magistrate may issue a warrant to arrest him and bring him before a magistrates' court for that area or, in Scotland, before any sheriff.

- (2) Where a person is brought before a magistrates' court or sheriff in pursuance of a warrant for his arrest under this section, the court or sheriff shall, if satisfied that he is the person named in the warrant and if satisfied as to the facts mentioned in paragraph (a) or (b) of the foregoing subsection, order him to be returned to the prison or other institution where he is required or liable to be detained or, in the case of a convicted mental patient, order him to be kept in custody or detained in a place of safety pending his admission to hospital.
- (3) Section 139 of the Mental Health Act 1959, section 105 of the Mental Health (Scotland) Act 1960 and section 107 of the Mental Health Act (Northern Ireland) 1961 (custody, conveyance and detention of certain mental patients) shall apply to a convicted mental patient required by this section to be conveyed to any place or to be kept in custody or detained in a place of safety as they apply to a person required by or by virtue of the said Act of 1959, 1960 or 1961, as the case may be, to be so conveyed, kept or detained.
- (4) In this section—

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" convicted mental patient " means a person liable after being convicted of an offence to be detained under Part V of the Mental Health Act 1959, Part V of the Mental Health (Scotland) Act 1960 or Part III of the Mental Health Act (Northern Ireland) 1961 in pursuance of a hospital order or transfer direction together with an order or direction restricting his discharge;

" place of safety " has the same meaning as in Part V of the said Act of 1959 or 1960 or Part III of the said Act of 1961, as the case may be;

" Prison Act " means the Prison Act 1952, the Prisons (Scotland) Act 1952 or the Prison Act (Northern Ireland) 1953, as the case may be.

- (5) Section 27 of the Criminal Justice Administration Act 1914 (power to issue warrants for the arrest of persons who may be arrested without a warrant) shall cease to have effect.

PART IV

LEGAL AID IN CRIMINAL PROCEEDINGS

73 Power to order legal aid to be given.

- (1) The following provisions of this section shall have effect with respect to the giving of legal aid in connection with criminal proceedings, but any power conferred by those provisions to give such aid shall be exercisable only in the circumstances mentioned in section 75(1), and subject to the provisions of section 75(2) to (4), of this Act.
- (2) Where a person is charged with an offence before a magistrates' court or appears or is brought before a magistrates' court to be dealt with, the court may order that he shall be given legal aid for the purpose of the proceedings before the court.
- (3) Where a person convicted or sentenced by a magistrates' court desires to appeal to a court of quarter sessions, either of those courts may order that he shall be given legal aid for the purpose of the appeal and where any such person gives notice of appeal, either of those courts may order that the other party to the appeal shall be given legal aid for the purpose of resisting the appeal.
- (4) Where a person is committed to or appears before a court of assize or quarter sessions for trial or sentence, or appears or is brought before a court of assize or quarter sessions to be dealt with, the court which commits him or to which he is committed, or before which he appears or is brought, may order that he shall be given legal aid for the purpose of the trial or other proceedings before the court of assize or quarter sessions.
- (5) Where a person is convicted or sentenced by a court of assize or quarter sessions and desires to appeal to the Court of Appeal against his conviction or sentence, the criminal division of the Court of Appeal may order that he shall be given legal aid for the purpose of the appeal and any proceedings preliminary or incidental thereto.
- (6) Where a person is convicted by a court-martial and desires to appeal to the Courts-Martial Appeal Court, the latter court may order that he shall be given legal aid for the purpose of the appeal and any proceedings preliminary or incidental thereto.
- (7) Where either party to an appeal to the criminal division of the Court of Appeal or the Courts-Martial Appeal Court desires to appeal to the House of Lords from a decision of one of those Courts, the court which gave the decision may order that the person to

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whose conviction or sentence the appeal relates shall be given legal aid for the purpose of the appeal and any proceedings preliminary or incidental thereto.

- (8) Where the criminal division of the Court of Appeal or the House of Lords orders a person to be retried by a court of assize or quarter sessions under section 1 of the Criminal Appeal Act 1964 (new trials in cases of fresh evidence), the former court or the House of Lords, as the case may be, or the latter court may order that he shall be given legal aid for the purpose of the retrial.
- (9) In the following provisions of this Part of this Act " legal aid order " means an order made under any provision of this section and " legally assisted person " means a person to whom legal aid is ordered to be given by such an order.

74 Supplementary provisions as to legal aid orders.

- (1) For the purposes of this Part of this Act legal aid, in relation to any proceedings to which a person is a party, shall be taken, subject to the following provisions of this section, as consisting of representation by a solicitor and counsel assigned by the court, including advice on the preparation of that person's case for those proceedings.
- (2) Notwithstanding anything in the last foregoing subsection legal aid ordered to be given for the purposes of any proceedings before a magistrates' court shall not include representation by counsel except in the case of any indictable offence where the court is of opinion that, because of circumstances which make the case unusually grave or difficult, representation by both counsel and solicitor would be desirable.
- (3) Where a court of assize or quarter sessions makes a legal aid order under subsection (3) or (4) of the last foregoing section, the court may, in cases of urgency where it appears to the court that there is no time to instruct a solicitor, order that the legal aid to be given shall consist of representation by counsel only, and where a magistrates' court or court of quarter sessions makes a legal aid order under either of those subsections for the purpose of proceedings before a court of quarter sessions before which solicitors have a right of audience, the court may order that the legal aid to be given shall consist of representation by a solicitor only.
- (4) Where a court makes a legal aid order under subsection (5) or (6) of the last foregoing section, the court may order that the legal aid to be given shall consist of representation by counsel only.
- (5) A legal aid order under subsection (2) of the last foregoing section for the purpose of proceedings before a magistrates' court shall be authority for the solicitor assigned by the court to give advice on the question whether there appear to be reasonable grounds of appeal from any determination in those proceedings and assistance by him in the giving of a notice of appeal or making of an application for a case to be stated, being a notice given or application made within the ordinary time for doing so.
- (6) Legal aid which may be ordered to be given to any person convicted or sentenced by a magistrates' court for the purpose of an appeal to a court of quarter sessions by a legal aid order under subsection (3) of the last foregoing section shall be authority for counsel or the solicitor assigned to him to give advice, in the event of the court confirming or varying his conviction or sentence, on the question whether there appear to be reasonable grounds of appeal from the decision of the court and, if such grounds appear to exist, assistance in the making of an application for a case to be stated.

