

CHAPTER 31

An Act to restrict the imprisonment of first offenders.

[7th July, 1958]

BE it enacted by the Queen'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:—

Restriction on imprisonment of first offenders.

1.—(1) A magistrates' court shall not pass sentence of imprisonment on a first offender of or over the age of twenty-one, unless the court is of opinion that no other method of dealing with him is appropriate; and subsection (2) of section seventeen of the Criminal Justice Act, 1948, shall apply for the purpose of determining whether any other method of dealing with such a person is appropriate as it applies for the purpose of determining whether any other method of dealing with a person under the age of twenty-one is appropriate.

11 & 12 Geo. 6. c. 58.

15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.

(2) Subsection (3) of section one hundred and seven of the Magistrates' Courts Act, 1952 (which requires a magistrates' court which imposes imprisonment on a person under the age of twenty-one to state the reason for its opinion that no other method of dealing with him is appropriate and to cause that reason to be specified in the warrant of commitment and to be entered in the register) shall, with the necessary modifications, apply where a first offender of or over the age of twenty-one is sentenced to imprisonment as it applies where imprisonment is imposed on a person under that age.

(3) A person falling to be dealt with for an offence shall be treated for the purposes of this Act as a first offender if, but only if, he has not since attaining the age of seventeen been convicted of any other offence, except an offence not punishable with

imprisonment; and the question whether he has been so convicted shall be determined without regard to section twelve of the Criminal Justice Act, 1948, or section nine of the Criminal Justice (Scotland) Act, 1949 (which relate to the effects of probation and discharge) or any corresponding enactment of the Parliament of Northern Ireland.

12, 13 & 14 Geo. 6. c. 94.

Short title, commencement and extent.

2.—(1) This Act may be cited as the First Offenders Act, 1958.

(2) This Act shall come into operation at the expiration of a period of one month beginning with the day on which it is passed.

(3) This Act does not extend to Scotland or Northern Ireland.

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