SCHEDULE

Provisions of the Act	Subject matter of provisions
Section fifty-two	Rules for the management of prisons, remand centres, detention centres, attendance centres and Borstal institutions.
Subsection (2) of section seventy	Amendment of Forfeiture Act, 1870.
Section seventy-six	Rules and orders.
Section seventy-eight and sub-paragraph (*a*) of paragraph 7 of the Eighth Schedule.	Transitory provisions.
So much of subsection (3) of section eighty-three as relates to the Tenth Schedule and so much of Part I of the said Schedule as relates to the following enactments, that is to say, section two of the Prison Act, 1898, subsection (1) of section fourteen of the Criminal Appeal Act, 1907, subsection (1) of section seven of the War Pensions Act, 1920, and subsection (1) of section two of the Admiralty Pensions Act, 1921.	Repeals.

The Criminal Justice Act, 1948 (Date of Commencement) (No. 3) Order, 1948

1948 No. 2349

Made - - - - 25th October, 1948

At the Court at Buckingham Palace, the 25th day of October, 1948

Present,

The King's Most Excellent Majesty in Council

Whereas by subsection (2) of section eighty-three of the Criminal Justice Act, 1948(**a**) (hereafter in this Order called "the Act"), it is provided that the Act shall come into operation on such day as His Majesty may by Order in Council appoint and that different days may be appointed for the purposes of different provisions of the Act:

Now, therefore, His Majesty in pursuance of the power vested in Him by the said section eighty-three is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. The provisions of the Act specified in the first column of the First Schedule hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation on the twenty-seventh day of December, 1948.

2. The provisions of the Act specified in the first column of the Second Schedule hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation on the eighteenth day of April, 1949.

3. This Order may be cited as the Criminal Justice Act, 1948 (Date of Commencement) (No.3) Order, 1948.

E. C. E. Leadbitter.

(**a**) 11 & 12 Geo. 6. c. 58.

FIRST SCHEDULE

Provisions of the Act	Subject matter of provisions
Section thirteen ...	Power to fine on conviction of felony on indictment.
Section fourteen ...	Powers of courts of assize and quarter sessions in relation to fines and forfeited recognizances.
Section fifteen	Incidental provisions as to fines and forfeited recognizances.
Section seventeen ...	Restriction on imprisonment.
Section twenty and Second Schedule.	Borstal training.
Section twenty-four ...	Power to make reception order.
Section twenty-five ...	Power of courts of summary jurisdiction to adjourn a case after conviction and before sentence.
Section twenty-six ...	Remand for inquiry into physical or mental condition.
Section twenty-seven ...	Remand and committal of persons under twenty-one.
Section twenty-eight ...	Procedure in respect of offences punishable on summary conviction or on indictment.
Section twenty-nine ...	Committal for sentence in respect of indictable offences tried summarily.
Section thirty-four ...	Amendment of Summary Jurisdiction (Appeals) Act, 1933.
Section thirty-five ...	Challenge of jurors and separation of juries.
Section thirty-six ...	Appeals from courts of summary jurisdiction to quarter sessions.
Section thirty-nine ...	Proof of previous convictions by finger-prints.
Section forty	Taking of finger-prints by order of justices.
Section forty-one ...	Evidence by certificate.
Section forty-three ...	Reports of probation officers.
Section forty-eight ...	Remand centres, detention centres and Borstal institutions.
Section fifty-three ...	Constitution and functions of visiting committees and boards of visitors.
Section fifty-eight ...	Temporary detention of persons liable to detention in a Borstal institution.
Section fifty-nine ...	Transfers from prison to Borstal institution and vice versa.
Section sixty	Removal of prisoners, etc. for judicial and other purposes.
Section sixty-five ...	Persons unlawfully at large.
Section sixty-six ...	Legal custody.
Section seventy-two ...	Powers of court in relation to absconders from approved schools, etc.
So much of subsection (3) of section seventy-seven as relates to paragraphs (*e*) and (*f*) thereof.	Expenses and grants payable out of moneys provided by Parliament.
Section seventy-nine and so much of the Ninth Schedule as is set out in Appendix A hereto.	Consequential and minor amendments.
So much of section eighty-one as relates to subsection (2) of section sixty, subsection (1) of section sixty-five and section sixty-six.	Application to Scotland.

