

CHAPTER 58.

An Act to abolish penal servitude, hard labour, prison divisions and sentence of whipping; to amend the law relating to the probation of offenders, and otherwise to reform existing methods and provide new methods of dealing with offenders and persons liable to imprisonment; to amend the law relating to the proceedings of criminal courts, including the law relating to evidence before such courts; to abolish privilege of peerage in criminal proceedings; to regulate the management of prisons and other institutions and the treatment of offenders and other persons committed to custody; to re-enact certain enactments relating to the matters aforesaid; and for purposes connected therewith.

[30th July 1948.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

POWERS AND PROCEEDINGS OF COURTS.

Abolition of penal servitude, hard labour, prison divisions and sentence of whipping.

Abolition of penal servitude, hard labour and prison divisions.

1.—(1) No person shall be sentenced by a court to penal servitude; and every enactment conferring power on a court to pass a sentence of penal servitude in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal

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servitude for which a sentence could have been passed in that case immediately before the commencement of this Act.

(2) No person shall be sentenced by a court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Act; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect.

(3) So far as any enactment provides that a person sentenced to imprisonment or committed to prison is or may be directed to be treated as an offender of a particular division, or to be placed in a separate division, it shall cease to have effect.

Abolition of sentence of whipping.

2.—No person shall be sentenced by a court to whipping; and so far as any enactment confers power on a court to pass a sentence of whipping it shall cease to have effect.

Probation and discharge.

Probation.

3.—(1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion that having regard to the circumstances, including the nature of the offence and the character of the offender, it is expedient to do so, the court may, instead of sentencing him, make a probation order, that is to say, an order requiring him to be under the supervision of a probation officer for a period to be specified in the order of not less than one year nor more than three years.

(2) A probation order shall name the petty sessional division in which the offender resides or will reside; and the offender shall (subject to the provisions of the First Schedule to this Act relating to probationers who change their residence) be required to be under the supervision of a probation officer appointed for or assigned to that division.

(3) Subject to the provisions of the next following section, a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements as the court, having regard

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to the circumstances of the case, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences:

Provided that (without prejudice to the power of the court to make an order under subsection (2) of section eleven of this Act) the payment of sums by way of damages for injury or compensation for loss shall not be included among the requirements of a probation order.

(4) Without prejudice to the generality of the last foregoing subsection, a probation order may include requirements relating to the residence of the offender:

Provided that—

(*a*) before making an order containing any such requirements, the court shall consider the home surroundings of the offender; and

(*b*) where the order requires the offender to reside in an approved probation hostel, an approved probation home or any other institution, the name of the institution and the period for which he is so required to reside shall be specified in the order, and that period shall not extend beyond twelve months from the date of the order.

(5) Before making a probation order, the court shall explain to the offender in ordinary language the effect of the order (including any additional requirements proposed to be inserted therein under subsection (3) or subsection (4) of this section or under the next following section) and that if he fails to comply therewith or commits another offence he will be liable to be sentenced for the original offence; and if the offender is not less than fourteen years of age the court shall not make the order unless he expresses his willingness to comply with the requirements thereof.

(6) The court by which a probation order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy to the offender, to the probation officer responsible for the supervision of the offender and to the person in charge of any institution in which the probationer is required by the order to reside; and the court shall, except where it is itself the supervising court, send to the clerk to the justices for the petty sessional division named in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to the supervising court.

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(7) Where a probation order requires the offender to reside in any institution, not being—

(*a*) an approved probation hostel or approved probation home; or

(*b*) an institution in which he is required to reside for the purposes of any such treatment as is mentioned in paragraph (*a*) or paragraph (*b*) of subsection (2) of the next following section,

the court shall forthwith give notice of the terms of the order to the Secretary of State.

Probation orders requiring treatment for mental condition. 53 & 54 Vict. c. 5. 3 & 4 Geo. 5. c. 28.

4.—(1) Where the court is satisfied, on the evidence of a duly qualified medical practitioner appearing to the court to be experienced in the diagnosis of mental disorders, that the mental condition of an offender is such as requires and as may be susceptible to treatment but is not such as to justify his being certified as a person of unsound mind under the Lunacy Act, 1890, or as a defective under the Mental Deficiency Act, 1913, the court may, if it makes a probation order, include therein a requirement that the offender shall submit, for such period not extending beyond twelve months from the date of the order as may be specified therein, to treatment by or under the direction of a duly qualified medical practitioner with a view to the improvement of the offender's mental condition.

(2) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say—

20 & 21 Geo. 5. c. 23.

(*a*) treatment as a voluntary patient under section one of the Mental Treatment Act, 1930, in such institution within the meaning of that Act, or in such hospital, nursing home or place approved by the Minister of Health for the purposes of the said section one, or in the charge of such person so approved, as may be specified in the order;

(*b*) treatment as a resident patient in such institution or place approved for the purposes of this section by the said Minister as may be specified in the order;

(*c*) treatment as a non-resident patient at such institution or place as may be specified in the order; or

(*d*) treatment by or under the direction of such duly qualified medical practitioner as may be specified in the order;

but except as aforesaid the nature of the treatment shall not be specified in the order.

(3) A court shall not make a probation order containing such a requirement as aforesaid unless it is satisfied that

arrangements have been or can be made for the treatment intended to be specified in the order, and, if the offender is to be treated as a voluntary patient or as a resident patient as aforesaid, for his reception.

(4) While the probationer is under treatment as a voluntary patient or as a resident patient in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the discharge or amendment of the order.

(5) Where the medical practitioner by whom or under whose direction a probationer is being treated for his mental condition in pursuance of a probation order is of opinion that part of the treatment can be better or more conveniently given in or at an institution or place not specified in the order, being an institution or place in or at which the treatment of the probationer will be given by or under the direction of a duly qualified medical practitioner, he may, with the consent of the probationer, make arrangements for him to be treated accordingly; and the arrangements may provide for the probationer to receive part of his treatment as a resident patient in an institution or place notwithstanding that the institution or place is not one which could have been specified in that behalf in the probation order.

(6) Where any such arrangements as are mentioned in the last foregoing subsection are made for the treatment of a probationer—

(*a*) the medical practitioner by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the probationer, specifying the institution or place in or at which the treatment is to be carried out; and

(*b*) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.

(7) Subject as hereinafter provided, a report in writing as to the mental condition of any person purporting to be signed by a duly qualified medical practitioner experienced in the diagnosis of mental disorders may be received in evidence for the purposes of subsection (1) of this section without proof of the signature, qualifications or experience of the practitioner:

Provided that such a report shall not be so received unless the person to whom it relates consents or, where that person is under seventeen years of age, unless his parent or guardian consents or no parent or guardian can be found.

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(8) Where a person of whose mental condition evidence is received for the purposes of subsection (1) of this section (or, where that person is under seventeen years of age, his parent or guardian) desires to call rebutting evidence, the court shall not make a probation order in his case containing any such requirement as is authorised by this section unless he, or his parent or guardian, as the case may be, has been afforded an opportunity of calling such evidence.

(9) Except as provided by this section, a court shall not make a probation order requiring a probationer to submit to treatment for his mental condition.

Discharge, amendment and review of probation orders.

5.—(1) The provisions of the First Schedule to this Act shall have effect in relation to the discharge and amendment of probation orders.

(2) Where a probation order, whether as originally made or as amended under the said Schedule, requires the probationer to reside in an approved probation hostel or home or other institution (otherwise than for the purpose of submitting to treatment for his mental condition as a voluntary or resident patient) for a period extending beyond six months from the date of the order as originally made or of the amending order, as the case may be, the probation officer shall, as soon as may be after the expiration of six months after that date, report to the supervising court on the case.

(3) On receipt of any such report, the supervising court shall review the probation order for the purpose of considering whether to cancel the requirement as to residence or reduce the period thereof, and may, if it thinks fit, amend the order accordingly without the necessity for any application in that behalf.

(4) Where, under the following provisions of this Part of this Act, a probationer is sentenced for the offence for which he was placed on probation, the probation order shall cease to have effect.

Breach of requirement of probation order.

6.—(1) If at any time during the probation period it appears on information to a justice of the peace on whom jurisdiction is hereinafter conferred that the probationer has failed to comply with any of the requirements of the order, the justice may issue a summons requiring the probationer to appear at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.

(2) The following justices shall have jurisdiction for the purposes of the foregoing subsection, that is to say:—

(*a*) if the probation order was made by a court of summary jurisdiction, any justice acting for the petty

sessional division or place for which that court or the supervising court acts;

(*b*) in any other case, any justice acting for the petty sessional division or place for which the supervising court acts;

and any summons or warrant issued under this section shall direct the probationer to appear or be brought before a court of summary jurisdiction for the petty sessional division or place for which the justice issuing the summons or warrant acts.

(3) If it is proved to the satisfaction of the court before which a probationer appears or is brought under this section that the probationer has failed to comply with any of the requirements of the probation order, that court may without prejudice to the continuance of the probation order, impose on him a fine not exceeding ten pounds or, in a case to which section nineteen of this Act applies, make an order under that section requiring him to attend at an attendance centre, or may—

(*a*) if the probation order was made by a court of summary jurisdiction, deal with the probationer, for the offence in respect of which the probation order was made, in any manner in which the court could deal with him if it had just convicted him of that offence;

(*b*) if the probation order was made by a court of assize or quarter sessions, commit him to custody or release him on bail (with or without sureties) until he can be brought or appear before the court of assize or quarter sessions.

(4) Where the court of summary jurisdiction deals with the case as provided in paragraph (*b*) of the last foregoing subsection then—

(*a*) the court shall send to the court of assize or quarter sessions a certificate signed by a justice of the peace, certifying that the probationer has failed to comply with such of the requirements of the probation order as may be specified in the certificate, together with such other particulars of the case as may be desirable; and a certificate purporting to be so signed shall be admissible as evidence of the failure before the court of assize or quarter sessions; and

(*b*) where the probationer is brought or appears before the court of assize or quarter sessions, and it is proved to the satisfaction of that court that he has failed to comply with any of the requirements of the probation order, that court may deal with him, for the offence in respect of which the probation order

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was made, in any manner in which the court could deal with him if he had just been convicted before that court of that offence.

(5) A fine imposed under this section in respect of a failure to comply with the requirements of a probation order shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.

(6) A probationer who is required by the probation order to submit to treatment for his mental condition shall not be treated for the purposes of this section as having failed to comply with that requirement on the ground only that he has refused to undergo any surgical, electrical or other treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances; and without prejudice to the provisions of section eight of this Act, a probationer who is convicted of an offence committed during the probation period shall not on that account be liable to be dealt with under this section for failing to comply with any requirement of the probation order.

Absolute and conditional discharge.

7.—(1) Where a court by or before which a person is convicted of an offence (not being an offence the sentence for which is fixed by law) is of opinion, having regard to the circumstances including the nature of the offence and the character of the offender, that it is inexpedient to inflict punishment and that a probation order is not appropriate, the court may make an order discharging him absolutely, or, if the court thinks fit, discharging him subject to the condition that he commits no offence during such period, not exceeding twelve months from the date of the order, as may be specified therein.

(2) An order discharging a person subject to such a condition as aforesaid is in this Act referred to as " an order for conditional discharge ", and the period specified in any such order as " the period of conditional discharge ".

(3) Before making an order for conditional discharge the court shall explain to the offender in ordinary language that if he commits another offence during the period of conditional discharge he will be liable to be sentenced for the original offence.

(4) Where, under the following provisions of this Part of this Act, a person conditionally discharged under this section is sentenced for the offence in respect of which the order for conditional discharge was made, that order shall cease to have effect.

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Commission of further offence.

8.—(1) If it appears to a judge or justice of the peace on whom jurisdiction is hereinafter conferred that a person in whose case a probation order or an order for conditional discharge has been made has been convicted by a court in any part of Great Britain of an offence committed during the probation period or during the period of conditional discharge, and has been dealt with in respect of that offence, the judge or justice may issue a summons requiring that person to appear at the place and time specified therein, or may issue a warrant for his arrest:

Provided that a justice of the peace shall not issue such a summons except on information and shall not issue such a warrant except on information in writing and on oath.

(2) The following persons shall have jurisdiction for the purposes of the foregoing subsection, that is to say:—

(*a*) if the probation order or the order for conditional discharge was made by the Central Criminal Court, a judge of that court;

(*b*) if the order was made by a court of assize (other than the Central Criminal Court), a judge of the High Court or a committing justice;

(*c*) if the order was made by a court of quarter sessions, a justice for the county or place for which that court was held, or a committing justice;

(*d*) if the order was made by a court of summary jurisdiction, a justice acting for the petty sessional division or place for which that court acts;

(*e*) in the case of a probation order, by whatever court it was made, a justice acting for the petty sessional division or place for which the supervising court acts.

(3) A summons or warrant issued under this section shall direct the person so convicted to appear or to be brought before the court by which the probation order or the order for conditional discharge was made:

Provided that—

(*a*) if that court is a court of summary jurisdiction and the summons or warrant is issued by a justice acting for the petty sessional division for which the supervising court acts, the summons or warrant may direct him to appear or to be brought before the supervising court; and

(*b*) if a warrant is issued requiring him to be brought before a court of assize or quarter sessions, and he cannot forthwith be brought before that court because that court is not being held, the warrant shall

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have effect as if it directed him to be brought before a court of summary jurisdiction for the place in Great Britain 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 of assize or quarter sessions.

(4) If a person in whose case a probation order or an order for conditional discharge has been made by a court of assize or quarter sessions is convicted and dealt with by a court of summary jurisdiction in respect of an offence committed during the probation period or during the period of conditional discharge, the court of summary jurisdiction may commit him to custody or release him on bail (with or without sureties) until he can be brought or appear before the court by which the order was made; and if it does so the court of summary jurisdiction shall send to the court of assize or quarter sessions a copy of the minute or memorandum of the conviction entered in the register required to be kept under section twenty-two of the Summary Jurisdiction Act, 1879, signed by the clerk of the court by whom the register is kept.

42 & 43 Vict. c. 49.

(5) Where it is proved to the satisfaction of the court by which a probation order or an order for conditional discharge was made, or, if the order (being a probation order) was made by a court of summary jurisdiction, to the satisfaction of that court or the supervising court, that the person in whose case that order was made has been convicted and dealt with in respect of an offence committed during the probation period, or during the period of conditional discharge, as the case may be, the court may deal with him, for the offence for which the order was made, in any manner in which the court could deal with him if he had just been convicted by or before that court of that offence.

(6) If a person in whose case a probation order or an order for conditional discharge has been made by a court of summary jurisdiction is convicted before a court of assize or quarter sessions of an offence committed during the probation period or during the period of conditional discharge, or is dealt with by a court of assize or quarter sessions for an offence so committed in respect of which he was committed for sentence to that court, the court of assize or quarter sessions may deal with him, for the offence for which the order was made, in any manner in which the court of summary jurisdiction could deal with him if it had just convicted him of that offence.

(7) If a person in whose case a probation order or an order for conditional discharge has been made by a court of summary jurisdiction is convicted by another court of summary jurisdiction of any offence committed during the probation period, or

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during the period of conditional discharge, that court may, with the consent of the court which made the order or, in the case of a probation order, with the consent of that court or of the supervising court, deal with him, for the offence for which the order was made, in any manner in which the court could deal with him if it had just convicted him of that offence.

(8) In this section the expression " committing justice ", in relation to a person in whose case a probation order or an order for conditional discharge has been made by a court of assize or quarter sessions, includes any justice acting for the petty sessional division or place for which the justices acted by whom he was committed for trial or for sentence.

Probation orders relating to persons residing in Scotland.

9.—(1) Where the court by which a probation order is made under section three of this Act is satisfied that the offender resides or will reside in Scotland, subsection (2) of section three of this Act shall not apply to the order, but the order shall—

(*a*) specify as the appropriate court for the purposes of this section a court of summary jurisdiction having jurisdiction in the probation area in Scotland in which the offender resides or will reside; and

(*b*) require the offender to be under the supervision of such person as may be nominated by the appropriate court in accordance with the provisions of section four of the Probation of Offenders (Scotland) Act, 1931. 21 & 22 Geo. 5. c. 30.

(2) Where a probation order has been made under section three of this Act, or has effect by virtue of the next following section as if it were so made, and the supervising court is satisfied that the probationer proposes to reside or is residing in Scotland, the power of that court to amend the order under the First Schedule to this Act shall include power to amend it by omitting the name of the petty sessional division named therein and by inserting therein the provisions required by subsection (1) of this section; and the court may so amend the order without summoning the probationer and without his consent:

Provided that where the original order was made by a court in Scotland under the Probation of Offenders Act, 1907, that court shall be specified as the appropriate court in the order as so amended. 7 Edw. 7. c. 17.

(3) Notwithstanding anything in the foregoing provisions of this Part of this Act, an order as made or amended under this section shall not require the offender to reside in any institution, or to submit to treatment for his mental condition,

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but without prejudice to any power of a court in Scotland to impose any such requirement under the next following subsection.

(4) For the purposes of the law of Scotland relating to the probation of offenders, any order made or amended as aforesaid shall have effect as if it were a probation order made by the appropriate court under the Probation of Offenders Act, 1907, and as if the requirements of the order were the conditions of a bond entered into under that Act; and subsections (1) to (3) of section five, and subsections (1) and (2) of section six of this Act shall not apply to any such order:

Provided that (except where the original order was made by a court in Scotland under the Probation of Offenders Act, 1907, and is amended under subsection (2) of this section) subsection (5) of section six of the said Act of 1907 (which enables a court to convict a probationer of his original offence and sentence him therefor) and subsection (6) of section eight of the Probation of Offenders (Scotland) Act, 1931 (which enables a court to sentence a probationer to detention in a Borstal institution) shall not apply, and paragraph (*b*) of subsection (5) of the said section eight shall have effect as if the words " instead of sentencing the offender for the original offence and " were omitted.

(5) If the appropriate court, or any court authorised to exercise the powers of that court under the Probation of Offenders Act, 1907, and the Probation of Offenders (Scotland) Act, 1931, is satisfied that the probationer has failed to observe any condition of the bond, the court may, instead of dealing with him in any manner authorised by the said Acts, commit him to custody or release him on bail until he can be brought or appear before the court in England by which the probation order was made, and, if it so commits him or releases him on bail—

(*a*) the court shall send to the said court in England a certificate certifying that the probationer has failed to comply with such of the requirements of the probation order as may be specified in the certificate, together with such other particulars of the case as may be desirable;

(*b*) that court shall have the same powers as if the probationer had been brought or appeared before it in pursuance of a warrant or summons issued under subsection (1) of section six of this Act;

and a certificate purporting to be signed by the clerk of the court by which a probationer is so committed or released on bail shall be admissible as evidence of the failure before the court which made the probation order.

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(6) In relation to a probation order made or amended under this section, the appropriate court shall have jurisdiction for the purposes of subsection (1) of section eight of this Act; and paragraph (*a*) of the proviso to subsection (3) of that section shall not apply to any summons or warrant issued under that section by that court.

(7) The court by which a probation order is made or amended under this section shall send three copies of the order as made or amended to the clerk of the appropriate court, together with such documents and information relating to the case as it considers likely to be of assistance to that court; and subsection (6) of section three of this Act, or paragraph 6 of the First Schedule to this Act, as the case may be, shall not apply to any such order.

(8) Where a probation order made in accordance with subsection (1) of this section, or made by a court in England and amended under subsection (2) of this section, is amended by a court in Scotland under the next following section upon the probationer's proposing to reside or residing in England, this section shall cease to apply to the order, and the order shall have effect as if it were made under section three of this Act in the case of a person residing in England.

Scottish probation orders relating to persons residing in England.

10.—(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

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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.

(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.

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(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.

Supplementary provisions as to probation and discharge. 23 & 24 Geo. 5. c. 12.

11.—(1) Without prejudice to the provisions of subsection (2) of section fifty-five of the Children and Young Persons Act, 1933 (which enables a court to order the parent or guardian of a child or young person charged with an offence to give security for his good behaviour), any court may, on making a probation order or an order for conditional discharge under this Part of this Act, if it thinks it expedient for the purpose of the reformation of the offender, allow any person who consents to do so to give security for the good behaviour of the offender; and section twenty-three of the Summary Jurisdiction Act, 1879, shall apply to any security so given before a court of summary jurisdiction as if it were given under that Act by a surety.

(2) A court, on making a probation order or an order for conditional discharge or on discharging an offender absolutely under this Part of this Act, may, without prejudice to its power of awarding costs against him, order the offender to pay such damages for injury or compensation for loss as the court thinks reasonable; but, in the case of an order made by a court of summary jurisdiction, the damages and compensation together shall not exceed one hundred pounds or such greater sum as may be allowed by any enactment other than this section.

(3) An order for the payment of damages or compensation as aforesaid may be enforced in like manner as an order for the payment of costs by the offender; and where the court, in addition to making such an order for the payment of damages or compensation to any person, orders the offender to pay to that person any costs, the orders for the payment of damages or compensation and for the payment of costs may

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be enforced as if they constituted a single order for the payment of costs.

(4) In proceedings before a court of assize or quarter sessions under the foregoing provisions of this Act, any question whether a probationer has failed to comply with the requirements of the probation order or has been convicted of an offence committed during the probation period, and any question whether any person in whose case an order for conditional discharge has been made has been convicted of an offence committed during the period of conditional discharge, shall be determined by the court and not by the verdict of a jury.

44 & 45 Vict. c. 24.

(5) Section four of the Summary Jurisdiction (Process) Act, 1881, shall apply to any process issued by any judge or justice under the foregoing provisions of this Act, or under section six of the Probation of Offenders Act, 1907, as it applies to Scotland, as it applies to process issued under the Summary Jurisdiction Acts by a court of summary jurisdiction.

Effects of probation and discharge.

12.—(1) Subject as hereinafter provided, a conviction of an offence for which an order is made under this Part of this Act placing the offender on probation or discharging him absolutely or conditionally shall be deemed not to be a conviction for any purpose other than the purposes of the proceedings in which the order is made and of any subsequent proceedings which may be taken against the offender under the foregoing provisions of this Act:

Provided that where an offender, being not less than seventeen years of age at the time of his conviction of an offence for which he is placed on probation or conditionally discharged as aforesaid, is subsequently sentenced under this Part of this Act for that offence, the provisions of this subsection shall cease to apply to the conviction.

(2) Without prejudice to the foregoing provisions of this section, the conviction of an offender who is placed on probation or discharged absolutely or conditionally as aforesaid shall in any event be disregarded for the purposes of any enactment which imposes any disqualification or disability upon convicted persons, or authorises or requires the imposition of any such disqualification or disability.

(3) The foregoing provisions of this section shall not affect—

(*a*) any right of any such offender as aforesaid to appeal against his conviction, or to rely thereon in bar of any subsequent proceedings for the same offence;

(*b*) the revesting or restoration of any property in consequence of the conviction of any such offender; or

(*c*) the operation, in relation to any such offender, of any enactment in force at the commencement of this Act which is expressed to extend to persons dealt with under subsection (1) of section one of the Probation of Offenders Act, 1907, as well as to convicted persons.

