CRIMINAL PROCEDURE

1. *Commencement of* 1948 *Act.*
2. *Costs and Expenses*, p. 597.
3. *Evidence by Certificate Rules*, p. 601.

1. COMMENCEMENT OF 1948 ACT

The Criminal Justice Act, 1948 (Date of Commencement) Order, 1948

1948 No. 1840

Made - - - - *5th August*, 1948

At the Court at Buckingham Palace, the 5th day of August, 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 Schedule hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation on the thirteenth day of September, 1948.

2. This Order may be cited as the Criminal Justice Act, 1948 (Date of Commencement) Order, 1948.

E. C. E. Leadbitter.

SCHEDULE

Provisions of the Act	Subject matter of provisions
Section two	Abolition of power to pass a sentence of whipping.
Section sixteen	Restriction on sentence of death.
Section thirty	Abolition of privilege of peerage in criminal proceedings.
Section thirty-one	Jurisdiction and procedure in respect of certain indictable offences committed in foreign countries.
Section thirty-two	Issue of single summons on more than one information.
Section thirty-three	Supply of copies of informations to persons committed for trial.
Section thirty-eight	Amendment of Criminal Appeal Act, 1907.
Section forty-two	Order of speeches.
Section forty-four	Payment of costs of defence on acquittal, etc.
Section fifty	Acquisition of land for prisons and other institutions.

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

Provisions of the Act	Subject matter of provisions
Section fifty-five	Amendment of Prison Act, 1865, as to introduction of prohibited articles.
Section sixty-seven	Arrest on failure to surrender to bail before courts of summary jurisdiction.
Section sixty-eight	Restriction of power to arrest without warrant under the Vagrancy Act, 1824.
Section seventy-one	Amendment of section seventy-one of the Children and Young Persons Act, 1933, and section seventy-five of the Children and Young Persons (Scotland) Act, 1937.
Subsection (1) of section seventy-seven	Expenses 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.
Section eighty	Interpretation.
So much of section eighty-one as relates to section two, section thirty, section seventy-one, Parts II and III of the Tenth Schedule and subsection (3) of section eighty-three.	Application to Scotland.
So much of section eighty-two as relates to section thirty, Part III of the Tenth Schedule and subsection (3) of section eighty-three.	Application to Northern Ireland.
So much of subsection (3) of section eighty-three as relates to the Tenth Schedule; Parts II and III of the Tenth Schedule and so much of Part I of the said Schedule as is set out in Appendix B hereto.	Repeals.

APPENDIX A

Act to be amended	*Amendment*
The Diplomatic Privileges Act, 1708. 7 Ann. c. 12.	In section four, for the words " penalties, and corporal punishment " there shall be substituted the words " and penalties ".
The Beerhouse Act, 1840. 3 & 4 Vict. c. 61.	In section seven the words " of felony or " shall cease to have effect.
The Stipendiary Magistrates Act, 1858. 21 & 22 Vict. c. 73.	In section nine, for the words " appoint two or more justices one of whom shall be of the quorum, to form a second court " there shall be substituted the words " form one or more additional courts, and appoint to each court two or more justices "; and for the word " second ", in the second place where it occurs, there shall be substituted the word " additional ".

Act to be amended	*Amendment*
The Stipendiary Magistrates Act, 1858. 21 & 22 Vict. c. 73.—*cont.*	In section ten, for the words " a second " there shall be substituted the words " an additional ".
	In section eleven, for the words " a second " there shall be substituted the words " an additional "; for the word " second ", in the second place where it occurs, there shall be substituted the word " additional ", and for the words " an additional crier " there shall be substituted the words " a crier for each such additional court ".
The Refreshment Houses Act, 1860. 23 & 24 Vict. c. 27.	In section twenty-two the words " of felony or " shall cease to have effect.
The Prison Act, 1877. 40 & 41 Vict. c. 21.	In section eleven the words " and as to the commercial value of the labour on " shall cease to have effect.
The Local Government Act, 1888. 51 & 52 Vict. c. 41.	In section eighty-three, in subsection (4), for the words " a second court " there shall be substituted the words " any additional court ".
The Criminal Appeal Act, 1907. 7 Edw. 7. c. 23.	In section thirteen, at the end of subsection (1) there shall be added the words " except as otherwise provided by section thirty-eight or section forty-four of the Criminal Justice Act, 1948 ".
	In section fourteen, in subsection (4), after the word " section " there shall be inserted the words " and subsections (1) to (3) of section thirty-eight of the Criminal Justice Act, 1948 ".
	In section seventeen, after the word " bail " there shall be inserted the words " and the power of the court to give directions under the proviso to subsection (2) of section thirty-eight of the Criminal Justice Act, 1948, or to make orders for the payment of costs under subsection (5) of that section "; and after the words " such power " there shall be inserted the words " under this Act ".
	In section nineteen, after the word " mercy ", in the second place where it occurs, there shall be inserted the words " or of any representation made by any other person ".
The Licensing (Consolidation) Act, 1910. 10 Edw. 7. & 1 Geo. 5. c. 24.	In section thirty-five, paragraph (2) shall cease to have effect.
The Criminal Justice Act, 1925. 15 & 16 Geo. 5. c. 86.	In section twelve, in subsection (5), for the second and third paragraphs there shall be substituted the following paragraphs— " If the accused in answer to the question states that he wishes to give evidence or to call witnesses, or both to give evidence and to call witnesses, the justices shall proceed to take the evidence of the accused if he wishes to give evidence himself, and of any witnesses called by him who know anything relating to the facts and circumstances of the case or anything tending to prove the innocence of the accused.