Provisions of the Act	Subject matter of provisions
So much of subsection (3) of section eighty-three as relates to the Tenth Schedule and so much of Part I of the said Schedule as is set out in Appendix B hereto; so much of the said subsection (3) as relates to Regulations 13, 15A and 17A of the Defence (Administration of Justice) Regulations, 1940.	Repeals

APPENDIX A TO FIRST SCHEDULE

Act to be amended	*Amendment*
The Queen's Remembrancer Act, 1859. 22 & 23 Vict. c. 21.	In section thirty-two, for the words from the beginning to "recognizances as aforesaid" there shall be substituted the words "Within fourteen days after any fines, issues, amerciaments, penalties or recognizances are set, lost, imposed or forfeited by or before a court of assize, the clerk of assize or the clerk of the Central Criminal Court, as the case may be, shall". In section thirty-three, for the words "and clerk of the Crown respectively" there shall be substituted the words "or clerk of the Central Criminal Court". In section thirty-eight, for the words "which if this Act had not been passed would have been certified or estreated into the Exchequer" there shall be substituted the words "set, lost, imposed or forfeited by or before a court of assize"; and for the words "clerk of the Crown", in both places where those words occur, there shall be substituted the words "clerk of the Central Criminal Court".
The Summary Jurisdiction Act, 1879. 42 & 43 Vict. c. 49.	In section nine, in subsection (1) for the words "in a proceeding" there shall be substituted the words "in connection with a proceeding" and in the proviso for the words from "upon", where it first occurs, to "other" there shall be substituted the words "and any such cancellation or mitigation may be made subject to such" and at the end of subsection (2) there shall be added the words "or part only of those sums, or remit, as respects all or any of those persons, payment of those sums". In section eleven, in subsection (1) the words "the character and antecedents of the person charged" shall cease to have effect.

Act to be amended	*Amendment*
The Summary Jurisdiction Act, 1879. 42 & 43 Vict. c. 49. —*cont.*	In section seventeen, in subsection (1) for the words " on appearing before the court and before the charge is gone into " there shall be substituted the words " if he appears in person to answer the charge and before he pleads to the charge " ; and after the words " and the offence " there shall be inserted the words " (if not indictable otherwise than by virtue of this section) " ; and in subsection (2) for the words " before the charge is gone into " there shall be substituted the words " before the accused pleads to the charge " ; and at the end of the subsection there shall be added the words " and where the defendant may, if convicted by the court, be committed to quarter sessions under section twenty-nine of the Criminal Justice Act, 1948, if the court, on obtaining information as to his character and antecedents, is of opinion that they are such that greater punishment should be inflicted than the court has power to inflict the court shall explain to him that he may be so committed ".
	Section nineteen shall cease to have effect so far as it relates to a conviction.
	In section twenty-seven, in paragraph (2) after the word " defendant " there shall be inserted the words " or the prosecutor ".
	In section thirty-one, in paragraph (iv) of subsection (1) for the words " the court who fix the recognisance to be entered into or the other security to be given, under the preceding paragraph or any other court of summary jurisdiction " there shall be substituted the words " the court of summary jurisdiction by whom the decision appealed against was given or any justice " and the words " on his complying with the provisions of the preceding paragraph, if he has not already done so and " shall cease to have effect ; and paragraph (v) of that subsection shall cease to have effect.
The Costs in Criminal Cases Act, 1908. 8 Edw. 7. c. 15.	In section one, in paragraph (*b*) of subsection (1) after the words " Summary Jurisdiction Acts " there shall be inserted the words " or under subsection (2) of section twenty-eight of the Criminal Justice Act, 1948 ".
The Protection of Animals Act, 1911. 1 & 2 Geo. 5. c. 27.	In section fourteen, in subsection (2), for the words from " direct that the recognizance " to " undertaking " there shall be substituted the words " order him " and at the end of the subsection there shall be added the words " and a person who fails to comply with an order under this section without satisfactory excuse shall be liable on summary conviction to a fine not exceeding five pounds ".
The Criminal Justice Administration Act, 1914. 4 & 5 Geo. 5. c. 58.	In section three, in subsection (1) for the words from " a number of days " to the end there shall be substituted the words " such number of days as bears to the total number of days in the term less one day the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the sum in respect of which the imprisonment is imposed ".
	Section fifteen shall cease to have effect.