Fines and recognizances.

Power to fine on conviction of felony on indictment.

13. Any court before which an offender is convicted on indictment of felony (not being a felony the sentence for which is fixed by law) shall have power to fine the offender in lieu of or in addition to dealing with him in any other manner in which the court has power to deal with him.

Powers of courts of assize and quarter sessions in relation to fines and forfeited recognizances.

14.—(1) Subject to the provisions of this section, where a fine is imposed by, or a recognizance is forfeited before, a court of assize or quarter sessions, an order may be made in accordance with the provisions of this section—

(*a*) allowing time for the payment of the amount of the fine or the amount due under the recognizance;

(*b*) directing payment of the said amount by instalments of such amounts and on such dates respectively as may be specified in the order;

(*c*) fixing a term of imprisonment which the person liable to make the payment is to undergo if any sum which he is liable to pay is not duly paid or recovered;

(*d*) in the case of a recognizance, discharging the recognizance or reducing the amount due thereunder:

Provided that any term of imprisonment fixed under this subsection in default of payment of a fine shall not exceed twelve months.

(2) Any order under this section may be made by the court by which the fine is imposed or before which the recognizance is forfeited; and (subject as hereinafter provided) an order under this section providing for any such matters as are mentioned in paragraph (*a*) or paragraph (*b*) of the foregoing subsection may be made—

(*a*) where the fine was imposed or the recognizance forfeited by or before the Central Criminal Court, by a judge of that court upon application made in writing to the clerk of the court;

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(*b*) where the fine was imposed or the recognizance forfeited by or before any other court of assize, by a judge of the High Court upon application made in writing to the clerk of assize;

(*c*) where the fine was imposed or the recognizance forfeited by or before a court of quarter sessions, by the chairman or any deputy chairman of that court, or by the recorder or any deputy recorder, as the case may be, upon application made in writing to the clerk of the peace;

and may amend any previous order made under this section so far as it provides for those matters:

Provided that no application shall be made under paragraphs (*a*) to (*c*) of this subsection after the refusal of a previous application made thereunder.

(3) Where any person liable for the payment of a fine or a sum due under a recognizance to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term of imprisonment, the court may order that any term of imprisonment fixed under paragraph (*c*) of subsection (1) of this section shall not begin to run until after the end of the first-mentioned term of imprisonment.

(4) The power conferred by this section to discharge a recognizance or reduce the amount due thereunder shall be in addition to the powers conferred by any other Act relating to the discharge, cancellation, mitigation or reduction of recognizances or sums forfeited thereunder.

(5) This section shall not apply to a fine imposed by a court of quarter sessions on appeal against a decision of a court of summary jurisdiction.

Incidental provisions as to fines and forfeited recognizances. 22 & 23 Vict. c. 21. 3 Geo. 4. c. 46.

15.—(1) Any order made under the last foregoing section before the enrolment of the fine or recognizance under section thirty-two of the Queen's Remembrancer Act, 1859, or section two of the Levy of Fines Act, 1822, shall be enrolled under the said section thirty-two or the said section two, as the case may be:

Provided that—

(*a*) if the order is for the discharge of a recognizance, neither the order nor the recognizance shall be enrolled as aforesaid; and

(*b*) if the order is for the reduction of the amount due under a recognizance, the reduced amount shall be deemed to be the amount forfeited under the recognizance and shall be enrolled as aforesaid.

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(2) Where application is duly made for an order under the last foregoing section after the enrolment of the fine or recognizance as aforesaid, the clerk to whom the application is made shall give notice thereof to the officer responsible for the recovery of the fine or the amount due under the recognizance, and shall give the like notice of any decision thereon.

(3) Where an order under the last foregoing section allowing time for the payment of the amount of the fine or the amount due under the recognizance, or directing payment of the said amount by instalments, is enrolled under subsection (1) of this section, or notice of the making of any such order is given to the officer responsible for the recovery of the fine or the amount due under the recognizance in accordance with the provisions of the last foregoing subsection, that officer shall not exercise his powers until there is a default in complying with the order.

(4) Where any such order as aforesaid is made directing payment by instalments of a fine or the amount due under a recognizance, and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid.

(5) Where any such order as aforesaid is made fixing a term of imprisonment in default of payment of a fine or the amount due under a recognizance, then—

(*a*) on payment of the fine or the said amount to the officer responsible for the recovery thereof, or (if the person in respect of whom the order was made is in prison) to the governor of the prison, the order shall cease to have effect; and, if the said person is in prison and is not liable to be detained for any other cause, he shall forthwith be discharged;

(*b*) on payment to the said officer or to the governor of the prison of a part of the fine or of the amount due under the recognizance, the total number of days in the term of imprisonment shall be reduced proportionately, that is to say, by such number of days as bears to the said total number of days less one day the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the amount of the fine or the amount due under the recognizance.

(6) Any sums received by the governor of a prison under the last foregoing subsection shall be paid by him to the officer responsible for the recovery of sums due in respect of the fine or the recognizance.

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Powers relating to young offenders.

Restriction on sentence of death.

16. The following subsection shall be substituted for subsection (1) of section fifty-three of the Children and Young Persons Act, 1933:—

"(1) Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of eighteen years; but in lieu thereof the court shall sentence him to be detained during His Majesty's pleasure; and if so sentenced he shall be liable to be detained in such place and under such conditions as the Secretary of State may direct."

Restriction on imprisonment.

17.—(1) A court of summary jurisdiction shall not impose imprisonment on a person under seventeen years of age; and a court of assize or quarter sessions shall not impose imprisonment on a person under fifteen years of age.

(2) No court shall impose imprisonment on a person under twenty-one years of age unless the court is of opinion that no other method of dealing with him is appropriate; and for the purpose of determining whether any other method of dealing with any such person is appropriate the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.

(3) Where a court of quarter sessions or a court of summary jurisdiction imposes imprisonment on any such person as is mentioned in the last foregoing subsection, the court shall state the reason for its opinion that no other method of dealing with him is appropriate, and if the court is a court of summary jurisdiction the reason shall be specified in the warrant of commitment and entered in the register required to be kept under section twenty-two of the Summary Jurisdiction Act, 1879.

(4) His Majesty may by Order in Council prohibit courts of summary jurisdiction from—

(*a*) sentencing to imprisonment persons under the age of twenty-one years or such lower age as may be specified in the Order;

(*b*) committing such persons to prison in default of payment of a sum adjudged to be paid by a conviction;

and any such Order may be limited to persons of one of the sexes:

Provided that no Order in Council shall be made under this subsection until the Secretary of State is satisfied

that the methods, other than imprisonment, available for the treatment of offenders afford to courts of summary jurisdiction adequate means of dealing with the persons to whom the Order relates.

(5) A draft of any Order in Council under this section shall be laid before Parliament, and the draft shall not be submitted to His Majesty in Council unless each House of Parliament presents an Address to His Majesty praying that the Order be made.

(6) In this section the expression "court" includes a justice of the peace.

Detention in a detention centre.

18.—(1) Where a court has power, or would but for the last foregoing section have power, to impose imprisonment on a person who is not less than fourteen but under twenty-one years of age, the court may, if it has been notified by the Secretary of State that a detention centre is available for the reception from that court of persons of his class or description, order him to be detained in a detention centre to be specified in the order for a term of three months:

Provided that—

(*a*) if the maximum term of imprisonment which the court might, or might but for the last foregoing section, impose is less than three months, the term for which he is ordered to be detained as aforesaid shall (except as provided by paragraph (*c*) of this proviso) be a term equal to that maximum term of imprisonment;

(*b*) if the maximum term of imprisonment aforesaid exceeds three months and the court is of opinion, having regard to any special circumstances, that a term of three months' detention would be insufficient, the term for which he is ordered to be detained as aforesaid shall be any term not exceeding six months or the maximum term of imprisonment aforesaid, whichever is the shorter; and

(*c*) if the offender is of compulsory school age and the court is of opinion that a term of detention of three months, or equal to the maximum term of imprisonment aforesaid, would be excessive, the term for which he is ordered to be detained as aforesaid may be any term of not less than one month and not more than three months or the maximum term of imprisonment aforesaid.

(2) A court shall not order a person to be detained in a detention centre—

(*a*) if he has been previously sentenced to imprisonment or Borstal training;

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(*b*) if he is not less than seventeen years of age, and has previously been ordered to be so detained since attaining that age;

and shall not order any other person to be so detained unless the court has considered every other method (except imprisonment) by which the court might deal with him and is of opinion that none of those methods is appropriate.

(3) Where a person has been ordered to be detained in a detention centre in default of the payment of any sum of money then, on the payment of the whole or part of that sum, he shall be discharged, or, as the case may be, the term of his detention shall be reduced, in the same manner as if the term were a term of imprisonment.

(4) A court shall not make an order that an offender who is not less than fourteen years of age be committed to custody in a remand home under section fifty-four of the Children and Young Persons Act, 1933, if it has been notified by the Secretary of State that a detention centre is available for the reception from that court of persons of his class or description.

(5) In this section the expression "court" includes a justice of the peace, and the expression "compulsory school age" has the meaning assigned to it by section thirty-five of the Education Act, 1944:

7 & 8 Geo. 6. c. 31.

9 & 10 Geo. 6. c. 50.

Provided that section eight of the Education Act, 1946 (which provides that a person who attains a particular age during a school term shall be deemed not to have attained that age until the end of the term) shall not apply.

Attendance at an attendance centre.

19.—(1) Where a court of summary jurisdiction has power, or would but for section seventeen of this Act have power, to impose imprisonment on a person who is not less than twelve but under twenty-one years of age, or to deal with any such person under section six of this Act for failure to comply with any of the requirements of a probation order, the court may, if it has been notified by the Secretary of State that an attendance centre is available for the reception from that court of persons of his class or description, order him to attend at such a centre, to be specified in the order, for such number of hours, not exceeding twelve in the aggregate, as may be so specified:

Provided that no such order shall be made in the case of a person who has been previously sentenced to imprisonment, Borstal training or detention in a detention centre, or has been ordered to be sent to an approved school.

(2) The times at which an offender is required to attend at an attendance centre by virtue of an order made under this section shall be such as to avoid interference, so far as practicable, with his school hours or working hours, and the first

PART I. —*cont.*

such time shall be specified in the order (being a time at which the centre is available for the attendance of the offender in accordance with the notification of the Secretary of State) and the subsequent times shall be fixed by the officer in charge of the centre, having regard to the offender's circumstances:

Provided that an offender shall not be required under this section to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.

(3) The court by which an order has been made under subsection (1) of this section, or any justice acting for the petty sessional division or place for which that court acts, may, on the application of the offender or of the officer in charge of the attendance centre specified in the order—

(*a*) by order discharge the order; or

(*b*) by order vary the day or hour specified therein for the offender's first attendance at the centre;

and where the application is made by the said officer, the court or justice may deal with it without summoning the offender.

(4) Where an order is made under subsection (1) or subsection (3) of this section, the clerk to the justices shall deliver or send a copy of the order to the officer in charge of the attendance centre specified therein, and shall also deliver a copy to the offender or send a copy by registered post addressed to the offender's last or usual place of abode.

(5) Where a person has been ordered to attend at an attendance centre in default of the payment of any sum of money then—

(*a*) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;

(*b*) on the payment of a part of the said sum as aforesaid, the total number of hours for which the offender is required to attend at the centre shall be reduced proportionately, that is to say by such number of complete hours as bears to the said total number the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the said sum.

(6) Provision may be made by rules under section twenty-nine of the Summary Jurisdiction Act, 1879, as to the application of sums paid under the last foregoing subsection and for determining the persons authorised to receive such payments and the conditions under which such payments may be made.

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(7) Where an order under subsection (1) of this section has been made and it appears on information to a justice acting for the petty sessional division or place for which the court which made the order acts that the person in whose case the order was made—

(*a*) has failed without reasonable excuse to attend at the centre in accordance with the order; or

(*b*) while attending at the centre has committed a breach of the rules made under section fifty-two of this Act which cannot be adequately dealt with under those rules;

the justice may issue a summons requiring the offender to appear at the place and time specified therein before a court of summary jurisdiction for the petty sessional division or place for which the justice acts, or may, if the information is in writing and on oath, issue a warrant for his arrest requiring him to be brought before such a court.

(8) If it is proved to the satisfaction of the court before which an offender appears or is brought under the last foregoing subsection that he has failed to attend as aforesaid, or has committed such a breach of rules as aforesaid, that court may revoke the order requiring his attendance at the attendance centre and deal with him in any manner in which he could have been dealt with by the court which made the order if the order had not been made.

Borstal training.

20.—(1) Where a person is convicted on indictment of an offence punishable with imprisonment, then if on the day of his conviction he is not less than sixteen but under twenty-one years of age, and the court is satisfied having regard to his character and previous conduct, and to the circumstances of the offence, that it is expedient for his reformation and the prevention of crime that he should undergo a period of training in a Borstal institution, the court may, in lieu of any other sentence, pass a sentence of Borstal training.

(2) A person sentenced to Borstal training shall be detained in a Borstal institution, and after his release therefrom shall be subject to supervision, in accordance with the provisions of the Second Schedule to this Act; subject, however, to the power of the Secretary of State under this Act to commute in certain cases the unexpired part of the term for which a person is liable to be so detained to a term of imprisonment.

(3) Where a person is convicted by a court of summary jurisdiction of an offence punishable on summary conviction with imprisonment, then if on the day of his conviction he is not less than sixteen but under twenty-one years of age, and the court is satisfied of the matters mentioned in subsection (1)

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of this section, the court may commit him in custody to quarter sessions for sentence in accordance with the following provisions of this section.

(4) An offender so committed as aforesaid shall be committed—

(*a*) where the court of summary jurisdiction acts for a county other than the County of London or for a borough not having a separate court of quarter sessions, to the appeal committee of the quarter sessions for that county or for the county in which that borough is situated, as the case may be;

(*b*) in any other case, to the next court of quarter sessions having jurisdiction in the county, borough or place for which the court of summary jurisdiction acts;

and where the offender is so committed to an appeal committee, the clerk to the court of summary jurisdiction shall notify the clerk of the peace, and the clerk of the peace shall give notice to the prosecutor and to the governor of the remand centre or prison to which the offender is committed of the date on which the case will be dealt with by the appeal committee, being the next available sitting of a court consisting of members of that committee.

(5) Where an offender is so committed for sentence as aforesaid, the following provisions shall have effect, that is to say:—

(*a*) the appeal committee or court of quarter sessions shall inquire into the circumstances of the case and may—

(i) if satisfied of the matters mentioned in subsection (1) of this section, sentence him to Borstal training; or

(ii) in any case, deal with him in any manner in which the court of summary jurisdiction might have dealt with him;

(*b*) the Poor Prisoners Defence Act, 1930, shall apply as if the offender were committed for trial for an indictable offence, subject to the modifications that in subsection (2) of section one the words "after reading the depositions" and in subsection (2) of section three the words "and the costs of a copy of the depositions" shall be omitted; 20 & 21 Geo. 5. c. 32.

(*c*) the Costs in Criminal Cases Act, 1908, shall apply in relation to the proceedings before the appeal committee or court of quarter sessions as it applies in relation to the prosecution of an indictable offence before a court of quarter sessions; 8 Edw. 7. c. 15.

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(*d*) if the appeal committee or court of quarter sessions passes a sentence of Borstal training, the offender may appeal against the sentence to the Court of Criminal Appeal as if he had been convicted on indictment, and the provisions of the Criminal Appeal Act, 1907, shall apply accordingly.

7 Edw. 7. c. 23.

(6) References to a court of quarter sessions or a court in any enactment as applied by the last foregoing subsection, or in any other enactment relating to persons dealt with by quarter sessions (including any such enactment contained in this Act) shall be construed as including references to an appeal committee of quarter sessions by whom an offender is dealt with under that subsection.

(7) Before a sentence of Borstal training is passed under this section, and before a person is committed for sentence under subsection (3) of this section, the court or committee shall consider any report or representations made by or on behalf of the Prison Commissioners on the offender's physical and mental condition and his suitability for the sentence; and if the court is a court of summary jurisdiction and has not received such a report or representations it shall after conviction remand the offender in custody for such a period or periods, not exceeding three weeks in the case of any single period, as the court thinks necessary to enable the report or representations to be made.

(8) A copy of any report or representations in writing made to a court or appeal committee by the Prison Commissioners for the purposes of the last foregoing subsection shall be given by the court or committee to the offender or his counsel or solicitor.

Powers relating to persistent offenders.

Corrective training and preventive detention.

21.—(1) Where a person who is not less than twenty-one years of age—

(*a*) is convicted on indictment of an offence punishable with imprisonment for a term of two years or more; and

(*b*) has been convicted on at least two previous occasions since he attained the age of seventeen of offences punishable on indictment with such a sentence,

then, if the court is satisfied that it is expedient with a view to his reformation and the prevention of crime that he should receive training of a corrective character for a substantial time, followed by a period of supervision if released before the

expiration of his sentence, the court may pass, in lieu of any other sentence, a sentence of corrective training for such term of not less than two nor more than four years as the court may determine.

(2) Where a person who is not less than thirty years of age—

(*a*) is convicted on indictment of an offence punishable with imprisonment for a term of two years or more; and

(*b*) has been convicted on indictment on at least three previous occasions since he attained the age of seventeen of offences punishable on indictment with such a sentence, and was on at least two of those occasions sentenced to Borstal training, imprisonment or corrective training;

then, if the court is satisfied that it is expedient for the protection of the public that he should be detained in custody for a substantial time, followed by a period of supervision if released before the expiration of his sentence, the court may pass, in lieu of any other sentence, a sentence of preventive detention for such term of not less than five nor more than fourteen years as the court may determine.

(3) A person sentenced to corrective training or preventive detention shall be detained in a prison for the term of his sentence subject to his release on licence in accordance with the provisions of the Third Schedule to this Act, and while so detained shall be treated in such manner as may be prescribed by rules made under section fifty-two of this Act.

(4) Before sentencing any offender to corrective training or preventive detention, the court shall consider any report or representations which may be made to the court by or on behalf of the Prison Commissioners on the offender's physical and mental condition and his suitability for such a sentence.

(5) A copy of any report or representations in writing made to the court by the Prison Commissioners for the purposes of the last foregoing subsection shall be given by the court to the offender or his counsel or solicitor.

(6) For the purposes of paragraph (*b*) of subsection (2) of this section, a person who has been convicted by a court of summary jurisdiction of an indictable offence and sentenced for that offence by a court of quarter sessions, or on appeal from such a court, to Borstal training, imprisonment or corrective training shall be treated as if he had been convicted of that offence on indictment.

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Power to order certain discharged prisoners to notify address.

22.—(1) Where a person is convicted on indictment of an offence punishable with imprisonment for a term of two years or more and that person—

(*a*) has been convicted on at least two previous occasions of offences for which he was sentenced to Borstal training or imprisonment; or

(*b*) has been previously convicted of an offence for which he was sentenced to corrective training,

the court, if it sentences him to a term of imprisonment of twelve months or more, shall, unless having regard to the circumstances, including the character of the offender, it otherwise determines, order that he shall for a period of twelve months from his next discharge from prison be subject to the provisions of this section.

(2) Where any such order as aforesaid has been made—

(*a*) the offender shall, on his next discharge from prison and thereafter from time to time, inform the appointed society of his address in accordance with such instructions as may be given to him by or on behalf of the society;

(*b*) if the offender fails to comply to the satisfaction of the appointed society with the aforesaid requirement to notify his address on his discharge, the society shall, and if he subsequently fails to keep the society informed of his address to their satisfaction, the society may, give notice by registered post of the failure to the Commissioner of Police of the Metropolis, and shall use their best endeavours to inform the offender that the notice has been given;

and as from the date on which any such notice has been given as aforesaid, the provisions of the Fourth Schedule to this Act shall apply to the offender.

(3) It shall be the duty of the governor of a prison on the discharge from prison of an offender against whom an order has been made under this section to serve upon him a notice stating the effect of the order.

(4) The Secretary of State may by a direction in writing relieve an offender against whom an order has been made under this section of any requirement of this section or of the Fourth Schedule to this Act; and any such direction may be made conditional upon the observance of such requirements as may be specified therein; and the Secretary of State may, if he is satisfied that any requirement so imposed has been contravened, cancel the direction.

(5) In this section the expression " the appointed society " means a society appointed by the Prison Commissioners for

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the purposes of this section, being a society approved by the Secretary of State; and the Prison Commissioners may appoint a society either to act in all cases or to act in such cases or classes of cases as they may direct.

Proof of previous convictions etc. for purposes of ss. 21 and 22.

23.—(1) For the purpose of determining whether an offender is liable to be sentenced to corrective training or preventive detention or to be ordered to be subject to the provisions of the last foregoing section, no account shall be taken of any previous conviction or sentence unless notice has been given to the offender and to the proper officer of the court at least three days before the trial that it is intended to prove the conviction or sentence; and unless any such previous conviction or sentence is admitted by the offender the question shall be determined by the verdict of a jury.

(2) For the purposes of this section, evidence that a person has previously been sentenced to corrective training or preventive detention shall be evidence of the convictions and sentences which rendered him liable to that sentence.

Reception orders.

Power to make reception order.

24.—(1) Where a person is charged before a court of summary jurisdiction with any act or omission as an offence punishable on summary conviction with imprisonment, and the court—

(*a*) is satisfied that the person did the act or made the omission charged; and

(*b*) is satisfied on the evidence of at least two duly qualified medical practitioners that the person is of unsound mind; and

(*c*) is also satisfied that he is a proper person to be detained,

the court may, in lieu of dealing with him in any other manner, by order direct him to be received and detained in such institution for persons of unsound mind as may be named in the order, and may further direct the duly authorised officer of the local health authority in whose area the court is situated, or any constable, to convey the person of unsound mind forthwith to that institution; and the provisions of the Lunacy and Mental Treatment Acts, 1890 to 1930, shall have effect as if an order made under this section were a summary reception order made under section sixteen of the Lunacy Act, 1890.

(2) The court by which an order is made under this section shall send to the institution named in the order such information in the possession of the court as it considers likely to be of assistance in dealing with the person to whom the order relates.

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(3) The Costs in Criminal Cases Act, 1908, shall apply in relation to any duly qualified medical practitioner who gives evidence for the purposes of this section notwithstanding that the proceedings in which the evidence is given are not proceedings to which section one of that Act applies.

Adjournment, remand etc.

Power of courts of summary jurisdiction to adjourn a case after conviction and before sentence. 11 & 12 Vict. c. 43.

