



Criminal Justice Act 1967

1967 CHAPTER 80

PART III

TREATMENT OF OFFENDERS

Miscellaneous

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

[^{F1}(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 [^{F2}section 18, 38(7) or 138 of the Mental Health Act 1983], section 36 or 106 of the ^{M1}Mental Health (Scotland) Act 1960 or [^{F3}Article 29, 45(6) or 132 of the Mental Health (Northern Ireland) Order 1986] (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.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1967, Section 72. (See end of Document for details)

(3) [^{F4}section 137 of the Mental Health Act 1983], section 105 of the ^{M2}Mental Health (Scotland) Act 1960 and [^{F5}Article 131 of the Mental Health (Northern Ireland) Order 1986] (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 [^{F6}the said Act of 1983], 1960 [^{F7}or 1984 or the said Order of 1986] 1960 or 1961, as the case may be, to be so conveyed, kept or detained.

(4) In this section—

“convicted mental patient” means a person liable after being convicted of an offence to be detained under [^{F8}Part III of the Mental Health Act 1983], Part V of the Mental Health (Scotland) Act 1960 or Part III of the Mental Health [^{F9}(Northern Ireland) Order 1986] in pursuance of a hospital order or transfer direction together with an order or direction restricting his discharge [^{F10}or in pursuance of a hospital direction and a limitation direction][^{F11}or a person liable to be detained under][^{F8}section 38 of the said Act of 1983][^{F12}or Article 45 of the Mental Health (Northern Ireland) Order 1986];

“place of safety” has the same meaning as in [^{F8}Part III of the said Act of 1983] or 1960 or Part III of the said [^{F13}Order of 1986], as the case may be;

“Prison Act” means the ^{M3}Prison Act 1952, the ^{M4}Prisons (Scotland) Act 1952 or the ^{M5}Prison Act (Northern Ireland) 1953, as the case may be.]

(5) Section 27 of the ^{M6}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.

[^{F14}(6) References in this section to offences include service offences within the meaning of the Armed Forces Act 2006.]

Textual Amendments

- F1** S. 72(1)–(4) repealed (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)
- F2** Words substituted by virtue of [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), s. 65(1), [Sch. 3 para. 35\(a\)](#) and [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 21\(a\)](#)
- F3** Words substituted by [S.I. 1986/596](#), [art. 5\(a\)](#)
- F4** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 21\(b\)](#)
- F5** Words substituted by [S.I. 1986/596](#), [art. 5\(b\)](#)
- F6** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 21\(b\)](#)
- F7** Words substituted by virtue of [S.I. 1986/596](#), [art. 5\(b\)](#)
- F8** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 21\(c\)](#)
- F9** Words substituted by [S.I. 1986/596](#), [art. 5\(c\)](#)
- F10** Words in s. 72(4) inserted (1.10.1997) by 1997 c. 43, s. 55(1), [Sch. 4 para. 5\(2\)](#); [S.I. 1997/2200](#), [art. 2\(1\)\(1\)\(2\)\(b\)](#)
- F11** Words inserted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), s. 65(1), [Sch. 3 para. 35\(b\)](#)
- F12** Words added by 1986/596, [art. 5\(c\)](#)
- F13** Words substituted by [S.I. 1986/596](#), [art. 5\(d\)](#)
- F14** [S. 72\(6\)](#) added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 49](#); [S.I. 2009/812](#), [art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1967, Section 72. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 72 modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), **Sch. 1 para. 10**
- C2** S. 72(4) amended (1.10.1997 for specified purposes and otherwise *prosp.*) by [1997 c. 43, s. 55\(2\)](#), **Sch. 4 para. 5(2)**; [S.I. 1997/2200](#), **art. 2(1)(m)**
- C3** The text of s. 72(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1960 c. 61.
M2 1960 c. 61.
M3 1952 c. 52.
M4 1952 c. 61.
M5 1953 c. 18 (N.I.)
M6 1914 c. 58.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice Act 1967, Section 72.