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- (7) Legal aid which may be ordered to be given to any person for the purpose of any proceedings by a legal aid order under subsection (4) of the last foregoing section shall, in the event of his being convicted or sentenced in those proceedings, include advice on the question whether there appear to be reasonable grounds of appeal and—
- (a) if such grounds appear to exist, assistance in the preparation of an application for leave to appeal or in the giving of a notice of appeal;
 - (b) while that question is being considered, assistance in the making of a provisional application or the giving of a provisional notice.
- (8) Legal aid which may be ordered to be given to any person for the purpose of any appeal by a legal aid order under subsection (5) or (6) of the last foregoing section may, without prejudice to subsection (1) of this section, consist in the first instance of advice, by counsel or a solicitor assigned by the court, on the question whether there appear to be reasonable grounds of appeal and assistance by that solicitor in the preparation of an application for leave to appeal or in the giving of a notice of appeal.
- (9) A legal aid order under the said subsection (5) or (6) may, if the court thinks fit, include provision that the legal aid ordered to be given shall be deemed to include the like advice and assistance previously given by counsel or a solicitor not then assigned by the court.
- (10) The reference in subsection (2) of the last foregoing section to a person charged with an offence before a magistrates' court includes a reference to a person summoned or arrested for an offence and under a duty to appear or a liability to be brought before a magistrates' court in respect of that offence; and the power to make a legal aid order under that subsection shall, in the case of a person arrested for an offence who has not appeared or been brought before a magistrates' court, be exercisable by the magistrates' court to which an application for legal aid is made in pursuance of regulations under this Part of this Act.
- (11) Any reference in the said subsection (2) to a person charged with an offence includes a reference to a person against whom proceedings are instituted under section 91 of the Magistrates' Courts Act 1952 (binding over) in respect of an actual or apprehended breach of the peace or other misbehaviour, and any such reference to a person brought before a magistrates' court to be dealt with includes a reference to a person brought before a metropolitan stipendiary magistrate to be dealt with under section 9 of the Extradition Act 1870 or section 5 of the Fugitive Offenders Act 1881 (hearing of extradition and similar proceedings).
- (12) In the last foregoing section—
- " dealt with " means dealt with under section 6 or 8 of the Criminal Justice Act 1948 or under section 40 of this Act, or dealt with for a failure to comply with a condition of a recognizance to keep the peace or be of good behaviour;
 - " sentence " includes an order of a court in respect of which an appeal lies (with or without leave) to another court, and " sentenced " shall be construed accordingly.

75 Circumstances in which legal aid may be given.

- (1) Subject to the following provisions of this section, the power to make a legal aid order shall be exercisable by a court having power under section 73 of this Act to do so where it appears to the court desirable to do so in the interests of justice, and a court having power to do so shall make such an order—

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- (a) where a person is committed for trial on a charge of murder; or
 - (b) where the prosecutor appeals or applies for leave to appeal from the criminal division of the Court of Appeal or the Courts-Martial Appeal Court to the House of Lords.
- (2) A court shall not make a legal aid order for the giving of aid to any person for the purpose of any criminal proceedings or any other purpose unless it appears to the court that his means are such that he requires assistance in meeting the costs which he may incur for that purpose.
- (3) A court may refuse to make a legal aid order for the giving of aid to any person unless he first makes a payment on account of any contribution towards costs which he may be liable to make under the next following section, but shall only refuse to do so if it appears to the court from a statement furnished by him under the next following subsection or otherwise that it is likely that he will be required to make such a contribution and that he has the means to make an immediate payment.
- (4) Without prejudice to subsection (2) of this section, before a court makes a legal aid order for the giving of aid to any person, the court shall require him to furnish a written statement of his means in a prescribed form.
- (5) Where a doubt arises whether a legal aid order should be made for the giving of aid to any person, the doubt shall be resolved in that person's favour.

76 Liability for contributions.

- (1) A person to whom legal aid has been ordered to be given for any purpose by a legal aid order may be ordered by a court having power to do so to make such contribution to the appropriate authority in respect of the costs incurred on his behalf for that purpose as appears to the court reasonable having regard to his resources and commitments or, if it so appears, to pay the whole amount of those costs to that authority.
- (2) In this Part of this Act any reference to a contribution towards costs shall be construed as including a reference to a payment of the whole amount thereof.
- (3) A person may be ordered under this section to make a contribution towards costs in one sum or by instalments.
- (4) An order under this section may be made—
- (a) where the legal aid was ordered to be given for the purpose of proceedings before a magistrates' court and the legally assisted person is not committed to a court of assize or quarter sessions for trial or sentence, by that magistrates' court after disposing of the case;
 - (b) where the legal aid was ordered to be given for the purpose of proceedings before a magistrates' court and the legally assisted person is committed to a court of assize or quarter sessions as aforesaid, by the latter court, or any other court to which the legally assisted person was committed under section 16 of the Criminal Justice Administration Act 1962, after disposing of the case;
 - (c) where the legal aid was ordered to be given for the purpose of an appeal to, or a trial or other proceedings before, a court of assize or quarter sessions, by that court, or any other court to which the legally assisted person was committed under the said section 16, after disposing of the appeal or hearing as the case may be ;

- (d) where the legal aid was ordered to be given for the purpose of an appeal to the Court of Appeal, the Courts-Martial Appeal Court or the House of Lords, by the Court in question or that House, as the case may be, after disposing of the appeal.

77 Means inquiry by the Supplementary Benefits Commission.

- (1) At any time after a person has applied for legal aid a court having power to make a legal aid order under section 73 of this Act or an order under the last foregoing section may, and shall on an application made by a legally assisted person in the prescribed circumstances and within the prescribed time, request the Supplementary Benefits Commission to inquire into his means and the Commission shall comply with the request and report on his means to the court.
- (2) Where the court receives a report under the foregoing subsection before making an order under the last foregoing section, the court shall in determining whether or not to make such an order and in determining the terms of the order have regard to the report.
- (3) Where the court receives any such report after making an order under the last foregoing section, it shall reconsider the order and may vary its terms in the light of the report.

78 Computation of resources.

- (1) Regulations made by the Secretary of State with the consent of the Treasury may make provision as to the manner in which a person's resources and commitments are to be taken into account for the purpose of determining whether his means are such that he should be given legal aid under this Part of this Act and for the purpose of determining the amount of the contribution which he may be required to make towards the costs of the legal aid.
- (2) Except in so far as regulations under the foregoing subsection otherwise provide, any resources and commitments of a person's wife or husband shall be treated for the purposes aforesaid as that person's resources and commitments, and the regulations may also—
 - (a) make provision, in relation to infants, for taking into account the resources and commitments of other persons; and
 - (b) make provision as to the manner in which the resources and commitments of other persons are to be taken into account for those purposes.

79 Supplementary provisions as to payment of contributions.

- (1) Where a legally assisted person is given legal aid for the purposes of any proceedings, any sums due under an order for costs made in his favour with respect to those proceedings shall be paid into the fund out of which the costs of legal aid fall to be paid under section 81(1) of this Act or, in the case of appeals to or from the Courts-Martial Appeal Court, to the Secretary of State.
- (2) If the total contribution made by a legally assisted person in respect of any costs is more than the difference between the costs incurred on his behalf and the sums due in respect of costs under such an order, the excess shall be repaid to him.
- (3) Any sum due by way of contribution towards costs from a legally assisted person may be recovered summarily as a sum adjudged to be paid as a civil debt by order of a

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magistrates' court but section 74 of the Magistrates' Courts Act 1952 (arrears under affiliation orders) and sections 17 and 18 of the Maintenance Orders Act 1958 (not more than one committal for same arrears, and power to review committals) shall apply in relation to any such sum as they apply in relation to a sum ordered to be paid by an affiliation order.