25.—(1) It is hereby declared that the powers of a court of summary jurisdiction under section sixteen of the Summary Jurisdiction Act, 1848, to adjourn the hearing of a case includes power, after a person has been convicted and before he has been sentenced or otherwise dealt with, to adjourn the case for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with his case:

Provided that a court of summary jurisdiction shall not for the purpose aforesaid adjourn the hearing of a case under the said section sixteen for any single period exceeding three weeks.

(2) Where a person has been convicted of an offence by a court of summary jurisdiction and the case has been adjourned in pursuance of the said section sixteen or any other enactment relating to remand, he may be sentenced or otherwise dealt with for that offence by any court of summary jurisdiction acting for the same petty sessional division or place as the court by which he was convicted; and, in relation to any case required to be heard and determined by a court of summary jurisdiction consisting of two or more justices, the provisions of this section shall have effect notwithstanding anything in the proviso to section twenty-nine of the Summary Jurisdiction Act, 1848:

Provided that if the court by which a person is sentenced or otherwise dealt with does not wholly consist of the same justices as the court by which he was convicted, the court shall inquire into the circumstances of the case before sentencing or otherwise dealing with him.

Remand for inquiry into physical or mental condition.

26.—(1) Without prejudice to any powers exercisable by a court under the last foregoing section, where a person is charged before a court of summary jurisdiction with an offence punishable on summary conviction with imprisonment, and the court is satisfied that the offence has been committed by that person but is of opinion that an inquiry ought to be made into his physical or mental condition before the method of dealing with him is determined, the court shall remand him in custody or on bail (with or without sureties) for such period or periods, no single period exceeding three weeks, as the court thinks necessary to enable a medical examination and report to be made.

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(2) Where a person is remanded on bail under this section, it shall be a condition of the recognizance that he shall undergo medical examination by a duly qualified medical practitioner at such institution or place as may be specified in the recognizance or by such duly qualified medical practitioner as may be so specified; and, if arrangements have been made for his reception, it may be a condition of the recognizance that the person shall, for the purpose of the examination, reside, for such period as may be specified in the recognizance, in an institution or place so specified, not being an institution or place to which he could have been committed.

(3) Where a person charged before a court of summary jurisdiction with an indictable offence is admitted to bail on his entering into a recognizance with or without sureties conditioned for his appearance at a court of assize or quarter sessions, and the court is of opinion that an inquiry ought to be made as aforesaid, it may be made a further condition of the recognizance, but subject to the condition for his appearance, that he shall undergo medical examination or shall reside as aforesaid.

(4) On exercising the powers conferred by this section the court shall—

(*a*) where the person is remanded in custody, send to the institution or place to which he is committed; and

(*b*) where the person is released on bail, send to the institution or place at which or the person by whom he is to be examined,

a statement of the reasons for which the court is of opinion that an inquiry ought to be made into his physical or mental condition, and of any information before the court about his physical or mental condition.

(5) The Costs in Criminal Cases Act, 1908, shall apply in relation to any duly qualified medical practitioner who makes a report otherwise than in writing for the purposes of this section as it applies to a person called to give evidence and shall so apply notwithstanding that the proceedings for the purposes of which the report is made are not proceedings to which section one of that Act applies.

(6) Notwithstanding anything in the Lunacy and Mental Treatment Acts, 1890 to 1930, or the Mental Deficiency Acts, 1913 to 1938, a person who has been remanded on bail under this section may be received, for the purpose of medical examination, in an institution within the meaning of the Mental Treatment Act, 1930, or in an institution for defectives or certified house within the meaning of the Mental Deficiency Acts, 1913 to 1938:

PART I. —*cont.*

Provided that a person received under this section in a licensed house or registered hospital shall, for the purposes of any provisions of the Lunacy Act, 1890, relating to the number of patients who may be so received, be reckoned as a patient.

Remand and committal of persons under 21.

27.—(1) Where a court remands or commits for trial or for sentence a person under twenty-one years of age who is charged with or convicted of an offence and is not released on bail, then, except as otherwise expressly provided by this section, the following provisions shall have effect, that is to say—

(*a*) if he is under fourteen years of age, he shall be committed to a remand home;

(*b*) if he is not less than fourteen but under seventeen years of age, he shall be committed to a remand home unless the court certifies that he is of so unruly a character that he cannot safely be detained in a remand home or of so depraved a character that he is not fit to be so detained;

(*c*) if he is not less than seventeen years of age, or if the court certifies as mentioned in the last foregoing paragraph, and the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, he shall be committed to a remand centre,

instead of being committed to a prison.

(2) Subject as hereinafter provided, where a person is committed or remanded in custody by a court of summary jurisdiction under section twenty of this Act with a view to a sentence of Borstal training he shall be committed—

(*a*) if the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, to a remand centre; and

(*b*) if the court has not been so notified, to a prison:

Provided that if, being under seventeen years of age, he is remanded under subsection (7) of the said section twenty for a report or representations of the Prison Commissioners, and the court has not been notified as aforesaid, he shall be committed to a remand home unless the court certifies that he is of so unruly a character that he cannot safely be detained in a remand home or of so depraved a character that he is not fit to be so detained.

(3) Where a person being not less than fourteen but under seventeen years of age is remanded in custody under section

PART I. —*cont.*

twenty-six of this Act for an inquiry into his physical or mental condition, and the court is satisfied that facilities for such an inquiry during his detention in the remand home to which he would, but for this subsection, have been committed are not provided or otherwise made available under this Act, then if the court has been notified that a remand centre is available for the reception from that court of persons of his class or description, he shall be committed to a remand centre.

(4) Where any person is committed to a remand home or a remand centre under any provision of this Act, the home or centre shall be specified in the warrant and he shall there be detained for the period for which he is remanded or until he is thence delivered in due course of law.

(5) Where any person has been committed to a remand home under any provision of this Act, the court by which he was committed, or, if application cannot conveniently be made to that court, any court of summary jurisdiction having jurisdiction in the place where that court sat, may vary the commitment by substituting another remand home for that remand home; and if the person so committed is not less than fourteen years of age and it appears to the court that he is of so unruly a character that he cannot safely be detained in a remand home, or to be of so depraved a character that he is not fit to be so detained, the court may revoke the commitment and commit the said person—

(*a*) if the court has been notified that a remand centre is available for the reception from that court of persons of his class or description, to a remand centre; and

(*b*) if the court has not been so notified, to a prison.

(6) In this section the expression "court" includes a justice of the peace.

Offences punishable on summary conviction or on indictment.

Procedure in respect of offences punishable on summary conviction or on indictment

28.—(1) Subject to the provisions of this section, where a person who is not less than fourteen years of age is charged before a court of summary jurisdiction with an offence which, by virtue of any enactment, is punishable either on summary conviction or on conviction on indictment, then if application in that behalf is made by the prosecutor before the charge has been entered upon, the court may then determine to try the case summarily; but if the court does not so determine it shall proceed to hear the case as if the offence were punishable on conviction on indictment only.

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(2) Where the court has begun, in accordance with the last foregoing subsection, to hear a case as if the offence were punishable on conviction on indictment only, then if at any time during the hearing it appears to the court, having regard to any representations made in the presence of the accused by or on behalf of the prosecutor, or made by or on behalf of the accused, and to the nature of the case, that it is proper to do so, the court may then determine (subject to the following provisions of this section) to try the case summarily:

Provided that where the prosecution is being carried on by the Director of Public Prosecutions, the court shall not try the case summarily under this subsection without the consent of the Director.

(3) Where the court proposes to try a case summarily under the last foregoing subsection, the court shall cause the charge to be reduced to writing and read to the accused, and call on him to plead thereto; and unless he pleads guilty the court shall recall for cross-examination any witnesses who have given evidence (except any not required by the accused or by the prosecutor, as the case may be, to be recalled for that purpose), but subject as aforesaid any such evidence shall be deemed to have been given in and for the purposes of the summary trial of the offence.

(4) Where the court proposes to try a case summarily under subsection (1) or subsection (2) of this section and the accused is entitled, under section seventeen of the Summary Jurisdiction Act, 1879, to claim to be tried by a jury, the court shall, after the charge has been read to the accused, address him in the manner required by that section as amended by this Act; and if he then claims to be so tried, the court shall not deal with the case summarily, but shall proceed therewith in the manner required by the said section seventeen.

(5) For the avoidance of doubt it is hereby declared that this section does not apply—

(*a*) to any offence which is indictable by virtue only of section seventeen of the Summary Jurisdiction Act, 1879; or

(*b*) to any offence which is triable summarily only with the consent of the accused under section eleven of that Act or section twenty-four of the Criminal Justice Act, 1925;

15 & 16 Geo. 5. c. 86.

and nothing in this section shall be construed as affecting any other enactment by virtue of which the consent of any person is required for the summary trial of an indictable offence, or the accused is entitled to object to be tried summarily in respect of such an offence, or as authorising a court

PART I. —*cont.*

to deal summarily with any offence unless the proceedings were commenced within the period prescribed in that behalf by section eleven of the Summary Jurisdiction Act, 1848, or by any other enactment applicable to the offence in question.

(6) Where, under subsection (1) of this section, a court of summary jurisdiction has begun to deal summarily with an offence which is punishable on conviction on indictment, the court may, at any time before the conclusion of the case for the prosecution, discontinue the summary trial and proceed to hear the charge as for an indictable offence; but except as aforesaid a court, having begun to deal summarily with such an offence, whether under this section or under any other enactment, shall not thereafter proceed to hear the charge as for an indictable offence.

Committal for sentence in respect of indictable offences tried summarily.

29.—(1) Where, under subsection (2) of section twenty-eight of this Act or section twenty-four of the Criminal Justice Act, 1925, a person who is not less than seventeen years of age is tried summarily by a court of summary jurisdiction for an indictable offence, and is convicted by that court of that offence, then if, on obtaining information as to his character and antecedents, the court is of opinion that they are such that greater punishment should be inflicted in respect of the offence than that court has power to inflict, the court may, in lieu of dealing with him in any manner in which the court has power to deal with him, commit him in custody to quarter sessions for sentence in accordance with the following provisions of this section.

(2) An offender so committed as aforesaid shall be committed—

(*a*) where the court of summary jurisdiction acts for a county other than the County of London or for a borough not having a separate court of quarter sessions, to the appeal committee of the quarter sessions for that county or for the county in which that borough is situated, as the case may be;

(*b*) in any other case, to the next court of quarter sessions having jurisdiction in the county, borough or place for which the court of summary jurisdiction acts;

and where the offender is so committed to an appeal committee, the clerk to the court of summary jurisdiction shall notify the clerk of the peace, and the clerk of the peace shall give notice to the prosecutor and to the governor of the prison or remand centre to which the offender is committed of the date on which the case will be dealt with by the appeal committee, being the next available sitting of a court consisting of members of that committee.

PART I. —*cont.*

(3) Where an offender is so committed for sentence as aforesaid, the following provisions shall have effect, that is to say:—

(*a*) the appeal committee or court of quarter sessions shall inquire into the circumstances of the case, and shall have power to deal with the offender in any manner in which he could be dealt with by a court of quarter sessions before which he had just been convicted of the offence on indictment;

(*b*) the Poor Prisoners Defence Act, 1930, shall apply as if the offender were committed for trial for an indictable offence, subject to the modifications that in subsection (2) of section one the words " after reading the depositions," and in subsection (2) of section three the words " and the costs of a copy of the depositions " shall be omitted;

(*c*) the Costs in Criminal Cases Act, 1908, shall apply in relation to the proceedings before the appeal committee or court of quarter sessions as it applies in relation to the prosecution of an offence before a court of quarter sessions; and

(*d*) if the appeal committee or court of quarter sessions passes a sentence which the court of summary jurisdiction would not have had power to pass, the offender may appeal against the sentence to the Court of Criminal Appeal as if he had been convicted on indictment; and the provisions of the Criminal Appeal Act, 1907, shall apply accordingly.

(4) References to a court of quarter sessions or a court in any enactment as applied by the last foregoing subsection or in any other enactment relating to persons dealt with by quarter sessions (including any such enactment contained in this Act) shall be construed as including references to an appeal committee of quarter sessions by whom an offender is dealt with under that subsection.

(5) In relation to an offender committed for sentence under this section, subsection (1) of section twenty-three of this Act shall have effect as if for the words " by the verdict of a jury," there were substituted the words " by the appeal committee or the court of quarter sessions, as the case may be, and not by the verdict of a jury."

Miscellaneous provisions relating to procedure, appeals, evidence, etc.

Abolition of privilege of peerage in criminal proceedings.

30.—(1) Privilege of peerage in relation to criminal proceedings is hereby abolished.

(2) In any criminal proceedings the jurisdiction to be had and the procedure to be followed, the punishments which may

be inflicted, the orders which may be made, and the appeals which may be brought shall, whatever the offence and wherever the trial is to take place, be the same in the case of persons who would but for this section be entitled to privilege of peerage as in the case of any other of His Majesty's subjects. PART I. —*cont.*

Jurisdiction and procedure in respect of certain indictable offences committed in foreign countries.

31.—(1) Any British subject employed under His Majesty's Government in the United Kingdom in the service of the Crown who commits, in a foreign country, when acting or purporting to act in the course of his employment, any offence which, if committed in England, would be punishable on indictment, shall be guilty of an offence of the same nature, and subject to the same punishment, as if the offence had been committed in England.

(2) A person may be proceeded against, indicted, tried and punished for an offence under this section in any county or place in England in which he is apprehended or is in custody as if the offence had been committed in that county or place; and the offence shall, for all purposes incidental to or consequential on the trial or punishment thereof, be deemed to have been committed in that county or place.

(3) Subsection (4) of section one of the Administration of Justice (Miscellaneous Provisions) Act, 1933 (which continues the procedure by way of indictment preferred before a grand jury of the County of London and County of Middlesex in the case of indictments under the enactments specified in the First Schedule to that Act) shall cease to have effect; and subsection (2) of this section shall apply to any offence in respect of which a bill of indictment could, but for this subsection, have been so preferred as it applies to an offence under this section. 23 & 24 Geo. 5. c. 36.

Issue of single summons on more than one information.

32.—(1) Where two or more informations are laid under the Summary Jurisdiction Acts against the same person or persons, a single summons may be issued under these Acts against that person or each of those persons in respect of all the informations:

Provided that the matter of each information shall be separately stated in the summons.

(2) Any such summons as aforesaid shall be treated for the purpose of the Summary Jurisdiction Acts as if it were a separate summons in respect of each information.

(3) The foregoing provisions of this section shall apply to complaints as they apply to informations.

Supply of copies of informations to persons committed for trial. 11 & 12 Vict. c. 42.

33. Where any person is entitled to copies of depositions taken under the Indictable Offences Act, 1848, he shall be entitled also to copies of the written information (if any) required by section twenty of that Act to be transmitted with the

PART I. —*cont.*

depositions; and any enactment relating to the furnishing of copies of depositions shall accordingly apply to any such information as it applies to depositions.

Amendment of Summary Jurisdiction (Appeals) Act, 1933. 23 & 24 Geo. 5. c. 38.

34. For paragraph (*a*) of subsection (3) of section seven of the Summary Jurisdiction (Appeals) Act, 1933, (which regulates the appointment of appeal committees of quarter sessions) there shall be substituted the following paragraph:—

"(*a*) in appointing members of the committee, quarter sessions shall, so far as practicable, select justices having special qualifications for the hearing of appeals, including justices specially qualified for dealing with juvenile cases."

Challenge of jurors and separation of juries.

35.—(1) A person arraigned on an indictment for any felony or misdemeanour may challenge not more than seven jurors without cause and any juror or jurors for cause.

(2) Upon the trial of any person for an offence on indictment, any challenge to jurors for cause shall be tried by the judge, chairman of quarter sessions, recorder or other person before whom the accused is to be tried.

(3) Upon the trial of any person on indictment for felony or misdemeanour, the whole or any two or more of the jury may be sworn together:

Provided that an opportunity to challenge each of them separately shall be furnished to the prosecutor and the accused before the oath is administered.

(4) Upon the trial of any person for an offence on indictment the court may, if it thinks fit, at any time before the jury consider their verdict, permit them to separate.

Appeals from courts of summary jurisdiction to quarter sessions.

36.—(1) A person convicted by a court of summary jurisdiction shall have a right of appeal—

(*a*) if he pleaded guilty or admitted the truth of the information, against his sentence;

(*b*) in any other case, against the conviction or sentence, to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts; and a person sentenced by a court of summary jurisdiction in respect of an offence of which he was convicted by another court of summary jurisdiction shall have a like right of appeal against his sentence.

(2) For the purpose of the last foregoing subsection, the expression "sentence" includes any order made on conviction by a court of summary jurisdiction, not being—

(*a*) a probation order or an order for conditional discharge;

PART I. —*cont.*

(*b*) an order for the payment of costs;

(*c*) an order under section two of the Protection of Animals Act, 1911 (which enables the court to order the destruction of an animal); 1 & 2 Geo. 5. c. 27.

(*d*) an order made in pursuance of any enactment under which the court has no discretion as to the making of the order or the terms thereof.

(3) Where a court of summary jurisdiction has adjourned a case after conviction, the day on which the court sentences or otherwise deals with the offender shall, for the purposes of section thirty-one of the Summary Jurisdiction Act, 1879, be deemed to be the day on which the decision of the court is given.

(4) Where it appears to a court of quarter sessions, on application made in accordance with the following provisions of this section, that any person desiring to appeal to that court in accordance with section thirty-one of the Summary Jurisdiction Act, 1879, has failed to give the notice of appeal required by paragraph (ii) of subsection (1) of that section within the period of fourteen days prescribed by that paragraph, the court may, if it thinks fit, direct that any such notice of appeal previously given by the applicant after the expiration of the said period, or any such notice to be given by him within such further time as may be specified in the direction, shall be treated as if given within the said period.

(5) An application for a direction under the last foregoing subsection shall be made in writing and shall be sent by the applicant to the clerk of the peace; and where any such direction is given by the court, the clerk of the peace shall give notice thereof to the applicant and to the clerk to the court of summary jurisdiction against whose decision the appeal is to be brought, and the applicant shall give notice thereof to the other party to the proceedings.

(6) The powers of a court of quarter sessions under subsection (4) of this section shall be exercised—

(*a*) in the case of quarter sessions for a county other than the County of London, by the chairman or a deputy chairman of the appeal committee of the quarter sessions;

(*b*) in the case of quarter sessions for a borough, by the recorder or any deputy recorder;

(*c*) in the case of quarter sessions for the County of London, by the paid chairman or a paid deputy chairman of quarter sessions (including any person appointed under section two of the Quarter Sessions (London) Act, 1896, or under section fifty-four of the 59 & 60 Vict. c. 55.

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10 & 11 Geo. 6. c. xlvi.

London County Council (General Powers) Act, 1947, to act temporarily in the office of paid chairman or deputy chairman, or as an additional deputy chairman);

and may be exercised either within or outside the county or borough for which the quarter sessions are held.

(7) Paragraph (iii) of subsection (1) of section thirty-one of the Summary Jurisdiction Act, 1879 (which requires an appellant to quarter sessions from a decision of a court of summary jurisdiction to enter into recognizances conditioned to prosecute his appeal with diligence) shall cease to have effect.

(8) The powers of a court of summary jurisdiction under paragraph (iv) of the said subsection (1) (which relates to the grant of bail to an appellant to quarter sessions from a decision of a court of summary jurisdiction) may be exercised by any justice acting for the petty sessional division or place for which that court acts.

Bail on appeal, case stated or application for certiorari.

37.—(1) Without prejudice to the powers vested before the commencement of this Act in any court to admit or direct the admission of a person to bail—

(*a*) the High Court may release from custody a person who has given notice of appeal to a court of quarter sessions against a conviction or sentence of a court of summary jurisdiction, on his entering into a recognizance conditioned for his appearance at the hearing of the appeal;

(*b*) the High Court or a court of quarter sessions may release from custody a person who, having appealed to the court of quarter sessions against such a conviction or sentence as aforesaid, has applied to that court under section twenty of the Criminal Justice Act, 1925, to have a case stated for the opinion of the High Court on the point of law, on his entering into a recognizance conditioned for his appearance (unless the judgment of the High Court otherwise directs) at the sessions at which, under section twenty-five of the Supreme Court of Judicature (Consolidation) Act, 1925, that judgment is entered, or the appeal to quarter sessions is entered for re-hearing, as the case may be;

15 & 16 Geo. 5. c. 49.

(*c*) the High Court may release from custody a person who, having been convicted or sentenced by a court of summary jurisdiction, has applied to the court of summary jurisdiction for the statement of a case for the opinion of the High Court on a point of law, on his entering into a recognizance conditioned for his appearance, within ten days after the judgment

of the High Court shall have been given, before a court of summary jurisdiction acting for the same petty sessional division or place as the court which convicted or sentenced that person, unless the determination in respect of which the case is stated is reversed by that judgment;

(*d*) the High Court may release from custody a person who has been convicted or sentenced by a court of summary jurisdiction and has applied to the High Court for an order of certiorari to remove the proceedings of the court of summary jurisdiction into the High Court, or has applied to the High Court for leave to make such application, on his entering into a recognizance conditioned for his appearance, within ten days after the judgment of the High Court shall have been given, before a court of summary jurisdiction acting for the same petty sessional division or place as the court which convicted or sentenced that person, unless the conviction or sentence is quashed by that judgment.

(2) A recognizance entered into for the purposes of the last foregoing subsection shall be in such reasonable sum as the court thinks necessary to fix, and the court may require the recognizance to be entered into with or without sureties and may, in lieu of requiring a person to enter into a recognizance, consent to his giving other security.

(3) The High Court may, in exercising any power conferred on it by this section to release a person from custody, direct that a recognizance shall be entered into or other security given before a court of quarter sessions or a court of summary jurisdiction or a justice of the peace.

(4) Rules of court may be made under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925,—

(*a*) for prescribing the manner in which a recognizance shall be entered into or other security given for the purposes of this section and the persons by whom and the manner in which any such recognizance or security as aforesaid may be enforced;

(*b*) for authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody under this section;

and the powers conferred by this subsection shall be in addition to the powers conferred by the said section ninety-nine.

PART I. —*cont.*

(5) The power conferred by paragraph (*b*) of subsection (1) of this section on a court of quarter sessions may be exercised—

(*a*) in the case of quarter sessions for a county other than the County of London, by the chairman or a deputy chairman of the appeal committee of the quarter sessions;

(*b*) in the case of quarter sessions for a borough, by the recorder or any deputy recorder;

(*c*) in the case of quarter sessions for the County of London, by the paid chairman or a paid deputy chairman of quarter sessions (including any person appointed under section two of the Quarter Sessions (London) Act, 1896, or under section fifty-four of the London County Council (General Powers) Act, 1947, to act temporarily in the office of paid chairman or deputy chairman or as an additional deputy chairman);

and may be exercised either within or outside the county or borough for which the quarter sessions are held.

