CHAPTER 23

An Act to restrict the imprisonment of first offenders in Scotland. [13th April, 1960]

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.

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

1.—(1) A court of summary jurisdiction shall not impose imprisonment on a first offender of or over the age of twenty-one, unless the court is of the opinion that no other method of dealing with him is appropriate; and subsection (2) of section eighteen of the Criminal Justice (Scotland) Act, 1949, 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.

(2) Subsection (3) of the said section eighteen (which requires a court of summary jurisdiction other than a sheriff court or a stipendiary magistrate's court, when imposing 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 record of the proceedings) 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 nine of the Criminal Justice (Scotland) Act, 1949, or section twelve of the Criminal Justice Act, 1948 (which relate to the effects of probation and discharge) or any corresponding enactment of the Parliament of Northern Ireland.

11 & 12 Geo. 6. c. 58.

(4) For the purposes of the last foregoing subsection the prosecutor shall be entitled to inform the court of any relevant previous conviction of the person to be dealt with, and, if that person does not admit such conviction, to adduce evidence in proof thereof either then or at a later diet; and the provisions of subsections (2) and (3) of section thirty-one of the Summary Jurisdiction (Scotland) Act, 1954, shall apply in relation to the proof of such conviction.

2 & 3 Eliz. 2. c. 48.

Short title, commencement and extent.

2.—(1) This Act may be cited as the First Offenders (Scotland) Act, 1960.

(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 shall extend to Scotland only.

CHAPTER 24

An Act to amend the Pawnbrokers Acts, 1872 and 1922. [13th April, 1960]

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:—

Increase in maximum loan.

1. In section ten of the Act of 1872 (which applies the provisions of that Act to every loan by a pawnbroker of forty shillings or under and, except as provided, to every such loan of above forty shillings and not above ten pounds, but excludes the provisions of that Act from any loan of above ten pounds) for the words "forty shillings" and "ten pounds" there shall be substituted respectively the words "five pounds" and "fifty pounds"; and the like substitutions shall be made in the following provisions of that Act, namely—

(*a*) section six (which, to prevent evasion, applies the Act to certain other transactions involving payments not exceeding ten pounds); and

(*b*) section twenty-four (which provides that a pawnbroker may make a special contract in respect of a loan of above forty shillings); and

(*c*) Part I of the Fourth Schedule (which regulates the profit allowed to a pawnbroker, and distinguishes between loans of forty shillings or under and loans of above forty shillings).

Reduction of period for redemption.

2. In section sixteen of the Act of 1872 (which provides that every pledge shall be redeemable within twelve months) for the words "twelve months" there shall be substituted the words "six months", and accordingly in that section and in sections seventeen and eighteen of the Act of 1872 for references to the year of redemption there shall be substituted references to the period of redemption.