



Criminal Justice (Scotland) Act 1949

1949 CHAPTER 94

PART III

SUPPLEMENTAL

78 Interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say—

" Appropriate court " means a court named as such in pursuance of subsection (2) of section two of this Act or of the Second Schedule to this Act in a probation or supervision order or in an amendment of any such order made on a change of residence of a probationer or person under supervision;

" Approved probation hostel " and " Approved probation home " have the meaning assigned to them by section twelve of this Act;

" Approved school " means a school approved under section eighty-three of the Children and Young Persons (Scotland) Act, 1937;

" Child " means a person under the age of fourteen years;

" Court " does not include a court-martial;

" Enactment " includes an enactment contained in a local Act and any order, regulation or other instrument having effect by virtue of an Act;

" England " includes Wales;

" Large burgh " and " Small burgh " have the like meanings as in the Local Government (Scotland) Act, 1947;

" Probationer " means a person for the time being under supervision by virtue of a probation order;

" Probation order " has the meaning assigned to it by section two of this Act;

" Probation period " means the period for which a probationer is placed under supervision by a probation order;

" Remand " means an order adjourning the proceedings or continuing the case and giving direction as to detention in custody or liberation during the

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period of adjournment or continuation and references to remanding a person or remanding in custody or on bail shall be construed accordingly;

" Remand home " means premises established or used by the council of a county or large burgh under the provisions of section eighty-one of the Children and Young Persons (Scotland) Act, 1937;

" Salaried probation officer " means a probation officer appointed under paragraph 3 of the Third Schedule to this Act;

" Sentence " includes an order for imprisonment pronounced by any court whether civil or criminal, an order for detention in a detention centre, an order for custody in a remand home under section fifty-eight of the Children and Young Persons (Scotland) Act, 1937, and an order sending an offender to an approved school;

" Supervision order " has the meaning assigned to it by section seventy-two of this Act;

" Voluntary probation officer " means a person (other than a salaried probation officer) named in a probation order as a person (whether alone or jointly with a salaried probation officer) under whose supervision the probationer is to be;

" Whole time probation officer " means a probation officer who devotes substantially his whole time to the duties of his office;

" Young, person " means a person who is not less than fourteen but under seventeen years of age.

- (2) Any reference in this Act to a previous sentence of imprisonment shall be construed as including a reference to a previous sentence of penal servitude; any such reference to a previous sentence of Borstal training shall be construed as including a reference to a previous sentence" of detention in a Borstal institution; and any such reference 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.
- (3) Where the age of any person at any time is material for the purposes of any provision of this Act, or of any Order in Council made thereunder, regulating the powers of a court, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.
- (4) References 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 this Act upon the imprisonment of offenders of his age.
- (5) For the purposes of this Act, except subsection (8) of section two thereof, where a probation order has been made on appeal, the order shall be deemed to have been made by the court from which the appeal was brought.
- (6) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to, that enactment as amended by any subsequent enactment including this Act.
- (7) References in the Prisons (Scotland) Act, 1877, to a general or special rule shall be construed as references to a rule made under section fifty-three of this Act.