(6) The time during which a person is admitted to bail under paragraph (*b*), (*c*) or (*d*) of subsection (1) of this section shall not count as part of any term of imprisonment under his sentence; and any sentence of imprisonment imposed by a court of summary jurisdiction, or, on appeal, by a court of quarter sessions, after the imposition of which a person is so admitted to bail, shall be deemed to begin to run or to be resumed as from the day on which he is received in prison under the sentence; and for the purposes of this subsection the expression " prison " shall be deemed to include a detention centre and remand home and the expression " imprisonment " shall be construed accordingly.

Amendment of Criminal Appeal Act, 1907.

38.—(1) Where an appellant within the meaning of the Criminal Appeal Act, 1907, is admitted to bail under that Act, the time during which he is at large after being so admitted shall be disregarded in computing the term of any sentence to which he is for the time being subject.

(2) Subject as hereinafter provided, six weeks of the time during which any such appellant, when in custody, is specially treated as such in pursuance of rules made under section fifty-two of this Act, or the whole of that time if it is less than six weeks, shall be disregarded in computing the term of any such sentence as aforesaid:

Provided that—

(*a*) the foregoing provisions of this subsection shall not apply where leave to appeal is granted under the Criminal Appeal Act, 1907, or any such certificate

as is mentioned in paragraph (*b*) of section three of that Act has been given for the purposes of the appeal; and

(*b*) in any other case, the Court of Criminal Appeal may direct that no part of the said time, or such part thereof as the court thinks fit (whether shorter or longer than six weeks) shall be disregarded as aforesaid.

(3) Subject to the foregoing provisions of this section, the term of any sentence passed by the Court of Criminal Appeal under the Criminal Appeal Act, 1907, in substitution for a sentence passed on the appellant in the proceedings from which the appeal is brought shall, unless the court otherwise directs, begin to run from the time when it would have begun to run if passed in those proceedings, and references in this section to any sentence to which an appellant is for the time being subject shall be construed accordingly.

(4) In relation to a person sentenced to Borstal training, any reference in this section to the term of that sentence shall be construed as a reference to the periods during which, under the Second Schedule to this Act, he may be detained in a Borstal institution; and nothing in this section shall be construed as affecting any period during which a person so sentenced is liable to supervision under the said Second Schedule.

(5) The Court of Criminal Appeal may, when they dismiss an appeal or application for leave to appeal, order the appellant or applicant as the case may be to pay the whole or any part of the costs of the appeal or application, including the cost of any transcript of the shorthand notes of the proceedings at the trial made in accordance with a direction given by the registrar under section sixteen of the Criminal Appeal Act, 1907; and any order under this subsection may be enforced by the person to whom the costs are ordered to be paid in the same manner as an order for the payment of costs made by the High Court in civil proceedings.

(6) The power of the Secretary of State under section nineteen of the Criminal Appeal Act, 1907, to refer the case, or any point arising on the case, of a person convicted on indictment to the Court of Criminal Appeal shall be exercisable whether or not that person has petitioned for the exercise of His Majesty's mercy.

Proof of previous convictions by finger-prints.

39.—(1) A previous conviction may be proved against any person in any criminal proceedings by the production of such evidence of the conviction as is mentioned in this section, and by showing that his finger-prints and those of the person convicted are the finger-prints of the same person.

PART I. —*cont.*

(2) A certificate purporting to be signed by or on behalf of the Commissioner of Police of the Metropolis, containing particulars relating to a conviction extracted from the criminal records kept by him, and certifying that the copies of the finger-prints exhibited to the certificate are copies of the finger-prints appearing from the said records to have been taken in pursuance of section eight of the Penal Servitude Act, 1891, from the person convicted on the occasion of the conviction, shall be evidence of the conviction and evidence that the copies of the finger-prints exhibited to the certificate are copies of the finger-prints of the person convicted.

54 & 55 Vict. c. 69.

(3) A certificate purporting to be signed by or on behalf of the governor of a prison or remand centre in which any person has been detained in connection with any criminal proceedings, certifying that the finger-prints exhibited thereto were taken from him while he was so detained, shall be evidence in those proceedings that the finger-prints exhibited to the certificate are the finger-prints of that person.

(4) A certificate, purporting to be signed by or on behalf of the Commissioner of Police of the Metropolis, and certifying that the finger-prints, copies of which are certified as aforesaid by or on behalf of the Commissioner to be copies of the finger-prints of a person previously convicted and the finger-prints certified by or on behalf of the governor as aforesaid, or otherwise shown, to be the finger-prints of the person against whom the previous conviction is sought to be proved are the finger-prints of the same person shall be evidence of the matter so certified.

(5) The method of proving a previous conviction authorised by this section shall be in addition to any other method of proving the conviction.

Taking of finger-prints by order of justices.

40.—(1) Where any person not less than fourteen years of age who has been taken into custody is charged with an offence before a court of summary jurisdiction, the court may, if it thinks fit, on the application of an officer of police not below the rank of inspector, order that the finger-prints of that person shall be taken by a constable.

(2) Finger-prints taken in pursuance of an order made under this section shall be taken either at the court or if the person to whom the order relates is remanded in custody, at any place to which he is committed; and a constable may use such reasonable force as may be necessary for that purpose.

(3) The provisions of this section shall be in addition to the provisions of any other enactment under which the finger-prints of any person may be taken.

PART I. —*cont.*

(4) Where the fingerprints of any person have been taken in pursuance of an order made under this section, then if that person is acquitted or discharged under section twenty-five of the Indictable Offences Act, 1848, or if the information against him is dismissed, the fingerprints and all copies and records thereof shall be destroyed.

Evidence by certificate.

41.—(1) In any criminal proceedings, a certificate purporting to be signed by a constable, or by a person having the prescribed qualifications, and certifying that a plan or drawing exhibited thereto is a plan or drawing made by him of the place or object specified in the certificate, and that the plan or drawing is correctly drawn to a scale so specified, shall be evidence of the relative position of the things shown on the plan or drawing.

(2) In any proceedings for an offence under the Road Traffic Acts, 1930 to 1947, or under any other enactment relating to the use of vehicles on roads, a certificate in the prescribed form, purporting to be signed by a constable and certifying that a person specified in the certificate stated to the constable—

(*a*) that a particular motor vehicle was being driven by, or belonged to, that person on a particular occasion; or

(*b*) that a particular motor vehicle belonged on a particular occasion to a firm in which that person also stated that he was at the time of the statement a partner; or

(*c*) that a particular motor vehicle belonged on a particular occasion to a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven, or to whom it belonged, as the case may be, on that occasion.

(3) In any proceedings for an offence consisting of the stealing of goods in the possession of the British Transport Commission or any Executive (other than the Hotels Executive) constituted under section five of the Transport Act, 1947, or of receiving goods so stolen knowing them to have been stolen, or for an offence under section twelve or eighteen or subsection (2) of section thirty-three of the Larceny Act, 1916, or sections fifty to fifty-six of the Post Office Act, 1908, a statutory declaration made by any person—

10 & 11 Geo. 6. c. 49.

6 & 7 Geo. 5. c. 50.

8 Edw. 7. c. 48.

(*a*) that he dispatched or received or failed to receive any goods or postal packet or that any goods or postal packet when dispatched or received by him were in a particular state or condition; or

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(*b*) that a vessel, vehicle or aircraft was at any time employed by or under the Post Office for the transmission of postal packets under contract,

shall be admissible as evidence of the facts stated in the declaration.

(4) Nothing in this section shall be deemed to make a certificate or statutory declaration admissible as evidence in proceedings for an offence except in a case where and to the extent to which oral evidence to the like effect would have been admissible in those proceedings.

(5) Nothing in this section shall be deemed to make a certificate or statutory declaration admissible as evidence in proceedings for any offence—

(*a*) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence; or

(*b*) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves notice in the prescribed form and manner on the prosecutor requiring the attendance at the trial of the person who signed the certificate or the person by whom the declaration was made, as the case may be.

(6) In this section the expression "prescribed" means prescribed by rules made by the Secretary of State.

Order of speeches. 28 & 29 Vict. c. 18. 61 & 62 Vict. c. 36.

42.—(1) Notwithstanding anything in section two of the Criminal Procedure Act, 1865, as amended by section three of the Criminal Evidence Act, 1898, the prosecution shall not be entitled to the right of reply upon the trial of any person on indictment on the ground only that documents have been put in evidence for the defence.

(2) Notwithstanding anything in section two of the Criminal Evidence Act, 1898, or in section fourteen of the Summary Jurisdiction Act, 1848, a person charged with an offence before a court of summary jurisdiction or his counsel or his solicitor shall be entitled to address the court either at the conclusion of the case for the prosecution or at the conclusion of the evidence, at his discretion; and where oral evidence is given by witnesses for the defence in addition to the evidence of the person charged, the court may allow him or his counsel or solicitor to address the court both at the conclusion of the case for the prosecution and at the conclusion of the evidence, but in that case the prosecutor shall be entitled to the right of reply.

(3) The provisions of the last foregoing subsection shall not apply to proceedings before examining justices. PART I. —*cont.*

Reports of probation officers.

43. Where a report by a probation officer is made to any court (other than a juvenile court) with a view to assisting the court in determining the most suitable method of dealing with any person in respect of an offence, a copy of the report shall be given by the court to the offender or his counsel or solicitor:

Provided that if the offender is under seventeen years of age and is not represented by counsel or a solicitor, a copy of the report need not be given to him but shall be given to his parent or guardian if present in court.

Payment of costs of defence on acquittal, etc.

44.—(1) If in any such proceedings as are mentioned in section one of the Costs in Criminal Cases Act, 1908, the accused is acquitted or discharged under section twenty-five of the Indictable Offences Act, 1848, or the information is dismissed, the court may, if it thinks fit, direct the payment out of local funds in accordance with the provisions of that Act of such sums as appear to the court reasonably sufficient to compensate the accused for the expenses properly incurred by him in carrying on his defence.

(2) Without prejudice to the provisions of subsection (2) of section thirteen of the Criminal Appeal Act, 1907, where an appeal to the Court of Criminal Appeal against a conviction is allowed, the court may, if it thinks fit, direct the payment out of local funds in accordance with the provisions of the Costs in Criminal Cases Act, 1908, of such sums as appear to the court reasonably sufficient to compensate the appellant for any expenses properly incurred in the prosecution of his appeal (including any proceedings preliminary or incidental thereto) or in carrying on his defence.

(3) Where an appeal to the House of Lords brought under subsection (6) of section one of the Criminal Appeal Act, 1907, is determined in favour of the defendant, the House of Lords may, if they think fit, direct the payment out of local funds in accordance with the provisions of the Costs in Criminal Cases Act, 1908, of such sums as appear to them reasonably sufficient to compensate the defendant for any expenses properly incurred by him in the appeal to the House of Lords or in the prosecution of his appeal to the Court of Criminal Appeal or in carrying on his defence.

(4) In relation to a person tried before a court of assize or quarter sessions, references in this section to the carrying on of his defence shall be construed as references to the carrying on of his defence before that court, before the examining

PART I. —*cont.*

justices by whom he was committed for trial, and before any other court of assize or quarter sessions before which proceedings for the offence in respect of which he was committed were begun but not concluded.

(5) The amount of any costs directed to be paid to any person under subsection (1) or subsection (2) of this section shall be ascertained as soon as practicable by the proper officer of the court by which the direction is given; and where the direction is given by the Court of Criminal Appeal, the proper officer shall make out and deliver to the said person, or to any person who appears to the proper officer to be acting on behalf of that person, an order on the treasurer of the county or borough out of the funds of which the costs are payable under the Costs in Criminal Cases Act, 1908, for the payment of that amount.

(6) The amount of any costs directed to be paid under subsection (3) of this section shall be ascertained, and an order on the treasurer of the county or borough aforesaid may be made for the payment of any amount so ascertained, by such officer or officers, and in such manner, as may be prescribed by order of the House of Lords.

(7) This section shall be construed as one with the Costs in Criminal Cases Act, 1908, and references in any enactment to costs payable under the Costs in Criminal Cases Act, 1908, shall be construed as including references to costs payable by virtue of the provisions of this section.

PART II.

ADMINISTRATIVE PROVISIONS AND PROVISIONS AS TO TREATMENT OF PRISONERS, ETC.

Arrangements for probation.

Probation areas, probation committees and case committees, and probation officers.

45.—(1) The provisions of the Fifth Schedule to this Act shall have effect with respect to—

(*a*) the constitution of probation areas, of probation committees for those areas and of case committees for petty sessional divisions;

(*b*) the functions of probation committees and case committees; and

(*c*) the appointment, functions, remuneration and conditions of service of probation officers.

(2) For the purposes of this section, and of the provisions of Part I of this Act relating to probation, each of the following

places shall be deemed to be a petty sessional division, that is to say—

(*a*) the City of London;

(*b*) a division of the metropolitan police court area; and

(*c*) any area, not being a petty sessional division, for which a stipendiary magistrate is appointed or other special court of summary jurisdiction is constituted, and which, by order of the Secretary of State, is declared to be a petty sessional division for the purposes aforesaid.

(3) An order made by the Secretary of State under paragraph (*c*) of the last foregoing subsection may provide that in its application to the area to which the order relates the Fifth Schedule to this Act shall have effect subject to such adaptations and modifications as may be specified in the order, and may contain such consequential and supplemental provisions as appear to the Secretary of State to be expedient.

Approved probation hostels and homes.

46.—(1) The Secretary of State may approve premises for the reception of persons who may be required to reside therein by a probation order or a supervision order, and such premises shall be known—

(*a*) if the persons so residing are employed outside the premises, or are awaiting such employment, as "approved probation hostels";

(*b*) in any other case, as "approved probation homes".

(2) The Secretary of State may make rules for the regulation, management and inspection of approved probation hostels and of approved probation homes; and such rules may in particular provide that no person shall be appointed to be in charge of an approved probation hostel or home unless the Secretary of State has consented to his appointment:

Provided that the rules shall not prohibit the making of such an appointment in case of emergency without the previous consent of the Secretary of State, but may in that case require notice of the appointment to be given immediately to the Secretary of State and enable him, if he thinks fit, to require the appointment to be terminated.

Inspection of institutions for residence of probationers.

47.—(1) Any institution, not being an approved probation hostel or an approved probation home, in which a person is required by a probation order or a supervision order to reside otherwise than for the purpose of his submitting to treatment for his mental condition as a resident or voluntary patient shall, so long as he resides there, be subject to inspection by the Secretary of State unless it is, as a whole, otherwise subject to inspection by a Government department.

PART II. —*cont.*

(2) A person appointed by the Secretary of State to inspect any such institution as aforesaid shall have power to enter the institution and to make such investigation of the treatment of any persons residing there as he thinks fit; and any person who obstructs him in the exercise of the power aforesaid shall be liable on summary conviction to a fine not exceeding five pounds.

Institutions for offenders.

Remand centres, detention centres and Borstal institutions.

48.—(1) The Secretary of State may provide—

(*a*) remand centres, that is to say places for the detention of persons not less than fourteen but under twenty-one years of age who are remanded or committed in custody for trial or sentence;

(*b*) detention centres, that is to say places in which persons not less than fourteen but under twenty-one years of age who are ordered to be detained in such centres under this Act may be kept for short periods under discipline suitable to persons of their age and description; and

(*c*) Borstal institutions, that is to say places in which offenders not less than sixteen but under twenty-one years of age may be detained and given such training and instruction as will conduce to their reformation and the prevention of crime.

(2) The Secretary of State may provide attendance centres, that is to say places at which offenders of not less than twelve but under twenty-one years of age may be required to attend, in pursuance of orders made under section nineteen of this Act, on such occasions and at such times as will avoid interference so far as is practicable with their school hours or working hours, and be given under supervision appropriate occupation or instruction; and for the purpose aforesaid the Secretary of State may make arrangements with any local authority or police authority for the use of premises of that authority.

(3) The Secretary of State shall provide in remand centres facilities for the observation of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case.

(4) Where any person under seventeen years of age is committed to, or ordered to be detained in, a remand centre under this Act for the purpose of obtaining a medical report on his physical or mental condition, the council of the county or

county borough who would be responsible for his maintenance if he were detained in a remand home shall pay to the Secretary of State, in such manner as the Secretary of State may with the approval of the Treasury determine, such sums in respect of the maintenance of that person as the Secretary of State may with the like approval direct.

(5) The Prison Acts, 1865 to 1898, shall, subject to such adaptations and modifications as may be made by rules of the Secretary of State, apply to remand centres, detention centres and Borstal institutions, and to persons detained therein, as they apply to prisons and prisoners.

(6) The appropriation of a prison vested in the Prison Commissioners under the Prison Act, 1877, for use as a remand centre, detention centre or Borstal institution shall not be deemed, for the purposes of sections thirty-three and thirty-four of that Act, to be a discontinuance of the prison. 40 & 41 Vict. c. 21.

(7) Section six of the Prevention of Crime Act, 1871, and section eight of the Penal Servitude Act, 1891 (which relate to the registration, measurement and photographing of prisoners) shall have effect as if references therein to prisons and prisoners included references to remand centres, detention centres and Borstal institutions, and to persons detained therein. 34 & 35 Vict. c. 112.

49.—(1) As from such date as may be specified in an order made by statutory instrument by the Secretary of State, no premises shall be used as a remand home unless a certificate of approval has been issued by the Secretary of State. Remand homes.

(2) The Secretary of State may by rules made under this Act apply to remand homes, with such adaptations and modifications as he thinks fit, the provisions of section seventy-nine and subsection (3) of section one hundred and six of the Children and Young Persons Act, 1933 (which relate to the approval of schools for the purposes of that Act and the evidence of such approval).

(3) No person shall be appointed after the commencement of this Act to be in charge of a remand home established by a county council or a county borough council unless his appointment has been approved by the Secretary of State.

(4) Councils of counties and county boroughs may provide in remand homes provided for their areas facilities for the observation of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case, or may, if

PART II. —*cont.*

facilities for observation are available at any other institution or place, arrange for the use of those facilities for the observation of any such person as aforesaid.

1 & 2 Geo. 6. c. 40.

(5) Subsections (2) and (3) of section six of the Children and Young Persons Act, 1938 (which provide for the removal to a place of safety of persons found while detained in a remand home to be in need of medical treatment, and for giving notice to the clerk of the court by which the order for detention was made) shall apply in relation to the removal of any person from a remand home to an institution or place where facilities are available in pursuance of arrangements made under the last foregoing subsection for the purpose of obtaining such a report as aforesaid as they apply in relation to any such removal as is mentioned in the said subsection (2).

(6) Any expenses incurred by the council of a county or county borough in giving effect to arrangements made under subsection (4) of this section, and any sums paid by such a council under subsection (4) of the last foregoing section, shall be treated for the purposes of any grant under section one hundred and four of the Children and Young Persons Act, 1933, as expenses of the council in respect of remand homes.

Acquisition of land for prisons and other institutions.

50.—(1) The Prison Commissioners may, with the consent of the Secretary of State, purchase by agreement, or may be authorised by the Secretary of State to purchase compulsorily, any land required for the alteration, enlargement or rebuilding of a prison or other institution to which the Prison Acts, 1865 to 1898, apply or for establishing a new prison or a new institution as aforesaid or for any other purpose connected with the management of any such prison or institution (including the provision of accommodation for officers or servants employed therein).

9 & 10 Geo. 6. c. 49.

(2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory purchase of land by the Prison Commissioners under this section, and for that purpose shall have effect as if the Prison Commissioners were a local authority, as if this Act had been in force immediately before the commencement of that Act and as if references in that Act to a Minister included references to the Secretary of State:

Provided that section two of the said Act (which confers temporary powers for speedy acquisition of land in urgent cases) shall not apply to any compulsory purchase of land under this section.

(3) In relation to the purchase of land by agreement under this section, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement

and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) shall be incorporated with this section, and in construing those Acts as so incorporated this section shall be deemed to be the special Act and references to the promoters of the undertaking shall be construed as references to the Prison Commissioners.

PART II. —*cont.*

8 & 9 Vict. c. 18.

51. The office of the directors of convict prisons is hereby abolished; and the Prison Acts, 1865 to 1898, shall, subject to such adaptations and modifications as may be made by rules of the Secretary of State, apply to prisons which, at the commencement of this Act, are under the control of the Prison Commissioners by virtue of the said office in like manner as they apply to other prisons; and all property and rights vested in, and liabilities incurred by, the Prison Commissioners as holders of the said office shall be deemed to be vested in them or to have been incurred by them for the purposes of their functions generally.

Abolition of office of directors of convict prisons and application of Prison Acts to convict prisons.

Rules for Management of Prisons, Etc.

52.—(1) The Secretary of State may make rules for the regulation and management of prisons, remand centres, detention centres, attendance centres and Borstal institutions respectively, and for the classification, treatment, employment, discipline and control of persons required to be detained therein.

Rules for the management of prisons, remand centres, detention centres, attendance centres and Borstal institutions.

(2) Rules made under this section shall make provision for ensuring that a person who is charged with any offence under the rules shall be given a proper opportunity of presenting his case.

(3) Rules made under this section may provide for the training of particular classes of persons and their allocation for that purpose to any prison or other institution in which they may lawfully be detained.

(4) Rules made under this section shall provide for the special treatment of the following persons whilst required to be detained in a prison, that is to say—

(*a*) any person serving a sentence of preventive detention;

(*b*) any person serving a sentence on conviction of sedition, seditious conspiracy or seditious libel;

(*c*) any appellant within the meaning of the Criminal Appeal Act, 1907, pending the determination of his appeal;

PART II. —*cont.*

(*d*) any other person detained in a prison, not being a person serving a sentence or a person imprisoned in default of payment of a sum adjudged to be paid by him on his conviction.

Constitution and functions of visiting committees and boards of visitors.

53.—(1) Rules made under the last foregoing section shall provide for the constitution, for prisons to which persons may be committed directly by a court, of visiting committees consisting of justices of the peace appointed, at such times, in such manner and for such periods as may be prescribed by the rules, by such courts of quarter sessions for counties or benches of magistrates for boroughs as the Secretary of State may by order direct.

(2) The Secretary of State shall appoint for every prison other than a prison mentioned in subsection (1) of this section and for every remand centre, detention centre and Borstal institution a board of visitors of whom not less than two shall be justices of the peace.

(3) Rules made as aforesaid shall prescribe the functions of visiting committees and boards of visitors, and shall among other things require the members to pay frequent visits to the prison, remand centre, detention centre or Borstal institution, as the case may be, and hear any complaints which may be made by the persons detained therein and report to the Secretary of State any matter which they consider it expedient to report; and any member of a visiting committee or board of visitors may at any time enter the prison, remand centre, detention centre or Borstal institution, as the case may be, and shall have free access to every part thereof and to every person detained therein.

(4) Rules made as aforesaid may require the board of visitors appointed for any prison or Borstal institution to consider periodically the character, conduct and prospects of each of the persons sentenced to corrective training, preventive detention or Borstal training who is detained therein, and to report to the Prison Commissioners on the advisability of his release on licence or under supervision.

