

1967 No. 1234 (C.21)

CRIMINAL PROCEDURE, ENGLAND AND WALES

CRIMINAL PROCEDURE, NORTHERN IRELAND

The Criminal Justice Act 1967 (Commencement No. 1) Order 1967

Made - - - - 7th August 1967

In exercise of the powers conferred on me by section 106(5) of the Criminal Justice Act 1967(a), I hereby make the following Order:—

1. The provisions of the Criminal Justice Act 1967 specified in the Schedules to this Order shall come into force on the dates mentioned in the headings of those Schedules.

2.—(1) This Order may be cited as the Criminal Justice Act 1967 (Commencement No. 1) Order 1967.

(2) In the case of any provision specified in a Schedule to this Order which (by virtue of section 106(2) of the Criminal Justice Act 1967) extends to Scotland nothing in this Order shall bring the provision into force in its application to Scotland.

Roy Jenkins,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.

7th August 1967.

SCHEDULE 1
PROVISIONS COMING INTO FORCE 1ST OCTOBER 1967

Provisions of the Act	Subject matter of provisions
Section 7	Signature of depositions.
Section 8	Proof of criminal intent.
Section 13	Majority verdicts of juries in criminal proceedings.
Section 14	Disqualification of ex-prisoners from serving on juries in criminal proceedings.
Section 15	Validation of verdict where juror disqualified.
Section 16	Continuation of exemption from jury service at criminal trials.
Section 17	Entry of verdict of not guilty by order of a judge.
Section 25	Restrictions on issue of search warrants under Obscene Publications Act 1959(a).
Section 26	Restrictions on passing sentence in the absence of the defendant.
Section 27	Summary trial of certain offences under the Forgery Act 1913(b).
Section 28	Jurisdiction of magistrates' courts to try offences.
Section 29	Plea by a corporation before a magistrates' court.
Section 30	Period of adjournment under sections 14 and 26 of the Magistrates' Courts Act 1952(c).
Section 33	Taking and use of finger-prints and palm-prints.
Section 34	Committal of persons under twenty-one accused of extradition crimes, etc.
Section 35	Examining justices.
Section 36	Interpretation.
Section 37	Punishment of persistent offenders.
Section 38(1) to (5) and (7)	Supplementary provisions as to persistent offenders.

(a) 1959 c. 66.

(c) 1952 c. 55.

(b) 1913 c. 27.

Sch. 1 (contd.)

Provisions of the Act	Subject matter of provisions
Section 51	Combination of disqualification and endorsement for motoring offences with probation orders and orders for discharge.
Section 52	Duration of conditions of discharge.
Section 54	Miscellaneous provisions as to probation orders.
Section 55	Selection of probation officers.
Section 58	Power to make recommendations for deportation.
Section 59	Constitution and functions of Parole Board and local review committees.
Section 65	Abolition of corporal punishment in prison.
Section 66(3) and (4)	Miscellaneous amendments of the Prison Act 1952 ^(a) .
Section 67	Computation of sentences of imprisonment passed in England and Wales.
Section 69	Extension of enactments relating to persons sentenced to imprisonment or detention to young persons sentenced to detention.
Section 70	Prisoner transferred from Scotland to England for security.
Section 71	Exercise of powers of release.
Section 72	Power of magistrates to issue warrants for arrest of escaped prisoners and mental patients.
Section 94	Abolition of fees in criminal proceedings in magistrates' courts.
Section 95	Probation and after-care areas and committees.
Section 96	Financial provisions about probation and after-care.
Section 97	New provision as to appeal against sentence passed at assizes or quarter sessions.
Section 99	Evidence with respect to offences punishable in Scotland.

(a) 1952 c. 52.

Sch. 1 (contd.)