- (4) Without prejudice to the last foregoing subsection, payment of any sum so due may, subject to the provisions of the next following subsection, be enforced by the High Court or a county court as if it were due in pursuance of a judgment or order of the High Court or county court, as the case may be.
- (5) The last foregoing subsection shall not be construed as authorising the enforcement by a county court of payment of a sum exceeding the limit for the time being in force under section 40 of the County Courts Act 1959 on the amount of any penalty recoverable by statute in a county court.
- (6) If on the application of the appropriate authority it appears to a magistrates' court that at the time of the application payment of a contribution towards costs by a legally assisted person or any instalment thereof has been due for not less than four weeks, and that he is a person to whom earnings fall to be paid, the court may make one or more attachment of earnings orders within the meaning of the Maintenance Orders Act 1958 to secure the payment of the whole of the unpaid amount of the contribution.
- (7) The provisions of Schedule 1 to this Act shall have effect for the purpose of applying, with modifications, provisions of the said Act of 1958 to attachment of earnings orders under this section and for the purpose of making a consequential amendment of that Act.
- (8) Any sum paid by way of contribution towards costs to a clerk of a magistrates' court shall be paid by him to the Secretary of State, and section 27(1) of the Justices of the Peace Act 1949 (application of fines, fees, etc.) shall not apply to any such sum, but section 27(9) of that Act (regulations as to accounts) shall apply to any such sum as it applies to a sum payable under the said subsection (1).

80 Amendment and revocation of legal aid orders.

- (1) A court having power to make a legal aid order may on the application of the legally assisted person or otherwise amend any such order by substituting for any legal representative or representatives previously assigned to him any legal representative or representatives whom the court could have assigned to him if it had then been making the legal aid order.
- (2) A court having power to make a legal aid order may revoke any such order—
 - (a) on the application of the legally assisted person; or
 - (b) if the only legal representative or all the legal representatives for the time being assigned to him withdraws or withdraw from the case and it appears to the court that, because of his conduct, it is not desirable to amend the order under the foregoing subsection.
- (3) The amendment or revocation of a legal aid order under this section shall not affect the right of any legal representative previously assigned to the legally assisted person to remuneration for work done before the date of the amendment or revocation as the case may be, but where a court revokes such an order, the court may make an order under section 76 of this Act as if it had disposed of the case.

81 Payment of costs of legal aid.

- (1) Where a legal aid order has been made for the giving of aid to a legally assisted person, the costs of the legal aid given to him shall be paid by whichever of the following methods is appropriate, that is to say—
 - (a) in the case of proceedings in a magistrates' court, they shall be paid out of the legal aid fund;
 - (b) in the case of appeals to quarter sessions, they shall be paid out of the general rate fund of the borough where the court appealed from was acting for a county borough, the general fund of the Greater London Council where it was acting for a London Commission area and in any other case the county fund;
 - (c) in the case of appeals to or from the Courts-Martial Appeal Court, they shall be paid by the Secretary of State; and
 - (d) in the case of any proceedings not falling within any of the foregoing paragraphs, they shall be paid out of the local funds out of which the costs of those proceedings are payable under the Costs in Criminal Cases Act 1952.
- (2) Subject to regulations under section 83 of this Act, the costs of legal aid ordered to be given to a legally assisted person for the purpose of any proceedings shall include sums on account of the fees payable to any counsel or solicitor assigned to him and disbursements reasonably incurred by any such solicitor for or in connection with those proceedings.
- (3) Costs required by this section to be paid in respect of any proceedings shall not include any sum in respect of allowances to witnesses attending to give evidence in those proceedings in any case where such allowances are payable under the provisions of any other enactment.
- (4) Costs required by this section to be paid out of the legal aid fund shall be paid in like manner as costs which fall to be so paid under Part I of the Legal Aid and Advice Act 1949 and—
 - (a) the functions of the Law Society under that Part of that Act shall include securing the payment of costs so required and the recovery of sums due to the legal aid fund under this Part of this Act; and
 - (b) references to that Part of that Act in sections 8(3) to (5), 9(2) to (9) and 11 of that Act (administration and financing of the legal aid scheme under that Part of that Act) shall be construed as including references to this Part of this Act, so far as it relates to the payment of costs and the recovery of sums as aforesaid.
- (5) The costs of any proceedings before a court, or any matters preliminary or incidental to any such proceedings, which are required by this section to be paid out of any fund mentioned in subsection (1)(b) or (d) of this section shall be treated for the purpose of the Costs in Criminal Cases Act 1952 as if they had been ordered by that court to be paid out of local funds.
- (6) Costs required by this section to be paid out of any fund mentioned in the said subsection (1)(b) or (d) shall be repaid by the Secretary of State, in accordance with arrangements made by him with the approval of the Treasury, to the local authority by which the fund is maintained.
- (7) A local authority shall not be entitled to any payment under this section on account of sums included in an order for payment of costs which is enforceable by the authority,

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except in so far as the Secretary of State is satisfied that those sums cannot be recovered by virtue of that order.

82 Solicitors and counsel.

- (1) Any practising barrister or solicitor may be assigned to act for a legally assisted person unless he is for the time being excluded by virtue of the next following subsection as being unfit so to act by reason of his conduct when acting for legally assisted persons or his professional conduct generally.
- (2) The Lord Chancellor may make rules—
 - (a) empowering a tribunal established under the rules—
 - (i) to hear and determine complaints against a barrister or solicitor;
 - (ii) to exclude from acting for legally assisted persons (whether permanently or temporarily) any barrister or solicitor against whom a complaint is proved and, in the case of a member of a firm of solicitors, any other person who is for the time being a member of the same firm ;
 - (iii) to reduce or cancel the remuneration otherwise payable to any such barrister or solicitor or to his firm under a legal aid order;
 - (iv) to order any such barrister or solicitor to pay all or any of the costs of the proceedings on any such complaint;
 - (b) regulating the making of complaints to that tribunal and the disposal by the tribunal of complaints so made; and
 - (c) providing for the notification of the decisions of that tribunal to all courts which have power under section 73 of this Act to make a legal aid order.
- (3) Where a barrister or solicitor is aggrieved by any decision of the tribunal excluding him (whether permanently or temporarily) from acting for legally assisted persons, he may appeal against the decision to the High Court, and the High Court (whose decision shall be final) may confirm or quash the decision appealed against or may substitute such other decision as the court thinks fit.
- (4) Provision shall be made by rules of court for regulating appeals to the High Court under the last foregoing subsection, and those rules shall provide for limiting the time within which appeals may be brought.
- (5) The expenses of any tribunal established by virtue of this section shall be defrayed out of the legal aid fund and—
 - (a) the functions of the Law Society under Part I of the Legal Aid and Advice Act 1949 shall include securing the payment of such expenses ; and
 - (b) references to that Part of that Act in sections 8(3) to (5), 9(2) to (9) and 11 of that Act (administration and financing of the legal aid scheme under that Part of that Act) shall be construed as including references to this subsection.