Act to be amended	*Amendment*
The Criminal Justice Act, 1925. 15 & 16 Geo. 5. c. 86.	In section twenty-four, in subsection (1) after the word " prosecutor " there shall be inserted the words " or by or on behalf of the accused " and the words " the character and antecedents of the accused " shall cease to have effect; and in subsection (2) after the words " if tried by a jury " there shall be inserted the words " and shall explain to him that he may, if convicted by the court, be committed to quarter sessions under section twenty-nine of the Criminal Justice Act, 1948, if the court, on obtaining information as to his character and antecedents, is of opinion that they are such that greater punishment should be inflicted than the court has power to inflict ".
	In the Second Schedule, in paragraph 11, after the words " section eighteen " there shall be inserted the words " section twenty (where the amount of the money or the value of the property in respect of which the offence is committed does not exceed twenty pounds) ".
The Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12.	In section forty-eight, in subsection (3) the words from " and where " to the end shall cease to have effect.
	In section fifty-four, for the words " fine, damages or costs " there shall be substituted the words " sum of money or for failing to do or abstain from doing any act or thing required to be done or left undone "; and for the words " this Act " there shall be substituted the words " section seventeen of the Criminal Justice Act, 1948 ".
	In section fifty-eight, in paragraph (*a*) of the proviso the words " undergoing detention in a Borstal Institution or was " shall cease to have effect and at the end of the proviso there shall be added the following paragraph :— " (*c*) in the case of a person who was undergoing detention in a Borstal institution, than the end of the period for which he would have been liable to be detained therein ".
	In section fifty-nine after the word " enactment, " there shall be inserted the words " whether passed before or after the commencement of this Act ".
	In section eighty-two, in subsection (1) for the words " and may (any other Act to the contrary notwithstanding) be brought " there shall be substituted the words " and brought back to his school; and (notwithstanding any enactment regulating the time within which and the court before which proceedings may be brought) any such person may, whether or not he is brought back, be brought, with the authority of the Secretary of State, at any time ".
The Summary Jurisdiction (Appeals) Act, 1933. 23 & 24 Geo. 5. c. 38.	In section two, in subsection (1) after the word " offence " there shall be inserted the words " or sentenced for an offence ", and after the word " convicted ", where that word occurs for the second and third time, there shall be inserted the words " or sentenced ", and in paragraph (*a*) of subsection (5), after the word " convicted " there shall be inserted the words " or sentenced as the case may be ".
	In section seven, in subsection (5) for the words " a second " there shall be substituted the words " an additional ".

Act to be amended	*Amendment*
The Dogs Act, 1938. 1 & 2 Geo. 6. c. 21.	Amendment In section one, in subsection (2) after the word " after " there shall be inserted the words " the expiration of fourteen days from the date of the order, or, if within that period the appellant has given notice of appeal, until after " and the words from " or until the appeal can no longer be prosecuted under the Summary Jurisdiction Acts, as the case may be " shall cease to have effect.

APPENDIX B TO FIRST SCHEDULE

Session and Chapter	Short Title	Extent of Repeal
6 Geo. 4. c. 50.	The Juries Act, 1825.	In section twenty-nine, the words from " and no person " to the end.
11 Geo. 4. & 1 Will. 4. c. 70.	The Law Terms Act, 1830.	Section thirty-three.
3 & 4 Will. 4. c. 99.	The Fines Act, 1833.	Section twenty-nine.
24 & 25 Vict. c. 100.	The Offences Against the Person Act, 1861.	In section five, the words " or to pay " to the end of the section.
40 & 41 Vict. c. 21.	The Prison Act, 1877.	Sections thirteen, fourteen and thirty-nine.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	In section eleven, in subsection (1), the words " the character and antecedents of the person charged ". In section thirty-one, in subsection (1), paragraphs (iii) and (v), and in paragraph (iv) the words " on his complying with the provisions of the preceding paragraph, if he has not already done so and ".
60 & 61 Vict. c. 18.	The Juries Detention Act, 1897.	The whole Act.
61 & 62 Vict. c. 41.	The Prison Act, 1898.	Section three.
7 Edw. 7. c. 23.	The Criminal Appeal Act, 1907.	In section fourteen, subsection (5).
8 Edw. 7. c. 59.	The Prevention of Crime Act, 1908.	Sections seven and eight.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Section fifteen, paragraph (6) of section seventeen and subsection (1) of section thirty-seven.
5 & 6 Geo. 5. c. 90.	The Indictments Act, 1915.	In section four, the words " and the person accused shall have the same right of challenging jurors ".
6 & 7 Geo. 5. c. 31.	The Police, Factories, etc. (Miscellaneous Provisions) Act, 1916.	Section twelve.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	In section twenty-four, in subsection (1), the words " the character and antecedents of the accused ". Section twenty-five.