Provisions of the Act	Subject matter of provisions
Section 100	Regulations, rules and orders.
Section 101	Expenses.
Section 102	Transitional provisions and savings.
Section 103	Minor and consequential amendments and repeals.
Section 104	General provisions as to interpretation.
Section 105	Northern Ireland.
Section 106(1) and (3) to (6)	Short title, extent and commencement.
Schedule 2	Provisions as to Parole Board and local review committees.
Schedule 5	Transitional provisions and savings.
Paragraphs 4, 9 and 10 of Schedule 6	Amendment of section 3(c) of the Criminal Appeal Act 1907(a) and sections 14(3) and 26(1) of the Magistrates' Courts Act 1952.
So much of Parts I and III of Schedule 7 as is set out in the Appendix hereto.	Repeals.

APPENDIX TO SCHEDULE 1
REPEALS TAKING EFFECT 1ST OCTOBER 1967

Chapter	Short Title	Extent of Repeal
7 Edw. 7. c. 23.	The Criminal Appeal Act 1907.	Section 4(3).
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act 1914.	Section 27.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 5(2) and (3). In section 9 (as substituted by the Criminal Justice (Scotland) Act 1949), subsection (3) and in subsection (4) the words "to (3)". Section 20(5)(d). Section 21. Section 23. Section 29(3)(d) and (5). Section 38(3). In Schedule 5, paragraph 4(2) and the proviso to paragraph 5(1).

(a) 1907 c. 23.

Sch. 1, App. (contd.)

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 52.	The Prison Act 1952.	<p>In section 5(2)(c), the words from "with particulars" to the end of the section.</p> <p>Section 18.</p> <p>Section 26.</p> <p>In section 43, in subsection (3)(b), the words "subsection (1) of section eighteen".</p> <p>In section 49, the words "corrective training, preventive detention" in both places where they occur.</p> <p>In section 52(2) the words from "and a draft" to "Act", in the second place where it occurs.</p>
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	<p>Section 113(2).</p> <p>In Schedule 4, the following headings and all entries therein, that is to say, "Committal for trial", "Summary trial", "Conviction", "Examination", "Extradition Act 1873 (36 & 37 Vict. c. 60) s.5", "Information" and "Recognizance"; in the heading "Attendance" the words "or to take an examination elsewhere than in court"; in the heading "Copy" the first two entries and the word "other" in the third entry; in the heading "Order" the entry beginning "Order in case"; in the heading "Summons" the words from "to include" to "time"; in the heading "Warrant", in the entry beginning "To commit", the words "conviction or" in both places where they occur; and in the Note the words "for re-swearing any person to any examination, or".</p>
5 & 6 Eliz. 2. c. 29.	The Magistrates' Courts Act 1957.	<p>In proviso (iii) to section 1(2), the words from "and shall not" onwards.</p>
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959	<p>Section 69.</p>
10 & 11 Eliz. 2. c. 15.	The Criminal Justice Administration Act 1962.	<p>Section 17(2).</p> <p>In Schedule 3, paragraph 3.</p>

Sch. 1, App. (contd.)

Chapter	Short Title	Extent of Repeal
1963 c. 37.	The Children and Young Persons Act 1963.	In Schedule 1, paragraph 13.
1964 c. 42.	The Administration of Justice Act 1964.	Section 20.
1967 c. 58.	The Criminal Law Act 1967.	In Schedule 1, in Division II of List A, paragraph 5(c)(ii) and (iii).

SCHEDULE 2
PROVISIONS COMING INTO FORCE 1ST JANUARY 1968

Provisions of the Act	Subject matter of provisions
Section 1	Committal for trial without consideration of the evidence.
Section 2	Written statements before examining justices.
Section 3	Restrictions on reports of committal proceedings.
Section 4	Notice of result of committal proceedings.
Section 5	Privilege of newspaper reports of committal proceedings in libel actions.
Section 6	Duty of examining justices to sit in open court.
Section 9	Proof by written statement.
Section 10	Proof by formal admission.
Section 11	Notice of alibi.
Section 12	Application of sections 9 to 11 to courts-martial.
Section 18	Restrictions on refusal of bail.
Section 19	Restriction on justices sitting after dealing with bail.
Section 20	Power of magistrates' court to commit on bail for sentence.
Section 21	Special conditions of bail.