83 Regulations.

- (1) Without prejudice to any other provision of this Part of this Act authorising the making of regulations or rules, the Secretary of State may make such regulations as appear to him necessary or desirable for giving effect to this Part of this Act or for preventing abuses thereof and, in particular, any such regulations may—

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- (a) make provision as to the manner of making applications for legal aid under this Part of this Act and the time when such applications may be made and disposed of;
 - (b) provide for the exercise of the powers of any court under this Part of this Act by a person entitled to sit as a member of the court or any officer of the court;
 - (c) confer on any person aggrieved by a decision of any such officer exercising those powers a right to have the matter determined by the court or, if it is so prescribed, by a person entitled to sit as a member of the court;
 - (d) require any officer of a prescribed court to report to the court or any person entitled to sit as a member of the court any case in which it appears to him that, although no application has been made for the purpose, a legal aid order ought to be made under section 73 of this Act;
 - (e) make provision with respect to the manner in which counsel and solicitors are to be assigned to legally assisted persons in pursuance of legal aid orders;
 - (f) prescribe the rates or scales of payment of any costs payable in accordance with section 81(1) of this Act and the conditions under which such costs may be allowed;
 - (g) provide for the assessment and taxation of such costs and for the review of any assessment made or taxation carried out under the regulations;
 - (h) provide for the giving of information, by courts by which, or officers by whom, legal aid orders or orders for the payment of costs under the Costs in Criminal Cases Act 1952 are made, to persons responsible for the administration of funds mentioned in section 81(1) of this Act, and for the giving of information as aforesaid, where an order is made under section 76(1) of this Act, to the appropriate authority; and
 - (i) prescribe the forms to be used for the purposes of this Part of this Act.
- (2) The Secretary of State in making regulations under this section as to the amounts payable to counsel or a solicitor assigned to give legal aid under this Part of this Act, and any person by whom any such amount falls to be assessed, taxed or reviewed under the regulations, shall have regard to the principle of allowing fair remuneration according to the work actually and reasonably done.
- (3) Regulations under this section may make different provision for different cases.

84 Interpretation of Part IV.

In this Part of this Act, except so far as the context otherwise requires—

" appropriate authority " means—

- (a) in relation to legal aid ordered to be given for the purpose of or in connection with an appeal to or from the Courts-Martial Appeal Court, the Secretary of State;
- (b) in any other case, the clerk of the magistrates' court (if any) by which the legally assisted person was tried or dealt with or from which an appeal was brought, or by which he was committed to a court of assize or quarter sessions for trial or sentence, or, where he was tried or dealt with otherwise than after being committed by a magistrates' court, the clerk of the magistrates' court nominated for the purposes of this paragraph by the court by which he was tried or dealt with;

" committed for sentence " means committed under the Vagrancy Act 1824, section 6 or 8 of the Criminal Justice Act 1948, section 28 or 29 of the

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Magistrates' Courts Act 1952, section 67 of the Mental Health Act 1959 or section 41 or 62(6) of this Act;

" legal aid fund " means the legal aid fund established under the Legal Aid and Advice Act 1949;

" prescribed " means prescribed by regulations made under this Part of this Act.

PART V

FIREARMS

85 Prohibition on possessing or acquiring a shot gun without a certificate.

- (1) Subject to any exemption having effect by virtue of this section any person who has in his possession or purchases or acquires a shot gun without holding a certificate authorising him to possess shot guns shall be guilty of an offence.
- (2) Any such certificate (hereafter in this Part of this Act referred to as a shot gun certificate) shall be granted by the chief officer of police unless he has reason to believe that the applicant—
 - (a) is prohibited by the Firearms Act 1937 from possessing a shot gun ; or
 - (b) cannot be permitted to possess a shot gun without danger to the public safety or to the peace;
 and a shot gun certificate may be revoked by the chief officer of police for the area in which the holder resides if the officer is satisfied that the holder is so prohibited or cannot be permitted to possess a shot gun as aforesaid.
- (3) A shot gun certificate shall—
 - (a) be in the prescribed form ;
 - (b) be granted or renewed subject to any prescribed conditions and no others ; and
 - (c) specify the conditions, if any, subject to which it is granted or renewed.
- (4) Any person who fails to comply with any condition subject to which a shot gun certificate is held by him shall be guilty of an offence.
- (5) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding £200 or both.
- (6) In Scotland, a contravention of this section which, if it had been triable on indictment, could competently have been libelled as an additional or alternative charge in an indictment charging a person with an offence involving any injury or attempted injury of, or any threat or intent to injure, any person or property by the use or attempted use of a firearm, may, notwithstanding anything in this section, be so libelled and tried.
- (7) The following provisions of the Firearms Act 1937, that is to say, sections 2(1), (4) and (8) to (10), 3(1), 4, 5, 6, 11(1), (3) and (4), 14, 15, 25 and Schedule 2 (provisions relating to firearms to which Part I of that Act applies, that is to say firearms other than shot guns and air weapons) shall apply in relation to shot guns and shot gun certificates as they apply in relation to firearms to which the said Part I applies and firearm certificates, but shall so apply subject to the following modifications and exceptions:

—

- (a) the reference in section 2(4) of that Act to the foregoing provisions of that section shall be construed as including a reference to subsection (2) of this section;
 - (b) the following paragraph shall be added at the end of section 11(1) of that Act (prohibition on transferring firearm to person not producing certificate):—
 - “(c) a person returning to another a shot gun which he has lawfully undertaken to repair, test or prove for the other.”
- (8) Any person who has been in Great Britain for not more than thirty days in all in the preceding twelve months may have in his possession, or purchase or acquire, a shot gun without holding a shot gun certificate.
- (9) A person may without holding a shot gun certificate use a shot gun at a time and place approved for shooting at artificial targets by the chief officer of police for the area in which that place is situated.
- (10) A person may without holding a shot gun certificate borrow a shot gun from the occupier of private premises and use the shot gun on those premises in the presence of the occupier.
- (11) Subsection (1) of this section shall not apply to a person holding a firearm certificate issued in Northern Ireland authorising him to possess a shot gun.
- (12) Without prejudice to section 30(d) of the Firearms Act 1937 (rules for delegating the functions of a chief officer of police in specified circumstances) the functions of a chief officer of police under that Act, the Firearms Act 1965 or this Part of this Act shall be exercisable on any occasion by a person, or a person of any particular class, authorised by the chief officer of police to exercise that function on that occasion or on occasions of that class or on all occasions.
- (13) Notwithstanding anything in section 2(4) of the Firearms Act 1937 (duration of firearms certificate), a shot-gun certificate issued before the expiration of six months from the date of the commencement of this Act shall continue in force for such period from that date or from the date when it is granted, whichever is the later, as may be specified in the certificate by the chief officer of police (being a period of not less than one year but not more than five years).