Corporal punishment in prisons.

54.—(1) Except as provided by this section, corporal punishment shall not be inflicted in any prison or institution for which rules may be made under section fifty-two of this Act.

(2) Rules made as aforesaid may authorise the infliction of corporal punishment for mutiny, incitement to mutiny, or gross personal violence to an officer of a prison when committed by a male person serving a sentence of imprisonment, corrective training or preventive detention.

PART II. —*cont.*

(3) The rules shall not authorise the infliction of corporal punishment except by order of the visiting committee or board of visitors, as the case may be, made at a meeting at which not more than five nor less than three members, at least two being justices of the peace, are present; and no such order shall be made except after an inquiry in which the evidence is given on oath:

Provided that the Secretary of State may, if he thinks fit in any particular case, direct that the functions exercisable as aforesaid by the visiting committee or board of visitors shall be exercised by a metropolitan police magistrate or stipendiary magistrate appointed in that behalf.

(4) The punishment which may be inflicted under such an order as aforesaid shall not exceed—

(*a*) in the case of a person appearing to the visiting committee or board of visitors or magistrate to be not less than twenty-one years of age, eighteen strokes of a cat-o'-nine-tails or birch rod; or

(*b*) in the case of a person appearing to them or him to be under that age, twelve strokes of a birch rod;

and if corporal punishment is inflicted, no further punishment by way of confinement in cells or restricted diet shall be imposed.

(5) Where an order for the infliction of corporal punishment has been made under this section, a copy of the notes of the evidence given at the inquiry, a copy of the order and a statement of the grounds on which it was made shall forthwith be given to the Secretary of State; and the order shall be carried into effect only after confirmation by the Secretary of State, and, if the Secretary of State confirms the order with modifications, in accordance with the order as so modified.

(6) A refusal by the Secretary of State to confirm such an order as aforesaid shall not prejudice any power to impose another punishment for the offence for which the order was made.

(7) The Prison Commissioners shall include in their annual report particulars of every case in which an order for the infliction of corporal punishment has been made and of the grounds upon which the order was made.

Amendment of Prison Act, 1865, as to introduction of prohibited articles. 28 & 29 Vict. c. 126.

55. For the purposes of sections thirty-seven to thirty-nine of the Prison Act, 1865 (which relate to the conveyance of prohibited articles into or out of prisons) a person shall be deemed to convey or introduce an article into a prison if he conveys it to a prisoner outside the prison, or deposits it at any place outside the prison with intent that it shall come into the possession of a prisoner.

PART II. —*cont.*

Remission for good conduct and release on licence.

Remission for good conduct and release on licence of young prisoners.

56.—(1) Rules made under section fifty-two of this Act may make provision whereby, in such circumstances as may be prescribed by the rules, a person serving a sentence of imprisonment, or ordered to be detained in a detention centre, for such a term as may be so prescribed, may be granted remission of such part of that sentence or term as may be so prescribed on the ground of his industry and good conduct; and on the discharge of a person from a prison or detention centre in pursuance of any such remission as aforesaid his sentence, or as the case may be his term of detention, shall expire.

(2) If it appears to the Prison Commissioners that a person serving a sentence of imprisonment was under the age of twenty-one years at the commencement of his sentence, they may direct that instead of being granted remission of his sentence under the rules he shall, at any time on or after the day on which he could have been discharged if the remission had been granted, be released on licence under the provisions of the Sixth Schedule to this Act.

(3) For the purposes of this section, a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as undergoing a sentence of imprisonment for the term for which he is committed, and consecutive terms of imprisonment shall be treated as one term.

Release on licence of persons serving imprisonment for life.

57.—(1) The Secretary of State may at any time if he thinks fit release on licence a person serving a term of imprisonment for life subject to such conditions as may be specified in the licence; and the Secretary of State may at any time modify or cancel any such condition.

(2) The Secretary of State may at any time by order recall to prison a person released on licence under this section, but without prejudice to the power of the Secretary of State to release him on licence again; and where any person is so recalled his licence shall cease to have effect and he shall, if at large, be deemed to be unlawfully at large.

Removal and transfer to and from prisons and other institutions.

Temporary detention of persons liable to detention in a Borstal institution.

58. A person who is required to be taken to a Borstal institution may, until arrangements can be made for taking him there, be temporarily detained elsewhere, and the period for which he is so detained shall count as part of the period for which he is liable to be detained in a Borstal institution under this Act.

Transfers from prison to Borstal institution and vice versa.

59.—(1) If the Secretary of State is satisfied that a person serving a sentence of imprisonment is under twenty-one years of age and might with advantage be detained in a Borstal institution he may, after consultation where practicable with the judge or presiding chairman of the court which passes the sentence, authorise the Prison Commissioners to transfer him to a Borstal institution; and the provisions of the Second Schedule to this Act shall thereupon apply to him as if he had on the date of the transfer been sentenced to Borstal training:

Provided that if on that date the unexpired term of his sentence is less than three years those provisions shall apply to him as if he had been sentenced to Borstal training three years before the expiration of that term.

(2) If a person detained in a Borstal institution is reported to the Secretary of State by the board of visitors to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Secretary of State may commute the unexpired part of the term for which the said person is then liable to be detained in a Borstal institution to such term of imprisonment as the Secretary of State may determine, not exceeding the said unexpired part; and for the purpose of this Act the said person shall be treated as if he had been sentenced to imprisonment for that term.

Removal of prisoners, etc. for judicial and other purposes.

60.—(1) Rules under section fifty-two of this Act may provide in what manner an appellant within the meaning of the Criminal Appeal Act, 1907, when in custody, is to be taken to, kept in custody at, and brought back from, any place at which he is entitled to be present for the purposes of that Act, or any place to which the Court of Criminal Appeal or any judge thereof may order him to be taken for the purpose of any proceedings of that court.

(2) The Secretary of State may—

(*a*) if he is satisfied that the attendance at any place in Great Britain of a person detained in England in a prison, remand centre, detention centre, Borstal institution or remand home is desirable in the interests of justice or for the purposes of any public inquiry, direct him to be taken to that place;

(*b*) if he is satisfied that a person so detained requires medical or surgical treatment of any description, direct him to be taken to a hospital or other suitable place for the purpose of the treatment;

and where any person is directed under this subsection to be taken to any place he shall, unless the Secretary of State

PART II. —*cont.*

otherwise directs, be kept in custody while being so taken, while at that place, and while being taken back to the prison or other institution in which he is required in accordance with law to be detained.

Removal of prisoners, etc. to and from Scotland and from the Isle of Man or Channel Islands.

61.—(1) The Secretary of State may, on the application of a person serving a sentence of imprisonment, corrective training, preventive detention or Borstal training, order his removal to a prison or Borstal institution in Scotland; and any person so removed may be detained, released, recalled and otherwise dealt with as if he had been sentenced by a court in Scotland and as if his sentence were one which could be imposed by such a court:

Provided that—

(*a*) a person serving a sentence of corrective training shall not be ordered to be so removed unless and until provision is made by the law of Scotland for the passing of sentences of corrective training; and

(*b*) where a person so removed was sentenced to Borstal training under this Act, he shall, unless and until provision has been made by the law of Scotland corresponding with the provisions of this Act relating to Borstal training, be treated as if he had been sentenced under the law in force in Scotland to detention in a Borstal institution for a term of three years.

(2) Any person sentenced, under the law for the time being in force, by any court in the Isle of Man or the Channel Islands to penal servitude, imprisonment, corrective training, preventive detention, detention in a Borstal institution, Borstal training or detention in a detention centre may, if the Secretary of State so orders, be removed to a prison, Borstal institution or detention centre, as the case may be, in England.

(3) Any person ordered to be removed under the last foregoing subsection, and any person sentenced by a court in Scotland who, under any enactment extending to Scotland, is ordered to be removed to a prison or Borstal institution in England, may be detained, released, recalled and otherwise dealt with as if his sentence had been passed by a court in England and as if his sentence were one which could be imposed by such a court:

Provided that—

(*a*) where a person so removed was undergoing or liable to undergo a term of penal servitude, he shall be treated as if that term were a term of imprisonment;

(*b*) where a person so removed was sentenced to detention in a Borstal institution he shall be treated as if he had been sentenced to Borstal training under this Act.

(4) Any person removed under this section from the Isle of Man or the Channel Islands to a prison or Borstal institution in England may, on his release under the provisions of the Second or Third Schedule to this Act or under section fifty-six of this Act, as the case may be, be placed under supervision in the Isle of Man or the Channel Islands, as the case may be, and those provisions, (including the provisions of the Sixth Schedule to this Act) shall apply to him therein; and if any person so released is recalled under the provisions aforesaid, he may, if in the Isle of Man or the Channel Islands, be arrested without warrant and removed to England for the purpose of being taken to a prison or Borstal institution as the case may be.

(5) The provisions of Part I of the Seventh Schedule to this Act shall have effect in relation to persons for the time being in England who have been discharged from prisons and other institutions in Scotland (including persons who, before being so discharged, had been removed to such institutions under subsection (1) of this section); and the provisions of Part II of that Schedule shall have effect in relation to persons for the time being in Scotland who have been discharged from prisons and other institutions in England (including persons who, before being so discharged, had been removed to such institutions under any enactment extending to Scotland).

(6) For the purposes of this section, a person sentenced to death by a court in Scotland or in the Isle of Man or the Channel Islands who has been pardoned by His Majesty on condition that he serves a term of penal servitude or imprisonment shall be deemed to have been sentenced to penal servitude or imprisonment by that court.

Treatment of persons of unsound mind and mental defectives.

Discontinuance of terms "criminal lunatic" and "criminal lunatic asylum." 23 & 24 Vict. c. 75.

62.—(1) Asylums and places appointed under section one of the Criminal Lunatic Asylums Act, 1860, shall be called and are in this Act referred to as "Broadmoor institutions"; and accordingly for references to criminal lunatic asylums (by whatever name called) in any enactment there shall be substituted references to Broadmoor institutions.

(2) The expression "criminal lunatic" shall cease to be used; and there shall be substituted for it wherever it occurs in any enactment the expression "Broadmoor patient."

(3) All Broadmoor institutions shall be under the management of the Board of Control; and every such institution appointed before the commencement of this Act shall, by virtue of this Act and without further assurance, vest in the Minister of Health

PART II. —*cont.*

9 & 10 Geo. 6. c. 81.

(4) For the purposes of paragraph (*a*) of subsection (1) of section sixty-seven of the National Health Service Act, 1946 (which provides for the grant of superannuation benefits to certain officers engaged in health services), officers employed in Broadmoor institutions shall be deemed to be engaged in health services.

(5) The Board of Control may, with the approval of the Minister of Health, by statutory instrument make rules for the care and treatment of patients detained in Broadmoor institutions; and any statutory instrument containing such rules shall be laid before Parliament after being made.

(6) Section one hundred and sixty-two of the Lunacy Act, 1890 (which requires the Board of Control to make reports on the patients and institutions visited by them), shall have effect as if the references to the patients and institutions therein mentioned included references to Broadmoor patients and Broadmoor institutions respectively.

Removal of Broadmoor patients, etc.

63.—(1) The Secretary of State may—

(*a*) if he is satisfied that the attendance at any place in Great Britain of a Broadmoor patient is desirable in the interests of justice or for the purposes of any public inquiry, direct him to be taken to that place;

(*b*) if he is satisfied that a Broadmoor patient requires medical or surgical treatment which cannot be provided in the mental hospital in which he is, direct him to be taken to a hospital or other suitable place for the purpose of the treatment;

and where any person is directed under this subsection to be taken to any place he shall, unless the Secretary of State otherwise directs, be kept in custody while being so taken, while at that place and while being taken back to the mental hospital in which he is required in accordance with law to be detained.

(2) The Secretary of State may, on the application of a Broadmoor patient or a relation of the patient, order the patient's removal from a mental hospital in England to a mental hospital in Scotland; and any patient so removed shall be liable to be dealt with as if he had been sentenced or ordered to be detained or otherwise committed to custody, as the case may be, by a court in Scotland.

(3) If, under any enactment extending to Scotland, a criminal lunatic is ordered to be removed from a mental hospital in Scotland to a mental hospital in England, he shall

be liable to be dealt with as if he had been sentenced or ordered to be detained or otherwise committed to custody, as the case may be, by a court in England. PART II. —*cont.*

(4) References in this section to a mental hospital in Scotland shall be construed as including references to the Lunatic Department of Perth Prison.

Treatment of persons transferred from prisons etc. to institutions for mental defectives.

64.—(1) Where any person has, under an order made by the Secretary of State under section nine of the Mental Deficiency Act, 1913, been transferred from a prison or other institution to which the Prison Acts, 1865 to 1898, apply or from an approved school or Broadmoor institution in which he is detained to an institution for defectives, he shall not, without the consent of the Secretary of State, be set at large from the institution for defectives during the period during which he would have been detained in a prison or other institution if he had not been so transferred.

(2) If during the period aforesaid the order under the said section nine expires, or the person to whom that order relates is ordered to be discharged from the institution for defectives, the Secretary of State shall, unless he gives his consent under the last foregoing subsection, remit that person to a prison or other institution in which he might have been detained if he had not been so transferred; and any person so remitted shall be liable to be dealt with as if he had not been transferred under the said section nine but had remained in the prison or institution from which he was so transferred.

(3) Subsection (1) of section sixteen of the Mental Deficiency Act, 1913, shall not apply to a person detained in an institution for defectives during the period aforesaid; but if at any time during that period it appears to two justices of the peace having jurisdiction in the petty sessional division or place where the institution for defectives is situated and to two duly qualified medical practitioners that any person so transferred to the institution is of unsound mind, they shall certify in writing to that effect and the Secretary of State may thereupon by warrant direct that he be removed to the mental hospital named in the warrant; and the Criminal Lunatics Act, 1884, shall apply to him as if he had been removed to the mental hospital from a prison. 47 & 48 Vict. c. 64.

Miscellaneous.

Persons unlawfully at large.

65.—(1) Any person who, having been sentenced to imprisonment, corrective training, preventive detention or Borstal training, or ordered to be detained in a detention centre, or having been committed to a prison or remand

PART II. —*cont.*

centre, is unlawfully at large, may be arrested by a constable without warrant and taken to the place in which he is required in accordance with law to be detained.

(2) Where any person sentenced to imprisonment, corrective training, preventive detention or Borstal training, or ordered to be detained in a remand home or detention centre, is unlawfully at large at any time during the period for which he is liable to be detained in pursuance of the sentence or order, then, unless the Secretary of State otherwise directs, no account shall be taken, in calculating the period for which he is liable to be so detained, of any time during which he is absent from the prison, Borstal institution or detention centre, as the case may be:

Provided that—

(*a*) this subsection shall not apply to any period during which any such person as aforesaid is detained in pursuance of the sentence or order or in pursuance of any other sentence of any court in a prison or other institution to which the Prison Acts, 1865 to 1898, apply;

(*b*) this subsection shall not apply to a person who is unlawfully at large from a Borstal institution by reason only that he has been recalled thereto under the Second Schedule to this Act; and

(*c*) nothing in this subsection shall be construed as extending the period during which a person sentenced to Borstal training is liable to supervision under that Schedule.

(3) The provisions of the last foregoing subsection shall apply to a person who is detained in custody in default of payment of any sum of money as if he were sentenced to imprisonment.

Legal custody.

66. Any person required or authorised by or under this Act to be taken to any place or to be kept in custody shall, while being so taken or kept, be deemed to be in legal custody; and a constable, while taking or keeping any such person as aforesaid, shall have all the powers, authorities, protection and privileges of a constable as well beyond his constablewick as within it.

Arrest on failure to surrender to bail before courts of summary jurisdiction.

67. Where any person charged with or convicted of an offence has been released upon entering into a recognizance conditioned for his appearance before a court of summary jurisdiction and in breach of that recognizance fails to appear, the court may, without prejudice to any power to enforce the recognizance, issue a warrant for his apprehension.

PART II. —*cont.*

Restriction of power to arrest without warrant under 5 Geo. 4. c. 83.

68. Notwithstanding anything in section six of the Vagrancy Act, 1824, a person found committing the offence of pretending or professing to tell fortunes, or using any subtle craft, means or device, by palmistry or otherwise, to deceive and impose on any of His Majesty's subjects, shall not be apprehended under that section except by a constable, and shall not be so apprehended by a constable unless the constable has reason to believe that that person will abscond unless arrested, or is not satisfied as to the identity or place of residence of that person.

Commutation of death sentence to sentence of imprisonment

69. Where His Majesty pardons any person who has been sentenced to death on condition that he serves a term of imprisonment, that person shall be deemed to have been sentenced by the court before which he was convicted to imprisonment for the said term.

Amendments of Forfeiture Act, 1870. 33 & 34 Vict. c. 23.

70.—(1) Sections six to thirty of the Forfeiture Act, 1870 (which relate to the administration of the property of convicts) shall cease to have effect.

(2) Where any pension or superannuation allowance has been forfeited under section two of the Forfeiture Act, 1870, the authority by whom the pension or allowance was granted may restore the pension or allowance either in whole or in part:

Provided that no payment of pension or allowance in respect of any period before the commencement of this Act shall be made by virtue of this subsection.

Amendment of s. 71 of the Children and Young Persons Act, 1933.

71.—(1) For subsection (1) of section seventy-one of the Children and Young Persons Act, 1933, there shall be substituted the following subsection:—

> " (1) Where a court orders a child to be sent to an approved school, the order shall be an authority for his detention in an approved school until the expiration of a period of three years from the date of the order or the expiration of four months after he ceases to be of compulsory school age whichever is the later."

(2) In the said section seventy-one as amended by this section the expression " compulsory school age " has the meaning assigned to it by section thirty-five of the Education Act, 1944; and section eight of the Education Act, 1946 (which provides that a person who attains a particular age during a school term shall be deemed not to have attained that age until the end of the term) shall not apply.

(3) The provisions of the said section seventy-one shall apply as amended by this section to any approved school

PART II. —*cont.*

order made before the commencement of this Act if the period during which the person to whom it relates could be detained thereunder apart from the provisions of this section has not expired at the commencement of this Act.

(4) This section shall, in its application to Scotland, have effect subject to the following modifications:—

(*a*) for references to section seventy-one of the Children and Young Persons Act, 1933, and to subsection (1) of that section there shall be substituted references to section seventy-five of the Children and Young Persons (Scotland) Act, 1937, and to subsection (1) of that section; and

1 Edw. 8 & 1 Geo. 6. c. 37.

(*b*) for subsection (2) there shall be substituted the following subsection:—

"(2) In the said section seventy-five as amended by this section the expression 'compulsory school age' means school age as defined in section thirty-two of the Education (Scotland) Act, 1946:

9 & 10 Geo. 6. c. 72.

Provided that—

(*a*) subsection (4) of that section (which extends the school age in the case of certain children requiring special educational treatment); and

(*b*) subsection (2) of section thirty-three of that Act (which provides that a child shall be deemed to attain any given age on the fixed date for commencing or for terminating attendance next following the day that he actually attains that age)

shall not apply".

Powers of court in relation to absconders from approved schools, etc.

72.—(1) Where a person in whose case an approved school order has been made is brought before a court of summary jurisdiction under section eighty-two of the Children and Young Persons Act, 1933, or paragraph 8 of the Fourth Schedule to that Act (which relate respectively to absconders and persons guilty of serious misconduct), the court may, subject to the following provisions of this section—

(*a*) in any case, either make a new approved school order in his case, or order him to be taken back to the school and extend the period of his detention under the original order by such period not exceeding six months as the court may determine;

(*b*) if he has attained the age of sixteen years, sentence him to Borstal training.

PART II. —*cont.*

(2) An order under paragraph (*a*) of the last foregoing subsection extending the period of detention under an approved school order shall have effect notwithstanding any limitation imposed by the Children and Young Persons Act, 1933, upon the period for which a person may be detained in an approved school; and in relation to a new approved school order made under that paragraph, sections seventy-one, seventy-three and seventy-four of that Act (which relate to the period of detention under approved school orders and to supervision and recall) shall have effect as if for any reference therein to the age of nineteen years there were substituted a reference to the age of nineteen years and a half.

(3) Subject as hereinafter provided, His Majesty may by Order in Council prohibit courts of summary jurisdiction from making orders under paragraph (*b*) of subsection (1) of this section; and any such Order in Council may be limited to persons of one of the sexes, and, whether so limited or not, may be made so as to apply either to any persons ordered to be detained in approved schools or only to persons ordered to be so detained otherwise than for an offence:

Provided that no Order in Council shall be made under this subsection until the Secretary of State is satisfied that adequate methods, other than Borstal training, are available for dealing with the persons to whom the Order relates.

(4) A draft of any Order in Council under the last foregoing subsection shall be laid before Parliament, and the draft shall not be submitted to His Majesty in Council unless each House of Parliament presents an Address to His Majesty praying that the Order be made.

PART III.

SUPPLEMENTAL.

Application of ss. 1 and 2 to courts-martial.

73.—(1) His Majesty may by Order in Council make provision for applying sections one and two of this Act to courts-martial under the Naval Discipline Act, and the said section one to courts-martial under the Army Act and the Air Force Act, and may by Order in Council make such adaptations and modifications of the said Acts as His Majesty considers necessary or expedient in consequence of the passing of those sections.

(2) Any Order in Council made under this section may specify the date on which any such adaptations or modifications shall come into force in any place; and the statutory provisions regarding the construction and printing of amendments to the said Acts shall apply to any such adaptations and modifications as if they were amendments made by an Act.

PART III. —*cont.*

Application to supervision orders of certain provisions relating to probation.

74.—(1) Subject to the provisions of this section, a supervision order (that is to say an order made under section sixty-two, section sixty-three, section sixty-four or section eighty-four of the Children and Young Persons Act, 1933, placing a child or young person under the supervision of a probation officer or of some other person appointed for the purpose by the court) may include any such requirement as to the residence of the person to whom the order relates, or as to treatment for his mental condition, as may, by virtue of subsection (4) of section three or by virtue of section four of this Act, be included in a probation order:

Provided that a supervision order containing any such provision shall not be made in the case of a young person unless he consents thereto, and any requirement as to the residence of any person included in such an order shall cease to have effect when that person attains the age of eighteen years.

(2) The court by which a supervision order is made shall forthwith give a copy of the order to the child or young person to whom the order relates, to the person under whose supervision the child or young person is placed by the order and to the person in charge of any institution in which the child or young person is required by the order to reside; and subject to the provisions of this section, subsection (7) of section three of this Act shall apply to a supervision order which requires a person to reside in any institution as it applies to a probation order containing such a requirement.

(3) Subsections (1) to (3) of section five of this Act, and the First Schedule to this Act, shall apply in relation to the discharge, amendment and review of supervision orders as they apply in relation to the discharge, amendment and review of probation orders:

Provided that a supervision order may be amended under the said First Schedule on application made by any person.