Sch. 2 (contd.)

Provisions of the Act	Subject matter of provisions
Section 22	Extension of power of High Court to grant, or vary conditions of, bail.
Section 23	Arrest of persons granted bail.
Section 24	Process for minor offences.
Section 31	Extension of Costs in Criminal Cases Act 1952(a).
Section 32	Amendments of Costs in Criminal Cases Act 1952.
Sections 39 to 42	Suspended sentences.
Section 43	General power of magistrates' courts to impose fines.
Sections 44 to 50	Enforcement of payment of fines, etc.
Section 53	Substitution of conditional discharge for probation.
Section 56	Committal for sentence for offences tried summarily.
Section 89	False written statements tendered in evidence.
Section 90	False statement as to means.
Section 92	Increase of fines.
Section 93	Alteration of maximum periods of imprisonment in default of payment of fines, etc.
Schedule 1	Application of the Maintenance Orders Act 1958(b) to attachment of earnings orders under section 46 or 79 of the Criminal Justice Act 1967.
Schedule 3	Increase of fines.
So much of Schedule 6 as is specified in Appendix A hereto.	Minor and consequential amendments.
So much of Parts I and III of Schedule 7 as is set out in Appendix B hereto.	Repeals.

APPENDIX A TO SCHEDULE 2
AMENDMENTS TAKING EFFECT 1ST JANUARY 1968

Provision of Schedule 6	Enactment amended
Paragraph 1	Section 5 of the Vagrancy Act 1824(a).
Paragraph 3	Section 19(5) of the Coroners Act 1887(b).
Paragraph 5	Section 55(4) of the Children and Young Persons Act 1933(c).
Paragraphs 11 to 20	Sections 28, 29, 70(2), 72A(2), 72A(3), 72B, 96(4), 98(2) and (3), 110(1) and 111(1) of the Magistrates' Courts Act 1952.
Paragraph 27	Section 2(5) of the Criminal Appeal Act 1964(d).
Paragraph 28	Section 46(5)(c) of the Forestry Act 1967(e).

APPENDIX B TO SCHEDULE 2
REPEALS TAKING EFFECT 1ST JANUARY 1968

Chapter	Short Title	Extent of Repeal
3 Geo. 4. c. 46.	The Levy of Fines Act 1822.	The whole Act.
4 Geo. 4. c. 37.	The Levy of Fines Act 1823.	The whole Act.
5 Geo. 4. c. 83.	The Vagrancy Act 1824.	In section 10, the words from "the house" to "general or", and the word "further".
6 Geo. 4. c. 50.	The Juries Act 1825.	In section 53, the words from "and every such sheriff" onwards.
3 & 4 Will. 4. c. 99.	The Fines Act 1833.	Sections 34 to 40. Section 47.
12 & 13 Vict. c. 45.	The Quarter Sessions Act 1849.	Section 17.
16 & 17 Vict. c. 30.	The Criminal Procedure Act 1853.	In section 2, the words from "and if such recognizance" onwards.
22 & 23 Vict. c. 21.	The Queen's Remembrancer Act 1859.	Sections 30 to 39.

(a) 1824 c. 83.
(c) 1933 c. 12.

(e) 1967 c. 10.

(b) 1887 c. 71.
(d) 1964 c. 43.

Sch. 2, App. B (contd.)

Chapter	Short Title	Extent of Repeal
45 & 46 Vict. c. 50.	The Municipal Cor- porations Act 1882.	Section 222.
50 & 51 Vict. c. 71.	The Coroners Act 1887.	Section 19(4).
23 & 24 Geo. 5. c. 38.	The Summary Juris- diction (Appeals) Act 1933.	Section 6.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	In section 8, in subsection (4) the words "and dealt with" and in subsection (5) the words "and dealt with in respect". Section 14(2) from "and (subject" onwards. Section 15. In section 37, in subsection (1) paragraphs (a) and (c) and in paragraph (b) the words "the High Court or" and in sub- section (6) the word "(c)".
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	Section 4(2). In section 15(2), proviso (a). Section 69. Section 70(1). In section 114 subsection 1(c) to (e) and subsection (2).
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	Section 99(2).
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	Section 99(2).
6 & 7 Eliz. 2. c. 48.	The Metropolitan Police Act 1839 (Amendment) Act 1958.	The whole Act.