86 Restrictions on gifts of shot guns.

- (1) No person shall make a gift of any shot gun or ammunition for a shot gun to any person under the age of fifteen.
- (2) Any person who contravenes the foregoing subsection shall be liable on summary conviction to a fine not exceeding £50; and the court by which he is convicted may make such order as to the forfeiture or disposal of the shot gun or ammunition in respect of which the offence was committed as the court thinks fit.
- (3) In any proceedings for an offence under this section committed by making a gift of a shot gun or ammunition to a person under the age of fifteen it shall be a defence to prove that the defendant believed the other person to be of or over that age and had reasonable ground for the belief.

87 Amendment of enactments relating to firearms.

- (1) In section 2(4) of the Firearms Act 1937 (period of validity and renewal of a firearm certificate) after the words " three years " where they first occur there shall be inserted the words " or such shorter period as may be prescribed " and after those words in the second place where they occur there shall be inserted the words " or a further prescribed period ".
- (2) In section 8(1) of the said Act of 1937 (registration of firearms dealers), in paragraph (a) of the proviso, for the words from " or subsection (5) " to " the said subsection (5) " there shall be substituted the words " or by order of a court in Northern Ireland made under section 8(5) of the Firearms Act 1920 ".
- (3) In section 12(3) of the said Act of 1937 (power of constables and others to call for and inspect register of firearms transactions kept by a dealer), paragraph (c) and the words " in each case " shall be omitted.
- (4) In section 16(1)(a) of the said Act of 1937 as amended by section 9(1) of the Firearms Act 1965 (exemption of shot guns from the provisions of Part I of the said Act of 1937) at the end there shall be added the words " not being an air gun " ; and accordingly those words shall also be added at the end of the definitions of shot gun in section 4 of the Air Guns and Shot Guns, etc., Act 1962 and section 10 of the said Act of 1965.
- (5) In section 19 of the said Act of 1937 (provisions to prevent minors from having firearms)—
 - (a) for subsection (2) there shall be substituted the following subsection:—

“(2) No person shall make a gift of or lend any firearm or ammunition to which Part I of this Act applies to any person under the age of fourteen.”
 - (b) for the words in subsection (1) from " to any other person " to the end, and for the words in subsection (3) " to any other person whom he knows or has reasonable ground for believing to be under the age of fourteen years " there shall be substituted in each case the words " to any person under that age " ;

and at the end of the section there shall be added the following subsection:—

“(4A) In any proceedings for an offence—

 - (a) under subsection (1) of this section committed by selling or letting on hire a firearm or ammunition to a person under the age of seventeen years; or
 - (b) under subsection (2) committed by making a gift of or lending a firearm or ammunition to a person under the age of fourteen years; or
 - (c) under subsection (3) committed by parting with the possession of a firearm or ammunition to a person under the age of fourteen years,

being in any of those cases an offence committed after the coming into force of section 86(3) of the Criminal Justice Act 1967, it shall be a defence to prove that the person charged with the offence believed the other person to be of or over the age of seventeen years or, as the case may be, fourteen years and had reasonable ground for the belief.”
- (6) In section 24 of the said Act of 1937 (shortening shot guns and converting imitation firearms into real) for references to a smooth bore gun there shall be substituted references to a shot gun; and in subsection (4) of the section for the words " or a firearm which has been converted as aforesaid " there shall be substituted the words " contrary

to subsection (1) of this section, or a firearm which has been converted contrary to subsection (2) ".

- (7) Rules under section 30 of the said Act of 1937 (general power to make rules)—
- (a) may require any application for a firearm certificate or shot gun certificate to be accompanied by a photograph of the applicant;
 - (b) may require the verification in the prescribed manner of any prescribed particulars and of the likeness of any such photograph to the applicant;
 - (c) may make different provision for different cases.
- (8) In section 32(1) of the said Act of 1937 (interpretation) after the definition of " offence under this Act " there shall be inserted the following definition:—
- “‘premises ’ includes any land”.
- (9) For subsection 1(1) of the Air Guns and Shot Guns, etc., Act 1962 (restrictions upon the use and possession of air weapons) there shall be substituted the following subsection:—
- “(1) No person shall make a gift of any air weapon or ammunition for an air weapon to any person under the age of fourteen”.
- (10) In section 3(1) of the said Act of 1962 (penalties for offences under that Act) for the words from " imprisonment for a term " to " fine or both) " there shall be substituted the words " a fine not exceeding £50 ".
- (11) Any reference in the said Act of 1962 to a person's having any description of firearm or ammunition in his possession shall be construed as a reference to his having it with him.
- (12) In section 7 of the Firearms Act 1965 (increase of penalties for offences under the Act of 1937) after the words " offence under" there shall be inserted the words " or punishable under ".

88 Supplemental.

- (1) In this Part of this Act " shot gun " means a weapon specified in section 16(1)(a) of the Firearms Act 1937.
- (2) Any reference in Part III of the said Act of 1937 to that Act shall be construed as including a reference to this Part of this Act.

PART VI

MISCELLANEOUS AND GENERAL

Offences

89 False written statements tendered in evidence.

- (1) If any person in a written statement tendered in evidence in criminal proceedings by virtue of section 2 or 9 of this Act wilfully makes a statement material in those proceedings which he knows to be false or does not believe to be true, he shall be

liable on conviction on indictment to imprisonment for a term not exceeding two years or a fine or both.

- (2) The Perjury Act 1911 shall have effect as if this section were contained in that Act.

90 False statements as to means.

- (1) If a person in furnishing any statement in pursuance of an order under section 44(8) or a requirement under section 75(4) of this Act makes a statement which he knows to be false in a material particular or recklessly furnishes a statement which is false in a material particular, or knowingly fails to disclose any material fact, he shall be liable on summary conviction to imprisonment for a term not exceeding four months or a fine not exceeding £100 or both.
- (2) Proceedings in respect of an offence under the foregoing subsection may, notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 (limitation of time), be commenced at any time within two years from the date of the commission of the offence or within six months from its first discovery by the prosecutor, whichever period expires the earlier.
- (3) The last foregoing subsection shall not apply to Scotland, but notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, proceedings for an offence under subsection (1) of this section relating to a statement furnished in pursuance of a requirement made under section 75(4) of this Act by the Courts-Martial Appeal Court when sitting in Scotland may be commenced at any time within two years from the date of the commission of the offence or within six months from the date when evidence sufficient in the opinion of the Lord Advocate to justify proceedings comes to his knowledge, whichever period expires the earlier; and for the purposes of this subsection a certificate by the Lord Advocate as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.
- (4) In relation to a statement made in pursuance of a requirement made under section 75(4) of this Act by the Courts-Martial Appeal Court when sitting in Northern Ireland, for the reference to section 104 of the Magistrates' Courts Act 1952 there shall be substituted a reference to any corresponding provision of the law of Northern Ireland.