(4) For the purposes of their application to supervision orders under this section, the provisions of this Act specified in subsections (1) to (3) of this section shall have effect subject to the following modifications, that is to say:—

(*a*) for references to a probation order there shall be substituted references to a supervision order;

(*b*) for references to the probation period there shall be substituted references to the period of supervision specified in the supervision order;

(*c*) for references to the probationer or the offender there shall be substituted references to the person in whose case the supervision order is or is to be made;

PART III. —*cont.*

(*d*) references to the probation officer shall include references to a person not being a probation officer under whose supervision the child or young person to whom the supervision order relates is placed by virtue of the order;

(*e*) for references to the supervising court there shall be substituted references to the court by which the supervision order was made, or any other court authorised under subsection (3) of section four of the Children and Young Persons Act, 1938, to exercise the powers of that court; 1 & 2 Geo. 6. c. 40.

(*f*) paragraph 2 of the said First Schedule shall not apply, and paragraph 5 of that Schedule shall not apply except where the amending order requires the person to whom the supervision order relates to reside in an institution or to submit to treatment for his mental condition.

Power to order detention in a remand centre under s. 67 of the Children and Young Persons Act, 1933.

75.—(1) Where the court before which a young person is brought is of opinion that an inquiry ought to be made into his physical or mental condition before it decides whether any and if so what order ought to be made under sections sixty-two to sixty-six of the Children and Young Persons Act, 1933, then, if the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, and is satisfied that facilities for such an inquiry cannot conveniently be provided in a place of safety in which he could otherwise be ordered to be detained under subsection (2) of section sixty-seven of that Act, the court may order him to be detained in a remand centre; and the reference in the said subsection (2) to a place of safety shall be construed accordingly.

(2) If a court which proposes to make an interim order under subsection (2) of the said section sixty-seven in the case of a young person is of opinion that he is of so unruly a character that he cannot safely be detained in a remand home or of so depraved a character that he is not fit to be so detained, and the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, a remand centre shall be included among the places of safety in which his detention or continued detention may be ordered under that subsection.

(3) Where a young person detained in a remand home in pursuance of an interim order made under subsection (2) of the said section sixty-seven proves to be of so unruly a character that he cannot safely be detained in a remand home, or of so depraved a character that he is not fit to be so

PART III. —*cont.*

detained, the court which made the order, or if application cannot conveniently be made to that court, a court of summary jurisdiction having jurisdiction in the place where the court which made the order sat, may, if it has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, revoke the order and order him to be detained in a remand centre.

Rules and orders.

76.—(1) Any power of the Secretary of State to make rules under this Act shall be exercised by statutory instrument.

(2) A draft of any statutory instrument containing rules made under section fifty-two of this Act shall be laid before Parliament.

(3) Any power to make Orders in Council under this Act, and any power of the Secretary of State to make orders under this Act, shall include power to revoke or vary any such Order in Council or order by a subsequent Order in Council or order.

Expenses and grants payable out of moneys provided by Parliament.

77.—(1) Any expenses of the Secretary of State under this Act and any expenses of the Prison Commissioners thereunder, and any expenses incurred by the Secretary of State—

(*a*) in the training of probation officers or of officers or servants serving in approved probation hostels or homes or in remand homes or approved schools, or of persons for appointment as probation officers, or as such officers or servants as aforesaid; or

(*b*) in the conduct of research into the causes of delinquency and the treatment of offenders, and matters connected therewith,

shall, to such amount as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

(2) Any expenses incurred by the Minister of Health or by the Board of Control in connection with Broadmoor institutions or the management thereof, to such amount as may be sanctioned by the Treasury, and any sums by which grants payable in pursuance of regulations made under subsection (1) of section sixty-seven of the National Health Service Act, 1946, are increased by reason of any provision of this Act, shall be defrayed out of moneys provided by Parliament.

(3) There shall be paid out of moneys provided by Parliament—

(*a*) towards the expenditure of local authorities, and the expenditure out of the metropolitan police fund, under the Fifth Schedule to this Act;

(*b*) towards the expenditure of any society or person in enlarging, improving or carrying on approved probation hostels or homes or establishing, enlarging or improving premises which, when established, enlarged or improved, will be approved probation hostels or homes;

(*c*) towards the expenditure of any body approved by the Secretary of State in the training of probation officers or of persons for appointment as probation officers;

(*d*) towards the expenditure of any body approved by the Secretary of State in the training of officers or servants serving in any place in which offenders or persons awaiting trial may be detained or serving in approved probation hostels or homes or the training of persons for appointment as such officers or servants;

(*e*) towards the expenditure of any society engaged in supervising or assisting persons released from a prison, Borstal institution or detention centre;

(*f*) towards the expenditure of any body or person approved by the Secretary of State in the conduct of research into the causes of delinquency and the treatment of offenders, and matters connected therewith,

such sums as the Secretary of State may with the approval of the Treasury direct, and subject to such conditions as he may with the like approval determine:

Provided that the sums paid as aforesaid towards any such expenditure as is mentioned in paragraph (*a*) of this subsection shall not exceed fifty per cent. of that expenditure.

(4) The Secretary of State may, with the consent of the Treasury, make regulations providing for the deduction from any sums which would otherwise be paid out of moneys provided by Parliament to local authorities, whether under the last foregoing subsection or under the Children and Young Persons Acts, 1933 and 1938, of such amounts as may be prescribed by the regulations in respect of expenditure incurred by the Secretary of State—

(*a*) in the training of any such officers, servants or other persons as are mentioned in subsection (1) of this section;

(*b*) in making any payments under paragraph (*b*) or paragraph (*c*) of the last foregoing subsection;

(*c*) in making payments under paragraph (*d*) of that subsection in respect of expenditure incurred in the training of officers or servants serving in remand

PART III. —*cont.*

homes or in approved probation hostels or homes or in approved schools, or the training of persons for appointment as such officers or servants:

Provided that the sums to be deducted in respect of any expenditure of the Secretary of State in pursuance of any such regulations as aforesaid shall not exceed fifty per cent. of that expenditure.

(5) The conditions subject to which any sums are paid to any society or person under paragraph (*b*) of subsection (3) of this section may include conditions for securing the repayment in whole or in part of the sums received by the society or person if the probation hostel or home in respect of which those sums are paid ceases to be approved; and, notwithstanding anything in the constitution of the hostel or home or of the managers thereof, or in the trusts, if any, to which the property of the hostel or home or of the managers is subject, the managers and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying into effect those conditions, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

(6) There shall be paid out of moneys provided by Parliament any sums by which any grants under section one hundred and four of the Children and Young Persons Act, 1933, towards the expenses of councils of counties and county boroughs are increased by reason of any provisions of this Act.

(7) All sums received by the Secretary of State under this Act (including any sums so received under arrangements made with respect to the cost of removing and maintaining persons removed from the Isle of Man or the Channel Islands to institutions in England under section sixty-one of this Act) shall be paid into the Exchequer.

Transitory provisions. 52 & 53 Vict. c. 68.

78. Without prejudice to the provisions of the Interpretation Act, 1889, with respect to repeals, the transitory provisions set out in the Eighth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of this Act.

Consequential and minor amendments

79. The enactments mentioned in the first column of the Ninth Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule (being amendments consequential upon the foregoing provisions of this Act or relating to matters of minor detail).

PART III. —*cont.*

Interpretation.

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

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

"Approved school" means a school approved under section seventy-nine of the Children and Young Persons Act, 1933;

"Court" does not include a court-martial;

"Court of summary jurisdiction" includes examining justices within the meaning of the Criminal Justice Act, 1925;

"Detention centre" has the meaning assigned to it by section forty-eight of this Act;

"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;

"Impose imprisonment" means pass a sentence of imprisonment or commit to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone;

"Local authority" means, in relation to any probation area, any authority out of whose funds the salary of the clerk to the justices for a petty sessional division or place contained in the probation area is paid;

"Mental hospital" includes a Broadmoor institution;

"Metropolitan police court area" means the area consisting of the police court divisions for the time being constituted under the Metropolitan Police Courts Acts, 1839 and 1840;

"Offence the sentence for which is fixed by law" means an offence for which the court is required to sentence the offender to death or imprisonment for life or to detention during His Majesty's pleasure;

"Order for conditional discharge" has the meaning assigned to it by section seven of this Act;

"Period of conditional discharge" has the meaning assigned to it by section seven of this Act;

"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 three of this Act;

PART III. —*cont.*

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

" Remand centre " has the meaning assigned to it by section forty-eight of this Act;

" Remand home " means premises established or used by the council of a county or county borough under the provisions of section seventy-seven of the Children and Young Persons Act, 1933;

" Sentence " includes an order for detention in a detention centre, an order for custody in a remand home under section fifty-four of the Children and Young Persons Act, 1933, and an order sending an offender to an approved school, but does not include a committal in default of payment of any sum of money or failing to do or abstain from doing anything required to be done or left undone;

" Sum adjudged to be paid by a conviction " includes any costs, damages or compensation adjudged to be paid by the conviction of which the amount is ascertained by the conviction;

" Supervising court " means, in relation to a probation order, a court of summary jurisdiction acting for the petty sessional division or place for the time being named in the order; and where the probationer was a child or young person within the meaning of the Children and Young Persons Act, 1933, when the probation order was made, means a juvenile court for that division or place;

" Supervision order " has the meaning ascribed to it by section seventy-four of this Act.

(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, but shall not be construed as including an offence for which the court is required to impose a sentence of imprisonment for life.

(5) For the purposes of this Act, except subsection (6) of section three thereof, where a probation order or an order for conditional discharge has been made on appeal, the order shall be deemed to have been made by the court from which the appeal was brought.

(6) Where any provision of this Act empowers a court on conviction of an offender to pass a sentence or make an order in lieu of dealing with him in any other manner, the said provision shall not be construed as taking away any power of the court to order the offender to pay costs, damages or compensation.

(7) 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.

Application to Scotland.

81. The following provisions of this Act shall extend to Scotland that is to say—

section two;

subsection (3) of section eight;

sections nine and ten;

subsection (5) of section eleven;

section twelve;

section thirty;

subsection (2) of section sixty;

section sixty-one (except subsections (2) and (4) of that section);

section sixty-three;

subsection (1) of section sixty-five, so far as relates to any person unlawfully at large who is in Scotland;

section sixty-six;

section seventy-one;

section seventy-three;

Part II of the Seventh Schedule, and all other provisions which, by the said Part II, are extended to Scotland; and

PART III, —*cont.*

Parts II and III of the Tenth Schedule, and subsection (3) of section eighty-three so far as it relates to the enactments specified in the said Parts II and III;

but except as far as aforesaid this Act shall not extend to Scotland.

Application to Northern Ireland.

82. The following provisions of this Act shall extend to Northern Ireland, that is to say—

section thirty;

section seventy-three;

Part III of the Tenth Schedule, and subsection (3) of section eighty-three so far as it relates to the enactments specified in the said Part III;

but except as aforesaid this Act shall not extend to Northern Ireland.

Short title, commencement and repeals.

83.—(1) This Act may be cited as the Criminal Justice Act, 1948.

(2) This Act shall come into operation on such day as His Majesty may by Order in Council appoint:

Provided that different days may be appointed for the purposes of different provisions of this Act, and any reference in any provision of this Act to the commencement of this Act shall, unless otherwise provided by any such Order, be construed as a reference to the commencement of that provision.

(3) The enactments specified in Parts I to III of the Tenth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule but without prejudice to the provisions of subsection (5) of section sixty-one, and of section seventy-eight of this Act; and Regulations 13, 15A and 17A of the Defence (Administration of Justice) Regulations, 1940, shall cease to have effect.

SCHEDULES.

FIRST SCHEDULE.

Section 5.

DISCHARGE AND AMENDMENT OF PROBATION ORDERS.

Discharge.

1. The court by which a probation order was made may, upon application made by the probation officer or by the probationer, discharge the order.

Amendment.

2.—(1) If the supervising court is satisfied that a probationer proposes to change, or has changed his residence from the petty sessional division named in the probation order to another petty sessional division, the court may, and if application in that behalf is made by the probation officer, shall, by order amend the probation order by substituting for the petty sessional division named therein the petty sessional division where the probationer proposes to reside or is residing:

Provided that if the probation order contains requirements which, in the opinion of the court, cannot be complied with unless the probationer continues to reside in the division named in the order, the court shall not amend the order as aforesaid unless, in accordance with the following provisions of this Schedule, they cancel those requirements or substitute therefor other requirements which can be so complied with.

(2) Where a probation order is amended under this paragraph, the supervising court shall send to the clerk to the justices for the new division named in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to that court.

3. Without prejudice to the provisions of the last foregoing paragraph, the supervising court may, upon application made by the probation officer or by the probationer, by order amend a probation order by cancelling any of the requirements thereof or by inserting therein (either in addition to or in substitution for any such requirement) any requirement which could be included in the order if it were then being made by that court in accordance with the provisions of sections three and four of this Act:

Provided that—

(*a*) the court shall not amend a probation order by reducing the probation period, or by extending that period beyond the end of three years from the date of the original order;

(*b*) the court shall not so amend a probation order that the probationer is thereby required to reside in an approved

1ST SCH. —*cont.*

probation hostel or home, or in any other institution, or to submit to treatment for his mental condition, for any period exceeding twelve months in all;

(*c*) the court shall not amend a probation order by inserting therein a requirement that the probationer shall submit to treatment for his mental condition unless the amending order is made within three months after the date of the original order.

4. Where the medical practitioner by whom or under whose direction a probationer is being treated for his mental condition in pursuance of any requirement of the probation order is of opinion—

(*a*) that the treatment of the probationer should be continued beyond the period specified in that behalf in the order, or

(*b*) that the probationer needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of a probation order, or

(*c*) that the probationer is not susceptible to treatment, or

(*d*) that the probationer does not require further treatment,

or where the practitioner is for any reason unwilling to continue to treat or direct the treatment of the probationer, he shall make a report in writing to that effect to the probation officer and the probation officer shall apply to the supervising court for the variation or cancellation of the requirement.

General.

5. Where the supervising court proposes to amend a probation order under this Schedule, otherwise than on the application of the probationer, it shall summon him to appear before the court; and if the probationer is not less than fourteen years of age, the court shall not amend a probation order unless the probationer expresses his willingness to comply with the requirements of the order as amended:

Provided that this paragraph shall not apply to an order cancelling a requirement of the probation order or reducing the period of any requirement, or substituting a new petty sessional division for the division named in the probation order.

6. On the making of an order discharging or amending a probation order, the clerk to the court shall forthwith give copies of the discharging or amending order to the probation officer; and the probation officer shall give a copy to the probationer and to the person in charge of any institution in which the probationer is or was required by the order to reside:

Provided that if the order amends the probation order by substituting a new petty sessional division for the division named in the probation order the copies of the order shall be sent to the clerk to the justices for the new petty sessional division and he shall be responsible for giving copies of the order to the probation officer.

7. Subsection (7) of section three of this Act shall apply to any order made under this Schedule by virtue of which a probationer is required to reside in an institution as it applies to a probation order made under that section. 1ST SCH. —*cont.*

SECOND SCHEDULE.

Section 20.

BORSTAL TRAINING.

1. A person sentenced to Borstal training shall be detained in a Borstal institution for such period, not extending beyond three years after the date of his sentence, as the Prison Commissioners may determine, and shall then be released:

Provided that the Prison Commissioners shall not release any such person from a Borstal institution before the expiration of nine months from the date of his sentence unless required to do so by directions of the Secretary of State under this Schedule.

2. A person shall, after his release from a Borstal institution and until the expiration of four years from the date of his sentence, be under the supervision of such society or person as may be specified in a notice to be given to him by the Prison Commissioners on his release, and shall, while under that supervision, comply with such requirements as may be so specified:

Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements or order that a person who is under supervision as aforesaid shall cease to be under supervision.

3. If before the expiration of four years from the date of his sentence the Prison Commissioners are satisfied that a person who is under supervision after his release from a Borstal institution under paragraph 1 of this Schedule has failed to comply with any requirement for the time being specified in the notice given to him under paragraph 2 of this Schedule, they may by order recall him to a Borstal institution; and thereupon he shall be liable to be detained in the Borstal institution until the expiration of three years from the date of his sentence, or the expiration of six months from the date of his being taken into custody under the order, whichever is the later, and, if at large, shall be deemed to be unlawfully at large:

Provided that—

(*a*) any such order shall, at the expiration of four years from the date of the sentence, cease to have effect unless the person to whom it relates is then in custody thereunder; and

(*b*) the Prison Commissioners may at any time release a person who is detained in a Borstal institution under this paragraph; and the foregoing provisions of this Schedule shall apply in the case of a person so released as they apply in the case of a person released under paragraph 1 of this Schedule.

2ND SCH. —*cont.*

4. If any person while under supervision, or after his recall to a Borstal institution, as aforesaid, is sentenced by a court in any part of Great Britain to corrective training or Borstal training or to penal servitude or detention in a Borstal institution, his original sentence of Borstal training shall cease to have effect; and if any such person is so sentenced to imprisonment, any period for which he is imprisoned under that sentence shall count as part of the period for which he is liable to detention in a Borstal institution under his original sentence.

5. The Prison Commissioners in exercising their functions under this Schedule shall act in accordance with any general or special directions of the Secretary of State, and shall consider any report made to them by a board of visitors on the advisability of releasing a person from a Borstal institution.

Section 21.

THIRD SCHEDULE.

RELEASE ON LICENCE OF PERSONS SENTENCED TO CORRECTIVE TRAINING OR PREVENTIVE DETENTION.

1. The Prison Commissioners may release on licence a person sentenced to corrective training or preventive detention after he has served such portion of his sentence as may be determined in accordance with rules made under section fifty-two of this Act:

Provided that the Secretary of State may require the Prison Commissioners to release a person so sentenced at any time.

2. A person shall, after his release on licence under paragraph 1 of this Schedule and until the expiration of his sentence, comply with such requirements as may be specified in the licence, including, if the Commissioners think it expedient, a requirement that he shall be under the supervision of such society or person as may be so specified:

Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements.

3. If before the expiration of his sentence the Prison Commissioners are satisfied that a person released on licence under paragraph 1 of this Schedule has failed to comply with any requirement for the time being specified in the licence, they may by order recall him to a prison; and thereupon he shall be liable to be detained in the prison until the expiration of his sentence, and, if at large, shall be deemed to be unlawfully at large.

4. The Prison Commissioners may release on licence a person detained in a prison under the last foregoing paragraph at any time before the expiration of his sentence; and the foregoing provisions of this Schedule shall apply in the case of a person released under this paragraph as they apply in the case of a person released under paragraph 1 of this Schedule.

3RD SCH. —*cont.*

5. If any person while released on licence, or after he is recalled to a prison, as aforesaid, is sentenced by a court in any part of Great Britain to corrective training or preventive detention, the sentence by virtue of which he is on licence or has been recalled shall cease to have effect; and if any such person is so sentenced to imprisonment or penal servitude, any period for which he is imprisoned under that sentence shall count as part of the period for which he is liable to detention under the original sentence.

6. The Prison Commissioners in exercising their functions under this Schedule shall act in accordance with any general or special directions of the Secretary of State.

FOURTH SCHEDULE.

Section 22.

REGISTRATION OF ADDRESS AND REPORTING AT POLICE STATIONS BY DISCHARGED PRISONERS.

1.—(1) Any person to whom this Schedule applies shall—

(*a*) register at an appointed police station in any police area in which he is from time to time residing the address of his residence;

(*b*) report once in each month, on such day as may be directed by or on behalf of the chief officer of police, at the police station at which his address for the time being is registered.

(2) Where any person to whom this Schedule applies changes his residence, he shall on registering his new address under this paragraph, state the address which was last registered by him thereunder.

(3) Any such registration and report as aforesaid shall be effected in person before the officer in charge of the police station:

Provided that any such report may, if permission in that behalf is granted by or on behalf of the chief officer of police, be made in writing.

2.—(1) If any person fails without reasonable excuse to comply with any of the requirements of the foregoing paragraph, he shall be guilty of an offence and liable on summary conviction thereof to imprisonment for a term not exceeding six months:

Provided that—

(*a*) in proceedings for a failure to register an address it shall be a defence for the defendant to prove either that—

(i) being on a journey to a particular destination he remained no longer in the place in which he failed to register his address than was reasonably necessary for the purposes of that journey; or

4TH SCH. —*cont.*

(ii) his absence from his registered address was temporary and that he kept the officer in charge of the police station at which that address was registered sufficiently informed of his whereabouts; and

(*b*) in proceedings for a failure to report it shall be a defence for the defendant to prove that, being temporarily absent from his registered address on the day on which he was directed to report, he personally presented himself and reported on that day at a police station within the police area in which he then was and stated his registered address.

(2) A person to whom this Schedule applies who is reasonably suspected of having committed an offence under this paragraph may be arrested without warrant by any constable.

(3) A person charged with an offence under this paragraph may be tried in the place in which he was arrested or in the place in which the offence is alleged to have been committed or, if the offence consists of a failure to report in writing to a police station, in the place in which the police station is situated.

3.—(1) Any appointment, direction or permission purporting to be signed by or on behalf of a chief officer of police and to have been made or given for the purposes of this Schedule shall, in proceedings under the last foregoing paragraph of this Schedule, be evidence that the appointment, direction or permission thereby made or given was duly made or given by or on behalf of the chief officer of police.

(2) A certificate purporting to be signed by an officer in charge of a police station and certifying that it appears from the records kept at that police station that a person has failed to register an address or make a report or has registered a particular address at that police station shall, in any such proceedings as aforesaid, be evidence of the facts so certified.

(3) A certificate purporting to be signed by or on behalf of the Commissioner of Police of the Metropolis and certifying that he has received a notice given pursuant to paragraph (*b*) of subsection (2) of section twenty-two of this Act to the effect that a person has failed to comply with any requirement under that subsection shall, in any such proceedings as aforesaid, be evidence of the notice having been duly given and of the contents of the notice.

4.—(1) For the purposes of this Schedule, a person shall be deemed to reside at any house or other place of whatever description at which he spends a night.

(2) In this Schedule the following expressions have the meaning hereby respectively assigned to them, that is to say:—

"Appointed police station" means a police station appointed for the purposes of this Schedule by the chief officer of police of the police area in which the police station is situated;

"Chief officer of police" and "police area" have the same meaning respectively as in section thirty of the Police Pensions Act, 1921; 11 & 12 Geo. 5. c. 31.

" Registered address ", in relation to any person, means the address which is for the time being the address last registered by him in accordance with this Schedule. 4TH SCH. —*cont.*

5. It shall be the duty of a chief officer of police to appoint a sufficient number of police stations in his area for the purposes of this Schedule.

FIFTH SCHEDULE.

Section 45.

ADMINISTRATIVE PROVISIONS AS TO PROBATION.

Probation Areas.