SCHEDULE 3

PROVISIONS COMING INTO FORCE 1ST APRIL 1968

Provisions of the Act	Subject matter of provisions
Section 38(6)	Release, etc., of persons sentenced to preventive detention or corrective training in Scotland or Northern Ireland and transferred to England and Wales.

Sch. 3 (contd.)

Provisions of the Act	Subject matter of provisions
Section 60	Release on licence of persons serving determinate sentences.
Section 61	Release on licence of persons sentenced to imprisonment for life, etc.
Section 62	Revocation of licences and conviction of prisoners on licence.
Section 63	Supervision of young, short-term prisoners after release.
Section 64	Provisions supplemental to sections 60 to 63 of the Criminal Justice Act 1967.
Section 66(1), (2) and (5)	Miscellaneous amendments of the Prison Act 1952.
Section 98	Amendment of enactments relating to criminal appeals.
Schedule 4 except paragraph 20(3).	Miscellaneous amendments of enactments relating to criminal appeal.
So much of Schedule 6 as is specified in Appendix A hereto.	Minor and consequential amendments.
So much of Parts I and III of Schedule 7 as is set out in Appendix B hereto.	Repeals.

**APPENDIX A TO SCHEDULE 3
AMENDMENTS TAKING EFFECT 1ST APRIL 1968**

Provision of Schedule 6	Enactment amended
Paragraph 2	Section 2 of the Prosecution of Offences Act 1879(a).
Paragraph 6	Section 29(2) of the Criminal Justice Act 1948.
Paragraph 8	Section 43(4)(a) of the Prison Act 1952.
Paragraph 22	Section 4(1) of the Geneva Conventions Act 1957(b).
Paragraph 23	Section 105 of the Road Traffic Act 1960(c).
Paragraphs 24 and 25	Sections 32(2) and 40 of the Criminal Justice Act 1961(d).

(a) 1879 c. 22.
(c) 1960 c. 16.

(b) 1957 c. 52.
(d) 1961 c. 39.

APPENDIX B TO SCHEDULE 3
REPEALS TAKING EFFECT 1ST APRIL 1968

Chapter	Short Title	Extent of Repeal
7 Edw. 7. c. 23.	The Criminal Appeal Act 1907.	In section 4(2), the words "and direct a judgment and verdict of acquittal to be entered". Section 8. In section 9, paragraphs (d) and (e) and the words from "and exercise" to the end of the section. In section 11(1), the words "rules of court provide that he shall have the right to be present, or where". Section 12. In section 15, in subsection (1), the words "relating to the proceedings in the court before which the appellant or applicant was tried". Section 18.
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act 1925.	Section 29.
20 & 21 Geo. 5. c. 45.	The Criminal Appeal (Northern Ireland) Act 1930.	In section 7(1), the word "convicted".
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act 1933.	Section 53(4).
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 38(4).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act 1952.	Section 16(3). Section 17(6).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 52.	The Prison Act 1952.	Section 15. Section 25(2) to (6). Section 27. In section 43(4)(b), the words "remand centres or". In section 47(4), paragraphs (a), (b) and (c) and in paragraph (d) the word "other".
4 & 5 Eliz. 2. c. 34.	The Criminal Justice Administration Act 1956.	In section 19(1), the words "rules of court under the Criminal Appeal Act 1907 and"; and section 19(2), except as it applies to rules under the Indictments Act 1915.

Sch. 3, App. B (contd.)

Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act 1960.	Section 5(2). Section 6(2). Section 9(1). In Part I of Schedule 2, the modification of section 6.
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	Section 20. Schedule 3.
1964 c. 43.	The Criminal Appeal Act 1964.	In paragraph 6 of Schedule 1, the words " or any enactment of the Parliament of Northern Ireland amending or replacing the said Part III "
1964 c. 84.	The Criminal Procedure (Insanity) Act 1964.	In section 2, in subsection (4)(a), the words " 8 " and " 18(1) ". In section 3, the proviso to subsection (1); and in subsection (2) the words from " In relation to " to the end of the subsection.
1965 c. 71.	The Murder (Abolition of Death Penalty) Act 1965.	Section 2.
1966 c. 31.	The Criminal Appeal Act 1966.	In section 7(1), the words " at assizes or quarter sessions ".
1966 c. 20. (N.I.).	The Criminal Justice Act (Northern Ireland) 1966.	In section 16(3) the words from " In relation to " onwards.

SCHEDULE 4

PROVISIONS COMING INTO FORCE 1ST MAY 1968

Provisions of the Act	Subject matter of provisions
Section 85	Prohibition on possessing or acquiring a shot gun without a certificate.
Section 86	Restrictions on gifts of shot guns.
Section 87	Amendment of enactments relating to firearms.
Section 88	Supplemental provisions about firearms.
So much of Parts I and III of Schedule 7 as is set out in the Appendix hereto.	Repeals.

APPENDIX TO SCHEDULE 4
 REPEALS TAKING EFFECT 1ST MAY 1968

Chapter	Short Title	Extent of Repeal
1 Edw. 8 & 1 Geo. c. 12.	The Firearms Act 1937.	In section 12(3), paragraph (c) and the words "in each case".
1965 c. 44.	The Firearms Act 1965.	In section 9(2), the words from "and (b)" onwards.

SCHEDULE 5
 PROVISIONS COMING INTO FORCE 1ST OCTOBER 1968

Provisions of the Act	Subject matter of provisions
Sections 73 to 84	Legal aid in criminal proceedings.
Paragraph 20(3) of Schedule 4.	Amendment of section 3(3) of the Costs in Criminal Cases Act 1952.
Paragraph 7 of Schedule 6	Amendment of section 1(1) of the Legal Aid and Advice Act 1949(a).
So much of Parts I and III of Schedule 7 as is set out in the Appendix hereto.	Repeals.

APPENDIX TO SCHEDULE 5
REPEALS TAKING EFFECT 1ST OCTOBER 1968

Chapter	Short Title	Extent of Repeal
7 Edw. 7. c. 23.	The Criminal Appeal Act 1907.	Section 10. Section 15(5). In section 17, the words "to assign legal aid to an appellant".
20 & 21 Geo. 5. c. 32.	The Poor Prisoners' Defence Act 1930.	The whole Act.
23 & 24 Geo. 5. c. 38.	The Summary Jurisdiction (Appeals) Act 1933.	Section 2.
12 & 13 Geo. 6. c. 51.	The Legal Aid and Advice Act 1949.	Part II.
14 & 15 Geo. 6. c. 46.	The Courts-Martial (Appeals) Act 1951.	Section 10. Section 21(c).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act 1952.	Section 16(1).
4 & 5 Eliz. 2. c. 44.	The Magistrates' Courts (Appeals from Binding Over Orders) Act 1956.	In section 1(2)(b) the words from the beginning to "aid) and".
7 & 8 Eliz. 2. c. 72.	The Mental Health Act 1959.	In section 67(3), the words from "and the Poor" onwards.
8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act 1960.	Section 8(1) and (2). Section 9(4)(c). In Schedule 1, paragraph 3(2).
1964 c. 43.	The Criminal Appeal Act 1964.	In section 2(4), the words from "Section 1" to "Court of Criminal Appeal; and".

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order brings into force on various dates the provisions of the Criminal Justice Act 1967 set out in the Schedules to the Order. The Order does not affect Scotland.