91 Drunkenness in a public place.

- (1) Any person who in any public place is guilty, while drunk, of disorderly behaviour may be arrested without warrant by any person and shall be liable on summary conviction to a fine not exceeding £50.
- (2) The foregoing subsection shall have effect instead of any corresponding provision contained in section 12 of the Licensing Act 1872, section 58 of the Metropolitan Police Act 1839, section 37 of the City of London Police Act 1839, and section 29 of the Town Police Clauses Act 1847 (being enactments which authorise the imposition of a short term of imprisonment or of a fine not exceeding £10 or both for the corresponding offence) and instead of any corresponding provision contained in any local Act.
- (3) The Secretary of State may by order repeal any provision of a local Act which appears to him to be a provision corresponding to subsection (1) of this section or to impose a liability to imprisonment for an offence of drunkenness or of being incapable while drunk.

- (4) In this section " public place " includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise.
- (5) An order under section 106 of this Act appointing a day for the coming into force of the foregoing provisions of this section shall not be made unless the Secretary of State is satisfied that sufficient suitable accommodation is available for the care and treatment of persons convicted of being drunk and disorderly.

Increase of Fines, etc.

92 Increase of fines.

- (1) The enactments specified in column 1 of Part I of Schedule 3 to this Act, (being enactments creating the offences broadly described in column 2 of that Part of that Schedule) shall each have effect as if the maximum fine which may be imposed on summary conviction of any offence specified in that enactment were a fine not exceeding the amount specified in column 4 of that Schedule instead of a fine of, or not exceeding, the amount specified in column 3 of that Schedule.
- (2) The enactments specified in column 1 of Part II of the said Schedule 3 (being enactments which confer power to include in subordinate instruments a provision imposing a fine on summary conviction of any offence described in column 2 of that Part of that Schedule) shall each have effect as if the maximum amount of the fine which may be imposed by any provision contained in such an instrument and made under that enactment for any offence under the instrument were that specified in column 4 of that Schedule instead of that specified in column 3 of that Schedule.
- (3) Any subordinate provision in force immediately before the commencement of this Act under an enactment specified in the said Part II shall, if it provides that the maximum amount of the fine which may be imposed on summary conviction of an offence specified in the provision shall be the amount specified in column 3 of the said Part II, have effect as if the said maximum amount were the amount specified in column 4 of the said Part II.
- (4) The last foregoing subsection shall have effect subject to any subordinate provision made under any enactment specified in the said Part II after the commencement of this Act.
- (5) The foregoing provisions of this section shall not affect the power of a court to impose a penalty for a continuing offence under any enactment specified in Part I of the said Schedule 3 or any subordinate provision made under an enactment specified in Part II of that Schedule except where such a penalty is expressly mentioned in column 3 of that Schedule; nor shall they affect the power of a court to award imprisonment under any such enactment or provision.
- (6) In this section " subordinate provision " means a provision contained in an instrument made under an enactment.
- (7) Part III of the said Schedule 3 shall have effect for the purpose of amending section 24 of the Public Health (Scotland) Act 1897.
- (8) There shall be no limit on the amount of the fine which may be imposed on conviction on indictment of an offence under any of the following enactments:—

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- (a) section 2 of the Public Bodies Corrupt Practices Act 1889 (giving or receiving bribes in respect of a public servant's performance of his duties),
 - (b) section 1 of the Prevention of Corruption Act 1906 (giving or receiving bribes in respect of an agent's functions in relation to his principal's affairs, etc.),
 - (c) section 36 of the Criminal Justice Act 1925 (forgery of a passport and false statements in procuring a passport), and
 - (d) section 1(1) of the Prevention of Crime Act 1953 (carrying an offensive weapon in a public place without lawful authority or reasonable excuse).
- (9) Nothing in this section shall affect the amount of the fine which may be imposed on conviction of an offence committed before the commencement of this Act.

93 Alteration of maximum periods of imprisonment in default of payment of fines, etc.

- (1) For the Table in paragraph 1 of Schedule 3 to the Magistrates' Courts Act 1952 (maximum periods of imprisonment in default of payment of fines, etc.) there shall be substituted the following Table:—

“TABLE

An amount not exceeding £2	seven days
An amount exceeding £2 but not exceeding £5	fourteen days
An amount exceeding £5 but not exceeding £20	thirty days
An amount exceeding £20 but not exceeding £50	sixty days
An amount exceeding £50	ninety days”

- (2) In paragraph 3 of the said Schedule 3 (maximum periods of imprisonment in default of payment of sums due on summary conviction of a revenue offence) for the references to £20 and £50 there shall be substituted references to £50 and £100 respectively and for the reference to three months there shall be substituted a reference to ninety days.
- (3) For the table in section 49(1) of the Summary Jurisdiction (Scotland) Act 1954 (maximum period of imprisonment in default of payment of fines, etc.) there shall be substituted the following table:—

<i>Amount of sum imposed</i>	<i>Period of Imprisonment</i>
Not exceeding £2	seven days
Exceeding £2 but not exceeding £5	fourteen days
Exceeding £5 but not exceeding £20	thirty days
Exceeding £20 but not exceeding £50	sixty days
Exceeding £50	ninety days”

- (4) For the scale in section 285(1) of the Customs and Excise Act 1952 (maximum periods of imprisonment in default of payment of fines etc., or in default of sufficient distress

to satisfy fines, etc., imposed on summary conviction under the customs or excise Acts) there shall be substituted the following scale:—

“Where the amount of the sum adjudged to be paid by the conviction—	The said period shall be a period not exceeding—
exceeds £50 but does not exceed £100	ninety days.
exceeds £100 but does not exceed £250	six months.
exceeds £250 but does not exceed £500	nine months.
exceeds £500	twelve months.”

Fees.

94 Abolition of fees in criminal proceedings in magistrates' courts

- (1) No fees shall be chargeable by a justice's clerk in respect of any criminal matter.
- (2) The foregoing subsection shall not prevent any such clerk from charging a fee for supplying, for use in connection with a matter which is not a criminal matter, a copy of a document prepared for use in connection with a criminal matter.

Administration of probation and after-care services

95 Probation and after-care areas and committees.

- (1) The designations " probation area " and " probation committee " are hereby changed to " probation and after-care area " and " probation and after-care committee " respectively and the new designations shall be substituted for the former designations in every enactment relating to any such area or committee.
- (2) Subject to the next following subsection, each probation and after-care committee constituted under paragraph 2 of Schedule 5 to the Criminal Justice Act 1948 and each case committee so constituted, which is not such a committee as aforesaid, shall co-opt a suitable number of persons (not being justices of the peace) having knowledge or experience of the after-care of discharged offenders, and if it appears to the Secretary of State that any such committee has failed to carry out the foregoing requirement, he may appoint to the committee such number of such persons as aforesaid as he thinks fit.
- (3) Without prejudice to the proviso to sub-paragraph (3) of the said paragraph 2 (limit on the number of co-opted members of any such committee), the number of persons who may be co-opted or appointed to any such committee under that sub-paragraph and the last foregoing subsection shall not exceed one-third of the number of members of the committee.
- (4) In sub-paragraph (1)(a) of the said paragraph 2 (qualification of justices holding any of the offices of chairman, deputy chairman, assistant chairman or recorder of quarter sessions for the area for appointment to a probation and after-care committee for an area comprising more than the petty sessions area) for the words from " additional " to " appointed " there shall be substituted the words " number of additional justices who are members of a court of quarter sessions having jurisdiction in the area as may be specified ".

