1963 No. 755 (C. 7)

CRIMINAL PROCEDURE, ENGLAND AND WALES
CRIMINAL PROCEDURE, SCOTLAND

The Criminal Justice Act 1961 (Commencement No. 2) Order 1963

Made - - - - 3*rd April* 1963

In exercise of the powers conferred on me by section 44 of the Criminal Justice Act 1961(a), I hereby make the following Order:—

1. The provisions of the Criminal Justice Act 1961 specified in the first column of the Schedule hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation on 1st August 1963.

2. This Order may be cited as the Criminal Justice Act 1961 (Commencement No. 2) Order 1963.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
3rd April 1963.

SCHEDULE

Provisions of the Act	Subject matter of provisions
Section 1	Conditions for and term of sentence of borstal training.
Section 2	Serious offences by children and young persons.
Section 3	Elimination of intermediate and short prison sentences.
Section 4	Detention of offenders aged 14 to 20.
Section 5	Detention of defaulters aged 14 to 16.
Section 6	Defaulters already detained in detention centre.

(a) 9 & 10 Eliz. 2. c. 39.

Provisions of the Act	Subject matter of provisions
Section 7	Consecutive terms and aggregate periods of detention.
Section 25	Reports to Parliament on approved schools, remand homes and attendance centres.
Section 34	Removals from prison consequential on Part I.
Section 41 (4)	Re-enactment of certain provisions amended by the Criminal Justice Act 1961.
So much of Schedule 4 as is set out in Appendix A hereto.	Minor and consequential amendments.
So much of Schedule 5 as is set out in Appendix B hereto.	Repeals.
Schedule 6	Re-enactment of certain provisions amended by the Criminal Justice Act 1961.

APPENDIX A

Act to be amended	Amendment
The Children and Young Persons Act 1933. 23 & 24 Geo. 5. c. 12.	In section 53, in subsection (2), after the words "detained for such period" there shall be inserted the words ", not exceeding the maximum term of imprisonment with which the offence is punishable in the case of an adult,"; and in subsection (4), after the words "at any time", in the second place where those words occur, there shall be inserted the words "by notice in writing". For section 54 there shall be substituted the following section:— "54.—(1) In any case where a court has power, or would have power but for the statutory restrictions upon the imprisonment of young offenders,— (*a*) to pass sentence of imprisonment on a child or young person found guilty of an offence; or (*b*) to commit a child to prison for any default,

Act to be amended	Amendment
The Children and Young Persons Act 1933. 23 & 24 Geo. 5. c. 12—*contd.*	the court may, if it considers that no other method of dealing with him is suitable, commit him to custody in a remand home: Provided that a young person shall not be committed to custody in a remand home by virtue of paragraph (*a*) of this subsection if the court has power under section 4 of the Criminal Justice Act 1961 to make an order for the detention in a detention centre of a person of his age and sex. (2) The term for which a person may be committed to custody in a remand home under this section shall not exceed the maximum term for which he could (or could but for any such restrictions) have been sentenced to imprisonment or committed to prison, as the case may be, and shall not in any case exceed one month. (3) This section applies in relation to the fixing of a term of imprisonment to be served in the event of default of payment of a fine or other sum of money as it applies in relation to committal to prison in default of such payment. (4) In this section 'the statutory restrictions upon the imprisonment of young offenders' and 'default' have the same meaning as in the Criminal Justice Act 1961."
The Criminal Justice Act 1948. 11 & 12 Geo. 6. c. 58.	Section 18 shall cease to have effect. In section 19, in subsection (1), for the words "section 17 of this Act or subsections (2) to (6) of section 107 of the Magistrates' Courts Act 1952" there shall be substituted the words "the statutory restrictions upon the imprisonment of young offenders". In section 20, in subsection (1), for the word "sixteen" there shall be substituted the word "fifteen" and for the words from "and the court" to "Borstal institution" there shall be substituted the words

Act to be amended	Amendment
The Criminal Justice Act 1948. 11 & 12 Geo. 6. c. 58—*contd.*	"and a sentence of borstal training is available in his case under subsection (2) of section 1 of the Criminal Justice Act 1961,"; and in subsection (5), in paragraph (*a*), for the words "if satisfied of the matters mentioned in subsection (1) of this section" there shall be substituted the words "if a sentence of borstal training is available in his case under subsection (2) of section 1 of the Criminal Justice Act 1961,".
	In section 80, in subsection (1), in the definition of "Sentence", after the word "1933" there shall be inserted the words "or section 5 of the Criminal Justice Act 1961", and after that definition there shall be inserted the following definition:— "'The statutory restrictions upon the imprisonment of young offenders' has the same meaning as in the Criminal Justice Act 1961"; and in subsection (4), for the words "this Act or section 107 of the Magistrates' Courts Act 1952" there shall be substituted the words "any enactment".
The Magistrates' Courts Act 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	In section 28, in subsection (1), for the word "sixteen" there shall be substituted the word "fifteen", and for the words from "and the court" to "Borstal institution" there shall be substituted the words "and is a person who, under subsections (2) and (4) of section 1 of the Criminal Justice Act 1961, may be committed for a sentence of borstal training".

APPENDIX B

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 18. In section 20, subsections (7) and (8).
15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	In section 28, subsections (2) and (3); and in subsection (4) the words " or remanded under subsection (2) ", and the words from " Provided that " to the end of the section. In section 107, subsections (4) to (6). In Schedule 5, the amendments of section 54 of the Children and Young Persons Act 1933, and sections 18 and 19 and subsection (4) of section 80 of the Criminal Justice Act 1948.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force further provisions of the Criminal Justice Act 1961 ; the provisions brought into force are set out in the Schedule.