Act to be amended	*Amendment*
The Criminal Justice Act, 1925. 15 & 16 Geo. 5. c. 86.—*cont.*	Where the accused is represented by counsel or a solicitor, his counsel or solicitor shall be heard on his behalf, either before or after the said evidence is taken, at his discretion, and may, if the accused gives evidence himself and calls witnesses, be heard on his behalf with the leave of the justices both before and after the evidence is taken: Provided that where counsel or a solicitor is so heard both before and after the evidence is taken, counsel or the solicitor for the prosecution shall be entitled to be heard in reply."
The Local Government (Clerks) Act, 1931. 21 & 22 Geo. 5. c. 45.	In section three, in subsection (3), for the words " a second court " there shall be substituted the words " additional courts ".
The Money Payments (Justices Procedure) Act, 1935. 25 & 26 Geo. 5. c. 46.	In the proviso to section four, for the word " two " there shall be substituted the word " four ".

APPENDIX B

Session and Chapter	Short Title	Extent of Repeal
11 Will. 3. c. 12	An Act to Punish Governors of Plantations in this Kingdom for Crimes by them committed in the Plantations.	The words " in his Majesties Court of Kings Bench " and the words from " or before such commissioners " to " same county ".
42 Geo. 3. c. 85	The Criminal Jurisdiction Act, 1802.	In section one, the words " in his Majesty's Court of King's Bench "; the words from " found, in which information " to " Middlesex "; and the words " at the discretion of his Majesty's Court of King's Bench ".
5 Geo. 4. c. 83	The Vagrancy Act, 1824 ...	In section ten, the words from " and to order further " to the end.
3 & 4 Vict. c. 61	The Beerhouse Act, 1840...	In section seven, the words " of felony or ".
19 & 20 Vict. c. 54.	The Grand Juries Act, 1856	The whole Act.
23 & 24 Vict. c. 27.	The Refreshment Houses Act, 1860.	In section twenty-two, the words " of felony or ".
24 & 25 Vict. c. 96.	The Larceny Act, 1861 ...	Section one hundred and nineteen.
24 & 25 Vict. c. 97.	The Malicious Damage Act, 1861.	In sections one to ten, fourteen to twenty-one, twenty-three, twenty-six to thirty-three, thirty-five, forty-two to forty-eight and fifty, the words " and, if a male under the age of sixteen years, with or without whipping " wherever those words occur. Section seventy-five.

Session and Chapter	Short Title	Extent of Repeal
24 & 25 Vict. c. 100.	The Offences Against the Person Act, 1861.	In sections sixteen, twenty-eight to thirty, thirty-two and fifty-six, the words " and, if a male under the age of sixteen years, with or without whipping " wherever those words occur.
		Section seventy.
26 & 27 Vict. c. 44.	The Garrotters Act, 1863...	The whole Act.
28 & 29 Vict. c. 126.	The Prison Act, 1865 ...	Section forty-four.
35 & 36 Vict. c. 52.	The Middlesex Grand Juries Act, 1872.	The whole Act.
40 & 41 Vict. c. 21.	The Prison Act, 1877 ...	In section eleven, the words " and as to the commercial value of the labour on ".
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	In section ten, in subsection (2) the words from " and when the child is a male " to the end.
7 Edw. 7. c. 23	The Criminal Appeal Act, 1907.	In section seven, the words " or corporal punishment ".
		In section fourteen, subsection (3).
		In section twenty, in subsection (2) the words from " but shall not apply " to the end of the subsection.
10 Edw. 7. & 1 Geo. 5. c. 24.	The Licensing (Consolidation) Act, 1910.	In section thirty-five, paragraph (2).
1 & 2 Geo. 5. c. 28.	The Official Secrets Act, 1911.	In section ten, in subsection (2) the words " in the High Court " and the words " or the Central Criminal Court ".
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Section thirty-six.
6 & 7 Geo. 5. c. 50.	The Larceny Act, 1916 ...	In section two, the words from " and the offender " to the end.
		Paragraph (*c*) of section sixteen.
		In section seventeen, the words from " and in the case of a clerk " to the end.
		In section twenty-three, in subsection (1) the words from "and, in addition," to the end.
		In section twenty-nine, in subsection (1) the words from " and, if a male under the age of sixteen years " to the end.
		In section thirty-three, paragraph (*c*) of subsection (1).
		In section thirty-four, the words from " and, if a male under the age of sixteen years " to the end.
		In section thirty-seven, subsections (3) and (6).

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 36.	The Administration of Justice (Miscellaneous Provisions) Act, 1933.	In section one, in subsection (1) the words "Subject to the provisions of this section"; and subsection (4). In the Second Schedule, in paragraph 4, the words "in the case of any bill of indictment preferred under this Act".
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act, 1938.	In section eleven, in subsection (1) the words from "and (*b*) any indictment" to the end of the subsection; and in subsection (2) the words from "and with respect" to the end of the subsection.

The Criminal Justice Act, 1948 (Date of Commencement) (No. 2) Order, 1948

1948 No. 2056

Made - - - - 13*th September*, 1948

At the Court at Buckingham Palace, the 13th day of September, 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 Schedule hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation on the thirteenth day of September, 1948.

2. This Order may be cited as the Criminal Justice Act, 1948 (Date of Commencement) (No. 2) Order, 1948.

E. C. E. Leadbitter.

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