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- (5) Where a probation and after-care area is a borough having a separate court of quarter sessions, the recorder of the borough shall by virtue of his office be a member of the probation and after-care committee for that area.

96 Financial provisions.

- (1) For section 77(3)(e) of the Criminal Justice Act 1948 (Exchequer grants towards the expenditure of any society engaged in supervising or assisting persons released from a prison, borstal institution or detention centre) there shall be substituted the following paragraph:—
- “(e) towards the expenditure of any society or individual engaged in supervising or assisting persons convicted of offences with a view to their rehabilitation”.
- (2) In paragraph 5(1) of Schedule 5 to the Criminal Justice Act 1948, the proviso (which enables the Secretary of State to relieve the local authority of their liability under that sub-paragraph to defray the expenses of an inefficient probation committee) shall cease to have effect.

Criminal appeals

97 New provision as to appeal against sentence passed at assizes or quarter sessions.

- (1) This section has effect for providing rights of appeal against sentence when a person is dealt with by a court of assize or quarter sessions (otherwise than on appeal from a magistrates' court) for an offence of which he was not convicted on indictment.
- (2) The proceedings from which an appeal against sentence lies under this section are those where an offender convicted of an offence by a magistrates' court—
- (a) is committed by the court to be dealt with for his offence at assizes or quarter sessions ; or
 - (b) having been made the subject of a probation order or an order for conditional discharge or given a suspended sentence, appears or is brought before a court of assize or quarter sessions to be further dealt with for his offence.
- (3) An offender who, after the commencement of this section, is dealt with for an offence at assizes or quarter sessions in a proceeding to which subsection (2) of this section applies may appeal against sentence in any of the following cases:—
- (a) where, either for that offence alone or for that offence and other offences for which sentence is passed in the same proceeding, he is sentenced to imprisonment for a term of six months or more ; or
 - (b) where the sentence is one which the court convicting him had not power to pass; or
 - (c) where the court in dealing with him for the offence makes in respect of him—
 - (i) a recommendation for deportation; or
 - (ii) an order disqualifying him for holding or obtaining a licence to drive a motor vehicle under Part II of the Road Traffic Act 1960; or
 - (iii) an order under section 40 of this Act.
- (4) An appeal under this section lies to the criminal division of the Court of Appeal, but only with the leave of that court.

- (5) The following enactments, that is to say—
- (a) sections 7(1), 9, 11, 14(2), 15(1) and 17 of the Criminal Appeal Act 1907 (being provisions as to procedure and other incidental matters arising on an appeal); and
 - (b) sections 5 (evidence) and 6 (computation of sentence) of the Criminal Appeal Act 1966 ;
- shall apply with the necessary modifications in relation to an appeal under this section as they apply in relation to an appeal against sentence passed on conviction on indictment.
- (6) Where a court of assize or quarter sessions, in dealing with an offender either on his conviction on indictment or in a proceeding to which subsection (2) of this section applies, has passed on him two or more sentences in the same proceeding, being sentences against which an appeal lies under section 3 of the Criminal Appeal Act 1907 or this section, an appeal or application for leave to appeal against any one of those sentences shall be treated as an appeal or application in respect of both or all of them ; and for the purposes of this section two or more sentences shall be treated as passed in the same proceeding if—
- (a) they are passed on the same day; or
 - (b) they are passed on different days, but the court in passing any one of them states that it is treating that one together with the other or others as substantially one sentence.
- (7) On an appeal against sentence under this section or section 3 of the Criminal Appeal Act 1907, the Court of Appeal, if it considers that the appellant should be sentenced differently for any offence for which he was dealt with by the court below, may—
- (a) quash any sentence or order which is the subject of the appeal; and
 - (b) in place of it pass such sentence or make such order as it thinks appropriate for the case and as the court below had power to pass or make when dealing with him for the offence;
- but the court shall so exercise its powers under this subsection that, taking the case as a whole, the appellant is not more severely dealt with on appeal than he was dealt with by the court below.
- (8) The power of the Court of Appeal under the last foregoing subsection to pass a sentence which the court below had power to pass for an offence shall, notwithstanding that the court below made no order under section 40(1) of this Act in respect of a suspended sentence previously passed on the appellant for another offence, include power to deal with him in respect of that suspended sentence, where the court below—
- (a) could have so dealt with him if it had not passed on him a sentence of borstal training quashed by the Court of Appeal under paragraph (a) of the last foregoing subsection; or
 - (b) did so deal with him in accordance with paragraph (d) of the said subsection (1) by making no order in respect of the suspended sentence.
- (9) The term of any sentence passed by the Court of Appeal under this section or under section 5 of the Criminal Appeal Act 1907 (special powers of Court on appeal against conviction) shall, unless the court otherwise directs, begin to run from the time when it would have begun to run if passed in the proceedings from which the appeal lies.
- (10) In this section " sentence " has the same meaning as in the Criminal Appeal Act 1907, and " recommendation for deportation " means a recommendation made by a court

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under Part II of the Commonwealth Immigrants Act 1962 or under an order made under the Aliens Restriction Act 1914.

98 Amendment of enactments relating to criminal appeals.

- (1) The following enactments in the Criminal Appeal Act 1907 (being enactments which are obsolete or not in use, or relate to matters which can be dealt with by rules of court) shall cease to have effect:—
- (a) section 8 (judge's notes to be furnished to Court of Appeal);
 - (b) section 9(d) and (e) (power of Court of Appeal to order new evidence to be taken on commission and to appoint an assessor to sit with them); and
 - (c) section 15(3) (documents and exhibits to be retained in court of trial pending appeal).
- (2) Section 12 of the said Act of 1907 (duty of Director of Public Prosecutions) shall cease to have effect; but, without prejudice to section 2 of the Prosecution of Offences Act 1879 (general duty of Director), it shall be the duty of the Director of Public Prosecutions to appear for the Crown or the prosecutor, when directed by the court to do so, on any appeal under the Criminal Appeal Act 1907 or section 1 of the Administration of Justice Act 1960 or section 97 of this Act.
- In this subsection " the court " means, in the case of an appeal to or from the criminal division of the Court of Appeal, that division, and, in the case of an appeal from a divisional court of the Queen's Bench Division, the divisional court.
- (3) Section 18 of the said Act of 1907 (rules of court) shall cease to have effect; but rules made under section 99 of the Supreme Court of Judicature (Consolidation) Act 1925 may make provision with respect to any matter for which provision by rules of court is to be made under the said Act of 1907 or the enactments amending it, and may regulate generally the practice and procedure of the criminal division of the Court of Appeal; and, without prejudice to the generality of the foregoing, rules so made may require courts from which an appeal lies to that division to furnish the said division with any assistance or information which the division may require for the purpose of exercising its jurisdiction.
- (4) The Lord Chancellor may appoint two persons appearing to him to have special experience in criminal procedure, one being a practising barrister and one a practising solicitor, to be members of the Rule Committee of the Supreme Court (that is to say, the authority for the time being empowered to make rules under section 99 of the said Act of 1925) for the purpose of the Committee's power to make rules by virtue of subsection (3) of this section.
- (5) Section 29 of the said Act of 1925 (under which an appeal against conviction for obstruction of a highway, etc., lies to the civil, and not the criminal, division of the Court of Appeal) shall cease to have effect.
- (6) The enactments specified in Schedule 4 to this Act shall have effect subject to the amendments shown in that Schedule (being minor amendments to remove doubts and anomalies, and otherwise to facilitate the consolidation of the enactments relating to criminal appeals in England and Wales, the corresponding enactments applying to Northern Ireland and the enactments relating to appeals from courts-martial).
- (7) In the Criminal Appeal (Northern Ireland) Act 1930, sections 13A(5) and 17 of the Courts-Martial (Appeals) Act 1951, the Administration of Justice Act 1960