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	Section thirty-three. In section forty-eight, in subsection (3) the words from " and where " to the end. In section fifty-two, subsection (3). In section fifty-three, in subsection (2) the words " notwithstanding anything in the other provisions of this Act ". In section fifty-eight, in proviso (*a*), the words " undergoing detention in a Borstal Institution, or was ". In section eighty-two, in subsection (1), the words from " and that court ", to the end. In the Fourth Schedule, in paragraph 8, the words from " and that court " to the end.
23 & 24 Geo. 5. c. 38.	The Summary Jurisdiction (Appeals) Act, 1933.	In section three, in subsection (1), the words " so soon as an appellant has complied with the provisions of paragraph (iii) of subsection (1) of section thirty-one of the Summary Jurisdiction Act, 1879, with respect to entering into a recognisance or giving other security " and the words " and the recognisance, if any, and a statement as to any other security given by the appellant " and in subsection (2) the word " separate ".
1 & 2 Geo. 6. c. 21.	The Dogs Amendment Act, 1938.	In section one, the words " or until the appeal can no longer be prosecuted under the Summary Jurisdiction Acts, as the case may be ".
7 & 8 Geo. 6. c. 31.	The Education Act, 1944.	In section one hundred and twenty, in subsection (2) the words "subsection (3) of section fifty-two and ".

SECOND SCHEDULE

Provisions of the Act	Subject matter of provisions
Subsection (5) of section sixty-one and paragraphs 1 and 7 of the Seventh Schedule.	Provisions relating to persons in England after discharge from a Borstal institution in Scotland and vice versa.
Section seventy-eight and paragraph 4 of the Eighth Schedule.	Transitory provisions.
So much of section eighty-one as relates to subsection (5) of section sixty-one and paragraph 7 of the Seventh Schedule and to all other provisions which, by the said paragraph, are extended to Scotland.	Application to Scotland.
So much of subsection (3) of section eighty-three as relates to the Tenth Schedule and so much of Part I of the said Schedule as is set out in the Appendix hereto.	Repeals.

APPENDIX TO SECOND SCHEDULE

Session and Chapter	Short Title	Extent of Repeal
8 Edw. 7. c. 59.	The Prevention of Crime Act, 1908.	Sections one, three to six and nine.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Sections ten and eleven.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Section forty-six.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	In section fifty-nine, the proviso to sub-section (1).

2. COSTS AND EXPENSES

The Witnesses Allowances Regulations, 1948

1948 No. 1909 (L. 23)

Made - - - - 14*th August,* 1948

Coming into Operation 13*th September,* 1948

In pursuance of the powers conferred upon me by section five of the Costs in Criminal Cases Act, 1908(a), I hereby make the following Regulations:—

Professional witnesses.

1. There may be allowed to a person practising as a member of the legal or medical profession or as a dentist or veterinary surgeon for attending to give professional evidence—

(*a*) a professional witness allowance, not exceeding five pounds a day;

(*b*) a night allowance:

Provided that if the time during which the witness is necessarily away for the purpose of giving professional evidence from the place where he is then residing or practising is not more than four hours, the professional witness allowance shall not exceed two pounds and ten shillings, so, however, that where the witness attends to give professional evidence on the same day in two or more separate and distinct cases he may be paid professional witness allowances exceeding in the aggregate two pounds and ten shillings but not exceeding in the aggregate five pounds.

Expert witnesses.

2. There may be allowed to an expert witness for attending to give expert evidence and, where necessary, for qualifying to give that evidence—

(*a*) an expert witness allowance of such amount as the court may consider reasonable having regard to the nature and difficulty of the case and the work necessarily involved;

(*b*) a night allowance.

(a) 8 Edw. 7. c. 15.