



# Criminal Justice Act 1948

## 1948 CHAPTER 58

### PART I

#### POWERS AND PROCEEDINGS OF COURTS.

##### *Probation and discharge.*

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

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

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*Status: This is the original version (as it was originally enacted).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

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- (4) For the purposes of this Act, any such order as aforesaid shall have effect as if it were a probation order made under section three of this Act, and as if the conditions of the bond aforesaid were the requirements of the order:

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

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