and Schedule 1 to the Criminal Appeal Act 1964 any reference to an enactment of the Parliament of Northern Ireland shall include a reference to an enactment corresponding thereto and for the time being in force in Northern Ireland.

Miscellaneous

99 Evidence with respect to offences punishable in Scotland.

For the purposes of this Act a certificate purporting to be signed by or on behalf of the Lord Advocate that an offence is punishable in Scotland with imprisonment or is punishable in Scotland on indictment with imprisonment for a term specified in the certificate shall be evidence of the matter so certified.

100 Regulations, rules and orders.

- (1) Any power conferred by this Act on a Minister of the Crown to make regulations, rules or orders other than orders under section 70(1) of this Act shall be exercisable by statutory instrument.
- (2) Any regulations or rules under this Act, except rules under section 82 of this Act, shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Any order made under any provision of this Act by statutory instrument may be varied or revoked by a subsequent order made under that provision.

101 Expenses.

There shall be defrayed out of moneys provided by Parliament—

- (a) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment;
- (b) any sums required by the Secretary of State for making payments under section 81(1)(c) and (6) of this Act.

102 Transitional provisions and savings.

Schedule 5 to this Act shall have effect for the purpose of the transition to the provisions of this Act from the law in force before the commencement of those provisions and with respect to the application of this Act to things done before the commencement of those provisions.

103 Minor and consequential amendments and repeals.

- (1) The enactments specified in Schedule 6 to this Act shall have effect subject to the amendments set out in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.
- (2) The enactments specified in Schedule 7 to this Act (which include enactments which were obsolete or unnecessary before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

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104 General provisions as to interpretation.

- (1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them; that is to say—
- " the clerk of the court " means—
 - (a) in relation to a court of quarter sessions, the clerk of the peace ;
 - (b) in relation to a court of assize, the clerk of assize;
 - " court " does not include a court-martial;
 - " explosive " has the same meaning as in the Explosives Act 1875;
 - " extended sentence certificate " has the meaning assigned to it by section 37 of this Act;
 - " firearm " has the same meaning as in the Firearms Act 1937;
 - " imitation firearm " has the same meaning as in the Firearms Act 1965 ;
 - " offensive weapon " has the same meaning as in section 1 of the Prevention of Crime Act 1953 ;
 - " prison rules " means rules under section 47 of the Prison Act 1952;
 - " sentence of imprisonment " does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone ;
 - " suspended sentence " means a sentence to which an order under section 39(1) of this Act relates.
- (2) For the purposes of any reference in this Act, however expressed, to the term of imprisonment or other detention to which a person has been sentenced or which, or part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.
- (3) Any reference in this Act however expressed to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of Great Britain and to a previous sentence passed by any such court.
- (4) Any reference in this Act to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of offenders of his age.
- (5) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

105 Northern Ireland.

- (1) No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act 1920 shall apply in relation to legislation for purposes similar to the purposes of Part IV of this Act so as to preclude that Parliament from enacting a provision corresponding to some provision of that Part, other than a provision relating to courts-martial and appeals therefrom.
- (2) For the purposes of section 6 of the Government of Ireland Act 1920 this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

- (3) Any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

106 Short title, extent and commencement.

- (1) This Act may be cited as the Criminal Justice Act 1967.
- (2) The following provisions of this Act shall extend to Scotland, that is to say—
- (a) so much of this Act as relates to courts-martial and appeals therefrom;
 - (b) sections 3, 38(7), 42(3) and (6), 48, 54(6) to (8), 93(3) and (4) and 102 and paragraphs 7, 10 to 12 and 14 of Schedule 5;
 - (c) Part III (except sections 63, 65, 66, 67 and 71) and Schedule 2;
 - (d) Part V;
 - (e) section 92 and Schedule 3 so far as they amend any enactment which extends to Scotland ;
 - (f) so much of section 103(1) and Schedule 6 as amends the Summary Jurisdiction (Scotland) Act 1954, the Geneva Conventions Act 1957, the Criminal Justice Act 1961 and the Criminal Justice (Scotland) Act 1963 ; and
 - (g) Part II of Schedule 7 and so much of section 103(2) as relates thereto;
- but except as provided by this subsection and except so far as it relates to the interpretation or commencement of the said provisions this Act shall not extend to Scotland.
- (3) The following provisions of this Act shall extend to Northern Ireland, that is to say—
- (a) so much of this Act as relates to courts-martial and appeals therefrom;
 - (b) sections 38(7), 69 and 72;
 - (c) so much of section 92 and Parts I and II of Schedule 3 as is extended to Northern Ireland by Part IV of that Schedule;
 - (d) so much of section 98(6) and (7) and Schedule 4 as amends the Criminal Appeal (Northern Ireland) Act 1930, the Administration of Justice Act 1960, as it extends to Northern Ireland, sections 7 and 12(5) of the Criminal Appeal Act 1966 and section 16 of the Criminal Justice Act (Northern Ireland) 1966;
 - (e) so much of section 103(1) and Schedule 6 as amends the Geneva Conventions Act 1957 and the Criminal Justice Act 1961 ;
 - (f) section 105 ; and
 - (g) Part III of Schedule 7 and so much of section 103(2) as relates thereto;
- but except as provided by this subsection and except so far as it relates to the interpretation or commencement of the said provisions this Act shall not extend to Northern Ireland.
- (4) Sections 69(1) and 92 of, and Schedule 3 to, this Act, so far as they amend any enactment which extends to the Channel Islands or the Isle of Man, shall extend to the Channel Islands or the Isle of Man, as the case may be.
- (5) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be so appointed for different purposes of this Act,

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and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the day so appointed for the coming into force of that provision, and any such reference to the commencement of a provision of this Act shall be construed as a reference to the day appointed for the coming into force of the provision referred to.

- (6) Without prejudice to Schedule 5 to this Act, any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions thereby brought into force, including such adaptations of those provisions or any provisions of this Act then in force as appear to him to be necessary or expedient in consequence of the partial operation of this Act (whether before or after the day appointed by the order).