1.—(1) If the Secretary of State is of opinion, either upon consideration of proposals submitted to him by a court of quarter sessions for a county or without any such proposals, that it is expedient that any two or more petty sessional divisions should form one probation area, he may by statutory instrument make an order to that effect; and the order may contain such incidental and consequential provisions as appear to the Secretary of State to be expedient for the purposes of the order.

(2) Before making an order under the last foregoing sub-paragraph, the Secretary of State shall give to the justices acting for any petty sessional division affected by the order an opportunity of making to him any representations which they may desire to make with respect to the order, and shall consider any representations made by them.

(3) Every petty sessional division which is not included in a probation area by virtue of an order made under the foregoing provisions of this paragraph shall itself constitute a probation area.

Probation Committees, Case Committees and Probation Officers.

2.—(1) For every probation area there shall be a probation committee which shall, subject to the provisions of sub-paragraph (3) of this paragraph, consist—

(*a*) if the probation area comprises more than one petty sessional division, of such number of justices as may be specified by the order, appointed in the manner so specified by the justices acting for the several petty sessional divisions comprised in the area and, if the order so provides, of such additional justices holding any of the offices of chairman, deputy chairman, assistant chairman or recorder of a court of quarter sessions having jurisdiction in the area, as may be appointed by the order;

(*b*) if the probation area is one petty sessional division, of a prescribed number of justices appointed in the prescribed manner by the justices acting for that division.

(2) For every petty sessional division there shall be one or more committees, to be called " case committees," and every such committee

5TH SCH. —*cont.*

shall, subject to the provisions of the next following sub-paragraph, consist—

(*a*) if the division is a separate probation area, of the probation committee;

(*b*) in any other case, of a prescribed number of justices appointed by the justices acting for that division.

(3) Any case committee for a petty sessional division not being a separate probation area, or any probation committee, may co-opt such number of persons, possessing such qualifications as may be prescribed, as they think fit:

Provided that the number of members so co-opted shall not exceed one-third of the number of members of the committee, and no person shall be so co-opted if he is a justice of the peace for any county or borough in which the probation area or any part thereof is situated, or which is wholly or partly comprised in that area.

3.—(1) It shall be the duty of every probation committee—

(*a*) to appoint sufficient probation officers for their probation area, subject, in the case of such classes or descriptions of probation officers as may be prescribed, to the approval of the appointment by the Secretary of State, and to ensure that at least one probation officer who is a man and one probation officer who is a woman shall be appointed for or assigned by the committee to each petty sessional division;

(*b*) to pay to the probation officers appointed for their area such remuneration, allowances and expenses as may be prescribed;

(*c*) to provide for the efficient carrying out of the work of probation officers;

(*d*) to make such payments and to such persons as may be prescribed in respect of persons under the supervision of probation officers, being persons required by a probation order or supervision order to reside in any place otherwise than for the purpose of their submitting to treatment for their mental condition as voluntary or resident patients; and

(*e*) to perform such other duties in connection with the work of probation officers as may be prescribed.

(2) A probation committee may, in such cases and in such manner as may be prescribed, give financial and other assistance to persons under the supervision of probation officers appointed for their area.

(3) A probation committee shall pay any expenses incurred in accordance with rules made by the Secretary of State under this Schedule by a case committee for a petty sessional division in their probation area.

(4) A probation committee may delegate such of their functions as may be approved by the Secretary of State to a sub-committee consisting of such number of members of the committee as may be so approved.

(5) It shall be the duty of probation officers to supervise the probationers and other persons placed under their supervision and to advise, assist and befriend them, to inquire, in accordance with any

directions of the court, into the circumstances or home surroundings of any person with a view to assisting the court in determining the most suitable method of dealing with his case, to advise, assist and befriend, in such cases and in such manner as may be prescribed, persons who have been released from custody and to perform such other duties as may be prescribed or may be imposed by any enactment.

(6) It shall be the duty of case committees to review the work of probation officers in individual cases, and to perform such other duties in connection with the work of probation officers as may be prescribed.

(7) Rules made under this Schedule relating to the procedure of case committees may provide that some only of the members of a case committee shall be summoned to deal with any particular case or class of cases.

Selection of Probation Officers.

4.—(1) The probation officer who is to be responsible for the supervision of any probationer shall be selected under arrangements made by the probation committee for the probation area which includes the petty sessional division for the time being named in the order from among the probation officers appointed for or assigned to that petty sessional division; and, if the probation officer so selected dies or is unable for any reason to carry out his duties, or if the case committee dealing with the case think it desirable that another officer should take his place, another probation officer shall be selected in like manner from among the probation officers appointed for or assigned to that division.

(2) The probation officer under whose supervision a woman or girl is placed shall be a woman.

Expenses.

5.—(1) The sums required to meet any expenses incurred by a probation committee under the provisions of this Schedule, and expenses incurred by a probation committee in respect of superannuation allowances, gratuities or compensation payable by virtue of an order under the Probation Officers (Superannuation) Act, 1947, to or in respect of probation officers and clerks appointed by probation committees or probation officers to assist probation officers in the performance of their duties, and any other expenses incurred by a probation committee in accordance with rules made under this Schedule, shall be defrayed, in accordance with rules so made, by the local authority in whose area the probation area is situated: 10 & 11 Geo. 6. c. 38.

Provided that the Secretary of State may, if he is satisfied that a probation committee are not efficiently performing their functions under this Schedule or have unreasonably incurred expenses in the performance of those functions, direct that the local authority shall be relieved, to such extent as may be specified in the direction, of their liability to defray the expenses of the probation committee.

(2) Where a probation area is situated in the area of two or more local authorities, the sums to be defrayed as aforesaid shall be apportioned between the several authorities in such manner as may

5TH SCH. —*cont.*

be agreed upon between them, or, in default of agreement, as may be determined by the Secretary of State.

(3) Where a probation officer is appointed for more than one probation area, his salary and any expenses incurred by him or by a probation committee in respect of the performance of his duties, and any expenses incurred in respect of a superannuation allowance, gratuity or compensation payable to or in respect of him or any clerk appointed to assist him under an order under the Probation Officers (Superannuation) Act, 1947, shall be apportioned between the probation committees for the several probation areas for which he is appointed, in such manner as may be agreed upon by the probation committees after consultation with the local authorities affected, or, in default of agreement, as may be determined by the Secretary of State.

General.

6. The Secretary of State may make rules—

(*a*) regulating the constitution, procedure, powers and duties of probation committees and case committees, and the expenses which may be incurred by them and the manner in which those expenses are to be defrayed ;

(*b*) regulating the qualifications, manner of appointment, conditions of service and duties of probation officers ;

(*c*) prescribing anything else which under the foregoing provisions of this Schedule may be prescribed ;

and in those provisions the expression " prescribed " means prescribed by rules of the Secretary of State.

7.—(1) The foregoing provisions of this Schedule shall in their application to the metropolitan police court area have effect subject to the following modifications, that is to say :—

(*a*) the metropolitan police court area shall be a probation area ;

(*b*) the provisions with respect to the constitution of probation committees and case committees shall not apply ; and the Secretary of State may by order constitute committees to ensure that the work of probation officers is efficiently carried out and to review that work and for such other purposes as he may think fit ;

(*c*) the power to appoint probation officers and the other powers of probation committees shall be exercisable by the Secretary of State ;

(*d*) there shall be paid out of the metropolitan police fund such sums as the Secretary of State may direct to meet the expenses and contributions which would, in the case of probation areas outside the metropolitan police court area, be payable by local authorities.

(2) Notwithstanding anything in paragraph 1 of this Schedule, the City of London shall not be included in a probation area constituted by an order made thereunder.

SIXTH SCHEDULE.

Section 56

RELEASE OF YOUNG OFFENDERS FROM PRISON ON LICENCE.

1. A person released on licence under section fifty-six of this Act shall until the expiration of his sentence be under the supervision of such society or person as may be specified in the licence and shall comply with such other requirements as may be so specified:

Provided that the Prison Commissioners may at any time modify or cancel any such requirements.

2. If before the expiration of his sentence the Prison Commissioners are satisfied that a person released as aforesaid has failed to comply with any requirement for the time being specified in the licence, they may by order recall him to a prison; and thereupon he shall be liable to be detained in the prison until the expiration of his sentence and, if at large, shall be deemed to be unlawfully at large.

3. The Prison Commissioners may release on licence a person detained in a prison under the last foregoing paragraph at any time before the expiration of his sentence; and the foregoing provisions of this Schedule shall apply in the case of a person released under this paragraph as they apply in the case of a person released under section fifty-six of this Act.

4. The Prison Commissioners in exercising their functions under section fifty-six of this Act and this Schedule shall act in accordance with any general or special directions of the Secretary of State.

5. Where the unexpired part of the sentence of a person released under the said section fifty-six is less than six months, the provisions of this Schedule shall apply to him subject to the following modifications—

(*a*) the period for which he is under supervision under paragraph 1, and is liable to recall under paragraph 2, shall be a period of six months from the date of his release under the said section fifty-six;

(*b*) if he is recalled under paragraph 2, the period for which he may be detained thereunder shall be whichever is the shorter of the following, that is to say—

(i) the remainder of the said period of six months; or

(ii) the part of his sentence which was unexpired on the date of his release under the said section fifty-six, reduced by any time during which he has been so detained since that date;

and he may be released on licence under paragraph 3 at any time before the expiration of that period.

Section 61.

SEVENTH SCHEDULE.

PART I.

PROVISIONS RELATING TO PERSONS IN ENGLAND AFTER DISCHARGE FROM PRISONS, ETC., IN SCOTLAND.

1. In relation to any person who, whether before or after the commencement of this Act, has been discharged from a Borstal institution in Scotland, either on licence or at the expiration of his sentence, and who is for the time being in England, the provisions of sections five and six of the Prevention of Crime Act, 1908, shall apply as if those sections had not been repealed by this Act.

8 Edw. 7. c. 59.

2. In relation to any person who, whether before or after the commencement of this Act, has been released on licence under section fourteen of the Prevention of Crime Act, 1908, from a prison in Scotland, and who is for the time being in England, the provisions of that section, and of sections fifteen and sixteen of that Act, shall apply as if it had not been repealed by this Act.

3. In relation to any person who, whether before or after the commencement of this Act, has been released on licence under section nine of the Penal Servitude Act, 1853, from a prison in Scotland, and who is for the time being in England, the provisions of the Penal Servitude Acts, 1853 to 1891, relating to persons so released, and the provisions of sections three to five of the Prevention of Crimes Act, 1871, and section twenty-six of the Criminal Justice Administration Act, 1914, shall apply as if those provisions had not been repealed by this Act.

16 & 17 Vict. c. 99.

4 & 5 Geo. 5. c. 58.

4. In relation to any person who is subject to the supervision of the police by virtue of a direction given, whether before or after the commencement of this Act, by a court in Scotland under section eight of the Prevention of Crimes Act, 1871, and who is for the time being in England, the provisions of that section and of sections two and four of the Penal Servitude Act, 1891, shall apply as if those provisions had not been repealed by this Act.

5. In relation to any such person as is mentioned in the foregoing provisions of this Schedule, the provisions of section twenty-one of the Firearms Act, 1937, shall have effect as originally enacted and not as amended by this Act.

1 Edw. 8. & 1 Geo. 6. c. 12.

PART II.

PROVISIONS RELATING TO PERSONS IN SCOTLAND AFTER DISCHARGE FROM PRISONS, ETC., IN ENGLAND.

6. Where any person serving a term of imprisonment for life has been released on licence under subsection (1) of section fifty-seven of this Act, he may be recalled under subsection (2) of that section notwithstanding that he is for the time being in Scotland; and in relation to any such person, while in Scotland, the said subsection (2) shall extend to Scotland accordingly.

7. Where any person sentenced to Borstal training under this Act, or who is required by virtue of any enactment to be treated as if he had been so sentenced, is released from a Borstal institution, he shall continue to be under supervision, and may be recalled, in accordance

7TH SCH. —*cont.*

with the provisions of the Second Schedule to this Act, notwithstanding that he is for the time being in Scotland; and in relation to any such person, while in Scotland, the provisions of that Schedule (other than paragraph 1 thereof) shall extend to Scotland accordingly.

8. Where any person sentenced under this Act to corrective training or preventive detention, or required by virtue of section sixty-one of this Act to be treated as if he had been so sentenced, is released on licence under paragraph 1 of the Third Schedule to this Act, any requirements of the licence shall continue in force, and he may be recalled under the said Third Schedule, notwithstanding that he is for the time being in Scotland; and in relation to any such person, while in Scotland, the provisions of that Schedule (except paragraph 1 thereof) shall extend to Scotland accordingly.

9. Where any person serving a sentence of imprisonment is released on licence under subsection (2) of section fifty-six of this Act, he shall continue to be under supervision, and may be recalled, in accordance with the provisions of the Sixth Schedule to this Act, notwithstanding that he is for the time being in Scotland; and in relation to any such person, while in Scotland, the provisions of that Schedule shall extend to Scotland accordingly.

10. Where, under section twenty-two of this Act, any person convicted of an offence is ordered to be subject to the provisions of that section, he shall remain so subject notwithstanding that he is for the time being in Scotland; and in relation to any such person, while in Scotland, the provisions of that section and of the Fourth Schedule to this Act shall extend to Scotland accordingly, and the reference in paragraph 4 of the said Fourth Schedule to section thirty of the Police Pensions Act, 1921, shall be construed as a reference to that section as it applies to Scotland.

EIGHTH SCHEDULE.

Section 78.

TRANSITORY PROVISIONS.

1.—(1) Any person who immediately before the commencement of this Act was undergoing or liable to undergo a term of penal servitude under a sentence passed by a court in any part of Great Britain, or as a condition of a pardon granted by His Majesty for an offence for which he was sentenced to death by such a court, or in consequence of the forfeiture or revocation of a licence granted in any part of Great Britain under the Penal Servitude Acts, 1853 to 1891, shall, if he is or ought to be in custody in England at the commencement of this Act, be treated thereafter as if he had been sentenced to, or were undergoing or liable to undergo, imprisonment and not penal servitude for that term.

(2) Where any person who having been sentenced to penal servitude for life, or while undergoing penal servitude for life as a condition of a pardon granted as aforesaid, is at the commencement of this Act the holder of a licence granted under the Penal Servitude Acts, 1853 to

8TH SCH. —*cont.*

1891, which has not been forfeited or revoked, he shall, unless the licence was granted to him while he was in Scotland, be deemed to have been released on licence under section fifty-seven of this Act, and paragraph 6 of the Seventh Schedule to this Act shall apply to him accordingly.

(3) Where any person who having been sentenced to penal servitude for a term less than life is at the commencement of this Act the holder of a licence granted as aforesaid under the Penal Servitude Acts, 1853 to 1891, which has not been forfeited or revoked, he shall, unless the licence was granted to him while he was in Scotland, be treated as if his sentence had expired.

2. Any person who has been sentenced to imprisonment with hard labour for a term which has not expired at the commencement of this Act shall, for the remainder of that term, be treated as though he had been sentenced to imprisonment without hard labour; but nothing in this paragraph shall affect any disability or disqualification attaching to him by virtue of his sentence.

3.—(1) Any person who is at the commencement of this Act detained in custody in England under a sentence of preventive detention shall for the remainder of the period for which he was sentenced to preventive detention be treated as if he had been sentenced to preventive detention under this Act; and the provisions of this Act relating to preventive detention shall apply to him accordingly.

(2) Where a person having been sentenced to a term of preventive detention is at the commencement of this Act absent from prison by virtue of a licence granted under section fourteen of the Prevention of Crime Act, 1908, the provisions of Part II of that Act shall continue to apply to him; but if before the expiration of the term his licence is revoked or forfeited the said provisions shall cease to apply, and he shall for the remainder of the term be treated as if he had been sentenced to preventive detention under this Act; and the provisions of this Act relating to preventive detention shall apply to him accordingly.

(3) Where a person has been sentenced to penal servitude for a term which has not expired at the commencement of this Act, and is liable to undergo a period of preventive detention on the determination of the sentence of penal servitude, there shall be substituted for the sentence of preventive detention a sentence of preventive detention under this Act for a like period; and the provisions of this Act relating to preventive detention shall apply to that person accordingly.

4.—(1) Where a person has been sentenced, otherwise than by a court in Scotland, to detention in a Borstal institution, then if immediately before the commencement of this Act he is or ought to be detained in England in a Borstal institution, or in a prison awaiting removal to such an institution, or holds a licence in force under section five of the Prevention of Crime Act, 1908, or is under the supervision of the Prison Commissioners under section six of that Act, he shall be deemed to have been sentenced to Borstal training under this Act, or to be under supervision under the Second Schedule to this Act; and in its application to him the said Second Schedule shall have

8TH SCH. —*cont.*

effect as if for the references therein to three years there were substituted references to the term of the sentence of detention in a Borstal institution and for the references therein to four years there were substituted references to the sum of that term and one year.

(2) Any person to whom Part I of the Prevention of Crime Act, 1908, applied immediately before the commencement of this Act by reason of his transfer from a prison to a Borstal institution under section three of that Act shall be treated as if he were transferred under the provisions of this Act on the date of the commencement of this Act.

5.—(1) Where at the commencement of this Act a person is subject to the supervision of the police pursuant to the direction of a court in England given under section eight of the Prevention of Crimes Act, 1871, the period for which he is under supervision shall expire at the end of twelve months from the commencement of this Act unless it shall have expired sooner.

(2) Any period of supervision as aforesaid exceeding twelve months which has not begun before the commencement of this Act shall by virtue of this Act be reduced to twelve months.

(3) The Secretary of State may substitute for any such direction, the period of supervision under which has not expired at the commencement of this Act, an order that the person subject to supervision under the direction shall, during the remainder of the period for which he would be liable to such supervision, be subject to the provisions of section twenty-two of this Act.

6. The Probation of Offenders Act, 1907, shall continue in force so far as it relates to any probation order by virtue of which a person is under supervision at the commencement of this Act or to any order, other than a probation order, by virtue of which a person is then bound by a recognizance entered into under section one of that Act:

Provided that any court which under that Act has jurisdiction to appoint a probation officer in lieu of the probation officer or other person named in the probation order or to vary the terms and conditions of the recognizance entered into by the probationer may, without summoning the probationer, amend the order by substituting for the words naming the person who is to exercise the supervision under the order words naming the petty sessional division in which the probationer is residing or will reside; and this Act shall have effect in relation to a probation order so amended as if it had been made under this Act and amended under paragraph 2 of the First Schedule to this Act and as if the conditions of the recognizance entered into by the probationer under section two of that Act were requirements of the probation order; and the Probation of Offenders Act, 1907, shall cease to apply thereto and any recognizance entered into under that Act shall be discharged.

7. For the purposes of this Act—

(*a*) prison rules made under any enactment repealed by this Act and regulations made under section four of the Prevention of Crime Act, 1908, shall be deemed to have been made under section fifty-two of this Act;

8TH SCH. —*cont.*

(*b*) orders made under subsection (1) of section two of the Criminal Justice Act, 1925, shall be deemed to have been made under paragraph 1 of the Fifth Schedule to this Act, and may be amended under this Act accordingly;

(*c*) orders made under subsection (6) of the said section two shall be deemed to have been made under paragraph (*c*) of subsection (2) of section forty-five of this Act, and may be amended as aforesaid; and

(*d*) rules made under section seven of the Probation of Offenders Act, 1907, or under section eight of the Criminal Justice Act, 1925, shall be deemed to have been made under paragraph 6 of the Fifth Schedule to this Act:

Provided that, notwithstanding anything in sub-paragraph (1) of paragraph 2 of the said Fifth Schedule, the probation committee for a combined probation area constituted by an order made under subsection (1) of section two of the Criminal Justice Act, 1925, may be constituted in any manner for the time being provided by that order.

8. Sections six to thirty of the Forfeiture Act, 1870, so far as those sections apply to a person who has ceased to be subject to the operation of that Act, shall, notwithstanding the repeal by this Act of those sections, continue in force in relation to any convict who immediately before the date of the commencement of this Act was subject to the operation of that Act, and shall apply to any such convict as if his sentence had expired on that date.

9. In relation to any person who—

(*a*) having been sentenced to a term of preventive detention is at the commencement of this Act absent from prison by virtue of a licence granted under section fourteen of the Prevention of Crime Act, 1908; or

(*b*) is at the commencement of this Act subject to the supervision of the police pursuant to the direction of any court under section eight of the Prevention of Crimes Act, 1871,

the provisions of section twenty-one of the Firearms Act, 1937, shall have effect as originally enacted and not as amended by this Act.

Section 79.

NINTH SCHEDULE.

CONSEQUENTIAL AND MINOR AMENDMENTS.

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.

9TH SCH. —*cont.*

Act to be amended.	Amendment.
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 ". 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 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 recog- " nizances 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 Refreshment Houses Act, 1860. 23 & 24 Vict. c. 27.	In section twenty-two the words " of felony " or " shall cease to have effect.
The Criminal Lunatic Asylums Act, 1860. 23 & 24 Vict. c. 75.	In section four, for the words " Secretary of " State " in both places where they occur, there shall be substituted the words " Minister of Health " and the words from

9TH SCH. —*cont.*

Act to be amended.	Amendment.
The Criminal Lunatic Asylums Act, 1860. 23 & 24 Vict. c. 75. —*cont.*	" any such persons " to " council of super- " vision " and from " and to remove " to " for the asylum " shall cease to have effect. In section eleven, for the words " or any other " person authorised in writing in this " behalf by the Secretary of State or such " superintendent," there shall be sub- stituted the words " or any constable ".
The Forfeiture Act, 1870. 33 & 34 Vict. c. 23.	In section two, for the words " or penal " servitude " there shall be substituted the words " preventive detention or corrective " training " and the words " with hard " labour, 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 Summary Juris- diction Act, 1879. 42 & 43 Vict. c. 49.	In section nine, in subsection (1) for the words " in a proceeding " there shall be substi- tuted 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. 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 indict- " able 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 obtain- " ing information as to his character and

Act to be amended.	Amendment.	9TH SCH. —*cont.*
The Summary Jurisdiction Act, 1879. 42 & 43 Vict. c. 49. —*cont.*	" 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 Criminal Lunatics Act, 1884. 47 & 48 Vict. c. 64.	In section two, in subsection (2) for the words " penal servitude or imprisonment " there shall be substituted the words " imprison- " ment or detention " and in subsection (5) for the words from " shall be exercised ", where they first occur, to the end there shall be substituted the words " may be exercised " by the Prison Commissioners or one of " them ".	
	In section six, for the words " penal servitude " or imprisonment " there shall be substituted the words " imprisonment or " detention ".	
	In section seven, for the words " penal servi- " tude or imprisonment " in both places where they occur there shall be substituted the words " imprisonment or detention ".	
	In section eight, in subsection (2), for the words " penal servitude or imprisonment " there shall be substituted the words " imprison- " ment or detention " and for the words " council of supervision or other person " having control thereof " there shall be substituted the words " Board of Control ".	

