



Criminal Justice Act 1967

1967 CHAPTER 80

PART II

POWERS OF COURTS TO DEAL WITH OFFENDERS

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.

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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.

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- (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
 - (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

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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.