9TH SCH. —*cont.*

Act to be amended.	Amendment.
The Criminal Lunatics Act, 1884. 47 & 48 Vict. c. 64—*cont.*	In section ten, for the words " penal servitude " or imprisonment " there shall be substituted the words " imprisonment or " detention ".
	In section sixteen, in the definition of " Asylum " for the words " but does not " include a licensed house " there shall be substituted the words " and a licensed " house " and after the word " aforesaid " there shall be inserted the words " or a " licensed house ".
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 Clergy Discipline Act, 1892. 55 & 56 Vict. c. 32.	In section one, the words " with hard labour " shall cease to have effect.
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 Jus- " tice 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 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 ".

9TH SCH. —*cont.*

Act to be amended.	Amendment.
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 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 ex- " ceeding five pounds ".
The Mental Deficiency Act, 1913. 3 & 4 Geo. 5. c. 28.	In section two, in subsection (1) for the words from " undergoing imprisonment " to " criminal lunatic asylum " there shall be substituted the words " detained (otherwise " than on remand or while awaiting trial " or sentence or under civil process) in a " prison or other institution to which the " Prison Acts, 1865 to 1898, apply, or in a " remand home, or who is detained in a " school approved under section seventy- " nine of the Children and Young Persons " Act, 1933, an inebriate reformatory, an " institution for persons of unsound mind " or a Broadmoor institution ".
	In section four, for the words from " criminal " lunatic asylum " to " inebriate reforma- " tory " there shall be substituted the words " or other institution to which the Prison " Acts, 1865 to 1898, apply, or in a remand " home, a school approved under section " seventy-nine of the Children and Young " Persons Act, 1933, an inebriate reforma- " tory or a Broadmoor institution ".
	In section nine, for the words from " under- " going imprisonment " to " criminal lunatic " asylum " there shall be substituted the words " detained (otherwise than on remand " or while awaiting trial or sentence or " under civil process) in a prison or other " institution to which the Prison Acts, " 1865 to 1898, apply, or in a remand home, " or who is detained in a school approved " under section seventy-nine of the Children " and Young Persons Act, 1933, an inebriate " reformatory or a Broadmoor institution ".

9TH SCH. —*cont.*

Act to be amended.	Amendment.
The Mental Deficiency Act, 1913. 3 & 4 Geo. 5. c. 28—*cont.*	In section forty-four, in subsection (2) for the words from " in a prison," to " place " of detention," there shall be substituted the words " in a prison or other institution " to which the Prison Acts, 1865 to 1898, " apply, or in a remand home, inebriate " reformatory or Broadmoor institution ".
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 imprison- " ment is imposed ". In section four, in subsection (1) after the word " prison " there shall be inserted the words " or a detention centre " and after the word " imprisonment " there shall be added the words " or detention ". Section fifteen 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. 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."

Act to be amended.	Amendment.	9TH SCH. —*cont.*
The Criminal Justice Act, 1925. 15 & 16 Geo. 5. c. 86—*cont.*	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 Mental Deficiency Act, 1927. 17 & 18 Geo. 5. c. 33.	In section five, for paragraphs (*a*) and (*b*) there shall be substituted the following paragraphs:—	
	" (*a*) If the place in which he is being detained under the order of the court is a prison, a remand centre or a remand home, he shall continue to be detained therein.	
	(*b*) If the place in which he is being so detained is not a prison, remand centre or remand home, he shall be removed therefrom—	
	(i) if he appears to be under seventeen years of age, to a remand home, or if in the opinion of the Secretary of State it is inexpedient that he should be removed to a remand home, then to such other place as the Secretary of State may by order direct;	
	(ii) if he appears to be not less than seventeen but under twenty-one years of age and the court by which he was dealt with under the said section eight has been notified by the Secretary of State that a	

9TH SCH. —*cont.*

Act to be amended.	Amendment.
The Mental Deficiency Act, 1927. 17 & 18 Geo. 5. c. 33—*cont.*	remand centre is available for the reception from that court of persons of his class or description, to a remand centre; (iii) in any other case, to a prison."
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 Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12.	In section forty-eight, for subsection (2) there shall be substituted the following subsection— " (2) The attainment of the age of seventeen years by a probationer, or a person in whose case an order for conditional discharge has been made, shall not deprive a juvenile court of jurisdiction to enforce his attendance and deal with him in respect of any failure to comply with the requirements of the probation order or the commission of a further offence or to amend or discharge the probation order." and 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 deten- " tion 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 ".

Act to be amended.	Amendment.	9TH SCH. —*cont.*
The Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12—*cont.*	In section seventy, in proviso (*a*) to subsection (2) for the words " conditions of a recog- " nisance " there shall be substituted the words " requirements of a supervision order " or probation order or the conditions of a " recognisance ".	
	In section seventy-seven, after subsection (2), there shall be inserted the following subsection :— " (2A) The council of a county or county borough may contribute, towards the expenditure incurred by any society or person in establishing, enlarging or improving an institution for the purpose of its being used, in accordance with an arrangement with the council, as a remand home for that county or county borough, such sums, and subject to such conditions, as the council think fit ; and subsection (5) of section seventy-seven of the Criminal Justice Act, 1948, shall apply to any sums so paid as it applies to the payments referred to in that subsection ".	
	In section seventy-eight, for subsection (3) there shall be substituted the following subsection :— " (3) The Secretary of State shall cause remand homes to be inspected and may make rules for their inspection, regulation and management, and for the classification, treatment, employment, discipline and control of persons detained in custody therein, and for the visitation of such persons from time to time by persons appointed in accordance with the rules."	
	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 (not- " withstanding 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 ".	
	In section ninety, in subsection (6) for the words " conditions of a recognisance " there	

9TH SCH. —*cont.*

Act to be amended.	Amendment.
The Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12—*cont.*	shall be substituted the words "requirements of a supervision order or probation order or the conditions of a recognisance".
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".
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".
The Firearms Act, 1937. 1 Edw. 8. & Geo. 6. c. 12.	In section twenty-one, in subsection (1) after the words "penal servitude" there shall be inserted the words "preventive detention or corrective training", in subsection (2) for paragraph (*a*) there shall be substituted the following paragraph— "(*a*) is the holder of a licence issued under section fifty-six or fifty-seven of the Criminal Justice Act, 1948, or the Second or Third Schedule to that Act, or section fifty-three of the Children and Young Persons Act, 1933; or" and in paragraph (*b*) the words "is subject to the supervision of the police, or" shall cease to have effect and after the word "firearm" there shall be inserted the words "or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm". In section twenty-five, in subsection (1) for the words "penal servitude" there shall be substituted the words "preventive detention, corrective training", the words "to be subject to police supervision or" shall cease to have effect, and after the word "firearm" in the first place where it occurs there shall be inserted the words "or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm".

Act to be amended.	Amendment.	9TH SCH. —*cont.*
The Dogs Amendment Act, 1938. 1 & 2 Geo. 6. c. 21.	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.	
The Children and Young Persons Act, 1938. 1 & 2 Geo. 6. c. 40.	For section four there shall be substituted the following section:— "4.—(1) A supervision order (that is to say an order made under section sixty-two, section sixty-three, section sixty-four or section eighty-four of the principal Act as amended by this Act, placing a child or young person under the supervision of a probation officer or of some other person appointed for the purpose by the court) may contain such provisions as the court, having regard to the particular circumstances of the case, considers necessary for effecting the purpose of the order: Provided that no such order shall include a requirement as to the residence of the person to whom it relates, or as to treatment for his mental condition, except in accordance with section seventy-four of the Criminal Justice Act, 1948. (2) Where an application for the discharge or amendment of a supervision order is duly made in relation to any person by the person under whose supervision he has been placed by such an order, the applicant may, for the purpose of the application, bring before the court the person who is the subject of the application, whether or not that person has attained the age of seventeen years. (3) The court by which a supervision order is made may by order direct that the powers which, by section seventy-four of the Criminal Justice Act, 1948, are conferred on that court with respect to the discharge, amendment and review of the order may be exercised by any	

9TH SCH. —*cont.*

Act to be amended.	Amendment.
The Children and Young Persons Act, 1938. 1 & 2 Geo. 6. c. 40—*cont.*	juvenile court acting for the petty sessional division or place in which the person to whom the order relates may for the time being reside." In section six, at the end of subsection (3) there shall be added the words :— " Provided that this subsection shall not apply in relation to the removal of a child or young person under this section who returns to the remand home or place of safety on the day on which he is so removed."
The National Service Act, 1947. 10 & 11 Geo. 6. c. 31.	In the First Schedule, in paragraph 1 after the words " preventive detention " there shall be inserted the words " corrective " training " and for the words " Borstal " institution " there shall be substituted the words " detention centre, or was or " would if he had not been unlawfully at " large have been detained in a Borstal " institution ".
The Police Pensions Act, 1948. 11 & 12 Geo. 6. c. 24.	In section four, in subsection (1), after the words " penal servitude " there shall be inserted the words " preventive detention " or corrective training ".

TENTH SCHEDULE.

Sections 81, 82, 83.

ENACTMENTS REPEALED.

PART I.
REPEALS EXTENDING TO ENGLAND ONLY.

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".
3 Geo. 4. c. 114.	The Hard Labour Act, 1822.	The whole Act.
5 Geo. 4. c. 83.	The Vagrancy Act, 1824.	In section five, the words from "and every such offender" to the end. In section ten, the words from "and to order further" to the end.
5 Geo. 4. c. 84.	The Transportation Act, 1824.	The whole Act.
6 Geo. 4. c. 50.	The Juries Act, 1825.	In section twenty-nine, the words from "and no person" to the end.
7 & 8 Geo. 4. c. 28.	The Criminal Law Act, 1827.	In section ten, the words from "and where" to the end.
11 Geo. 4. & 1 Will. 4. c. 39.	The Transportation Act, 1830.	The whole Act.
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.
4 & 5 Will. 4. c. 67.	The Transportation Act, 1834.	The whole Act.
1 & 2 Vict. c. 82.	The Parkhurst Prison Act, 1838.	The whole Act.
2 & 3 Vict. c. 56.	The Prisons Act, 1839.	The whole Act.
3 & 4 Vict. c. 61.	The Beerhouse Act, 1840.	In section seven, the words "of felony or".
5 & 6 Vict. c. 29.	The Pentonville Prison Act, 1842.	The whole Act.
5 & 6 Vict. c. 61.	The South Australia Act, 1842.	The whole Act.
5 & 6 Vict. c. 98.	The Prison Act, 1842.	Section twelve.

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Vict. c. 7.	The Transportation Act, 1843.	The whole Act.
10 & 11 Vict. c. 67.	The Transportation Act, 1847.	The whole Act.
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act, 1848.	In section twenty-one, the words " or to imprison him and keep him to hard labour ".
13 & 14 Vict. c. 39.	The Convict Prisons Act, 1850.	The whole Act.
14 & 15 Vict. c. 100.	The Criminal Procedure Act, 1851.	Section twenty-nine.
16 & 17 Vict. c. 99.	The Penal Servitude Act, 1853.	The whole Act.
16 & 17 Vict. c. 121.	The Convict Prisons Act, 1853.	The whole Act.
19 & 20 Vict. c. 54.	The Grand Juries Act, 1856.	The whole Act.
20 & 21 Vict. c. 3.	The Penal Servitude Act, 1857.	The whole Act, except sections two and six.
23 & 24 Vict. c. 27.	The Refreshment Houses Act, 1860.	In section twenty-two, the words " of felony or "
23 & 24 Vict. c. 75.	The Criminal Lunatic Asylums Act, 1860.	In section four, the words from " any such persons " to " council of supervision " and the words from " and to remove " to " for the asylum ". Sections five, six, fourteen and fifteen.
24 & 25 Vict. c. 96.	The Larceny Act, 1861.	In sections twelve, thirteen and sixteen, the words from " with or without hard labour " to the end. Sections one hundred and eight and 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. In sections twenty-two and fifty-four, the words from " with or without hard labour " to the end. In section thirty-nine, the words from " with or without hard labour " to " whipping." Sections sixty-six and seventy-five.

Session and Chapter.	Short Title.	Extent of Repeal.
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. 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. In section sixty-four, the words from " with or without hard labour " to the end. Section seventy.
26 & 27 Vict. c. 44.	The Garrotters Act, 1863.	The whole Act.
27 & 28 Vict. c. 47.	The Penal Servitude Act, 1864.	The whole Act.
28 & 29 Vict. c. 126.	The Prison Act, 1865.	Section forty-four.
33 & 34 Vict. c. 23.	The Forfeiture Act, 1870.	In section two, the words " with hard labour, or ". Sections six to thirty.
34 & 35 Vict. c. 112.	The Prevention of Crimes Act, 1871.	Sections three to five and eight. In section seventeen, paragraph (4) of the proviso.
35 & 36 Vict. c. 52.	The Middlesex Grand Juries Act, 1872.	The whole Act.
39 & 40 Vict. c. 42.	The Convict Prisons Returns Act, 1876.	The whole Act.
40 & 41 Vict. c. 21.	The Prison Act, 1877.	In section nine, the words " and enforcement of hard labour ". In section eleven, the words " and as to the commercial value of the labour on ". Sections thirteen, fourteen, thirty-nine and forty.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	In section four, the words " impose the same without hard labour and " and the words " or do either of such acts ". In section ten, in subsection (2) the words from " and when the child is a male " to the end. 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 ".

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
42 & 43 Vict. c. 55.	The Prevention of Crime Act, 1879.	The whole Act.
54 & 55 Vict. c. 69.	The Penal Servitude Act, 1891.	Sections two to six and ten.
55 & 56 Vict. c. 32.	The Clergy Discipline Act, 1892.	In section one, the words " with hard labour ".
60 & 61 Vict. c. 18.	The Juries Detention Act, 1897.	The whole Act.
61 & 62 Vict. c. 41.	The Prison Act, 1898.	Sections one to six. In section seven, the words " local and convict ". Sections eight and eleven. Subsection (1) of section fourteen.
6 Edw. 7. c. 55.	The Public Trustee Act, 1906.	Paragraph (*e*) of subsection (1) of section two.
7 Edw. 7. c. 17.	The Probation of Offenders Act, 1907.	The whole Act.
7 Edw. 7. c. 23.	The Criminal Appeal Act, 1907.	In section seven, the words " or corporal punishment ". In section fourteen, subsections (1), (3) and (5). In section twenty, in subsection (2) the words from " but shall not apply " to the end of the subsection.
8 Edw. 7. c. 59.	The Prevention of Crime Act, 1908.	The whole Act.
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 ".
3 & 4 Geo. 5. c. 27.	The Forgery Act, 1913.	In section twelve, subsection (1) and in paragraph (*b*) of subsection (2) the words " penal servitude or ".
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	The proviso to subsection (2) of section twenty-five.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Sections seven to eleven, fifteen and sixteen, paragraph (6) of section seventeen, sections twenty-six and thirty-six 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, &c. (Miscellaneous Provisions) Act, 1916.	Section twelve.

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
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), (4) and (6) and in paragraph (*b*) of subsection (5) the words "penal servitude or".
10 & 11 Geo. 5. c. 23.	The War Pensions Act, 1920.	Subsection (1) of section seven.
11 & 12 Geo. 5. c. 39.	The Admiralty Pensions Act, 1921.	Subsection (1) of section two.
15 & 16 Geo. 5. c. 20.	The Law of Property Act, 1925.	In section seven, paragraph (*a*) of subsection (3).
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Sections one to ten. In section twelve, in subsection (5) the word "forthwith," in the first place where that word occurs, the words "after the conclusion of the evidence of the accused" and the words "either forthwith or, if a speech is to be made by counsel or solicitor on behalf of the accused after the conclusion of that speech". In section twenty-four, in subsection (1) the words "the character and antecedents of the accused". Sections twenty-five and forty-six.
16 & 17 Geo. 5. c. 13.	The Criminal Justice (Amendment) Act, 1926.	The whole Act.
16 & 17 Geo. 5. c. 58.	The Penal Servitude Act, 1926.	The whole Act.

10TH SCH. —*cont.*

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. Section fifty-two. 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 fifty-nine, the proviso to subsection (1). In section sixty-six, subsection (3). In section eighty-two, in subsection (1), the words from " and that court ", to the end. So much of the Third Schedule as amends the Probation of Offenders Act, 1907. In the Fourth Schedule, in paragraph 8, the words from " and that court " to the end.
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 ".
23 & 24 Geo. 5. c. 38.	The Summary Jurisdiction (Appeals) Act, 1933.	In section two, subsection (9). 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 ".
26 Geo. 5. & 1 Edw. 8. c. 16.	The Coinage Offences Act, 1936.	In section twelve, in subsection (1), the words " penal servitude or ".

Session and Chapter.	Short Title.	Extent of Repeal.
1 Edw. 8. & 1 Geo. 6. c. 12.	The Firearms Act, 1937.	In section twenty-one, in paragraph (*b*) of subsection (2) the words "is subject to the supervision of the police or ". In section twenty-five, in subsection (1), the words "to be subject to police supervision or ".
1 Edw. 8. & 1 Geo. 6. c. 58.	The Summary Procedure (Domestic Proceedings) Act, 1937.	Section seven.
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 ".
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.
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 ".
10 & 11 Geo. 6. c. 38.	The Probation Officers (Superannuation) Act, 1947.	In section two, the words from "Part I" to the words "first column of" in the second place where they occur. Part I of the Schedule.

PART II.

REPEALS EXTENDING TO SCOTLAND.

Session and Chapter.	Short Title.	Extent of Repeal.
1 Geo. 4. c. 57.	The Whipping Act, 1820.	The whole Act.
5 & 6 Vict. c. 51.	The Treason Act, 1842.	In section two the words from "and during the period of such imprisonment" to the end.
23 & 24 Vict. c. 105.	The Prisons (Scotland) Act, 1860.	Section seventy-four.
25 & 26 Vict. c. 18.	The Whipping Act, 1862.	The whole Act.
48 & 49 Vict. c. 69.	The Criminal Law Amendment Act, 1885.	In section four, the words from "Provided that in the case of an offender" to "in manner in that Act mentioned ".

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Section five hundred and fourteen.
2 & 3 Geo. 5. c. 20.	The Criminal Law Amendment Act, 1912.	Section three.
		In section seven, in subsection (5) the words from "and, in the case of a second or subsequent conviction" to the end.

PART III.

REPEALS EXTENDING TO SCOTLAND AND NORTHERN IRELAND.

Session and Chapter.	Short Title.	Extent of Repeal.
20 Hen. 6. c. 9	Recital of Magna Charta relating to Trial by Peers; Noble ladies to be tried as Peers of the Realm are tried.	The whole Act.
31 Hen. 8. c. 10	An Act for the placing of the Lords in the Parliament.	Section nine.
33 Hen. 8. c. 12	An Act for Murder and Malicious Bloodshed within the Court.	Section seven.
35 Hen. 8. c. 2	An Act concerning the Trial of Treasons committed out of the King's Majesty's Dominions.	Section two.
2 & 3 Edw. 6. c. 1.	An Act for the uniformity of service and administration of the Sacraments throughout the Realm.	Section ten.
1 Eliz. c. 1 ...	An Act for restoring to the Crown the ancient Jurisdiction over the State Ecclesiastical and Spiritual and abolishing all foreign power repugnant to the same.	Section eighteen.
1 Eliz. c. 2 ...	An Act for the Uniformity of Common Prayer and Divine Service in the Church, and the administration of the Sacraments.	Section nine.
2 Eliz. c. 1 ...	An Act of the Parliament of Ireland restoring to the Crown the ancient Jurisdiction over the State Ecclesiastical and Spiritual, and abolishing all foreign power repugnant to the same.	In section fifteen, the words from "And if it shall happen" to the end of the section.

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
2 Eliz. c. 2 ...	An Act of the Parliament of Ireland for the Uniformity of Common Prayer and Service in the Church, and the administration of the Sacraments.	Section nine.
13 Chas. 2. Stat. 1. c. 1.	An Act for the Safety and Preservation of His Majesty's Person and Government against Treasonable and Seditious practices and attempts.	In section seven, the words " that no peer of this realm shall be tried for any offence against this Act but by his peers, and further ".
1707 Anne c. 7.	An Act of the Parliament of Scotland ratifying and approving the Treaty of Union of the two Kingdoms of Scotland and England.	So far as it ratifies, approves and confirms the following words in Article XXIII of the Treaty of Union, that is to say, the words from "and particularly the right of sitting upon the trials of peers " to " at such trials as any other peers of Great Britain " ; the words " and shall be tried as peers of Great Britain " ; and the words " and particularly the right of sitting upon the trials of peers ".
6 Anne c. 11 ...	The Union with Scotland Act, 1706.	Section four, so far as it ratifies, approves and confirms the following words in Article XXIII of the Treaty of Union, that is to say, the words from " and particularly the right of sitting upon the trials of peers " to " at such trials as any other peers of Great Britain " ; the words " and shall be tried as peers of Great Britain " ; and the words " and particularly the right of sitting upon the trials of peers ".
6 Anne c. 78. ...	The Scottish Representative Peers Act, 1707.	Section twelve.
33 Geo. 3. c. 45.	An Act of the Parliament of Ireland for the trial of Treason committed out of the King's dominions.	Section two.
39 & 40 Geo. 3. c. 67.	The Union with Ireland Act, 1800.	Section one, so far as it ratifies, confirms and approves the following words in Article IV of the Articles

10TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
39 & 40 Geo. 3. c. 67.—*cont.*	The Union with Ireland Act, 1800—*cont.*	of Union, that is to say, in the fourth paragraph, the words from "and that he shall be liable" to "charged"; and in the last paragraph the words from "and the lords" to "respectively on the part of Great Britain"; the words "and particularly the right of sitting on the trial of peers"; the words "be sued and tried as peers, except as aforesaid, and shall"; and the words "and the right of sitting on the trial of peers".
40 Geo. 3. c. 38.	An Act of the Parliament of Ireland for the Union of Great Britain and Ireland.	Section one, so far as it ratifies, confirms and approves the following words in Article IV of the Articles of Union, that is to say, in the fourth paragraph, the words from "and that he shall be liable" to "charged"; and in the last paragraph the words from "and the lords" to "respectively on the part of Great Britain"; the words "and particularly the right of sitting on the trial of peers"; the words "be sued and tried as peers, except as aforesaid, and shall"; and the words "and the right of sitting on the trial of peers".
6 Geo. 4. c. 66.	The Trial of Peers (Scotland) Act, 1825.	The whole Act.
4 & 5 Vict. c. 22.	The Felony Act, 1841 ...	The whole Act.
25 & 26 Vict. c. 65.	The Jurisdiction in Homicides Act, 1862.	Section nineteen.
20 & 21 Geo. 5. c. 45.	The Criminal Appeal (Northern Ireland) Act, 1930.	In section nineteen, in subsection (2), the words from "but shall not apply" to the end of the subsection.

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