Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Short title.

3. This Act may be cited as the Post Office Guarantee (No. 2) Act, 1898, and may be cited with the Post Office Acts, 1837 to 1897.

CHAPTER 60.

An Act to provide for the treatment of Habitual Inebriates. [12th August 1898.]

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 :

Criminal Habitual Drunkards.

Detention of habitual drunkard guilty of crime.

1.—(1.) Where a person is convicted on indictment of an offence punishable with imprisonment or penal servitude, if the court is satisfied from the evidence that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence, and the offender admits that he is or is found by the jury to be a habitual drunkard, the court may, in addition to or in substitution for any other sentence, order that he be detained for a term not exceeding three years in any State inebriate reformatory or in any certified inebriate reformatory the managers of which are willing to receive him.

(2.) In any indictment under this section it shall be sufficient, after charging the offence, to state that the offender is a habitual drunkard. In the proceedings on the indictment the offender shall, in the first instance, be arraigned on so much only of the indictment as charges the said offence, and, if on arraignment he pleads guilty or is found guilty by the jury, the jury shall, unless the offender admits that he is a habitual drunkard, be charged to inquire whether he is a habitual drunkard, and in that case it shall not be necessary to swear the jury again.

Provided that, unless evidence that the offender is a habitual drunkard has been given before he is committed for trial, not less than seven days' notice shall be given to the proper officer of the court by which the offender is to be tried and to the offender that it is intended to charge habitual drunkenness in the indictment.

Detention of habitual drunkard four times convicted of drunkenness.

2.—(1.) Any person who commits any of the offences mentioned in the First Schedule to this Act, and who within the twelve months preceding the date of the commission of the offence has been convicted summarily at least three times of any offences so mentioned, and who is a habitual drunkard, shall be liable upon conviction on indictment, or if he consents to be dealt with

summarily on summary conviction, to be detained for a term not exceeding three years in any certified inebriate reformatory the managers of which are willing to receive him.

(2.) The Summary Jurisdiction Act, 1879, shall apply to proceedings under this section as if the offence charged were specified in the second column of the First Schedule to the said Act. 42 & 43 Vict c. 49.

Inebriate Reformatories.

3. The Secretary of State may establish inebriate reformatories (in this Act called State inebriate reformatories), and for that purpose may, with the approval of the Treasury, acquire any land, or erect or acquire any building, or appropriate the whole or any part of any building vested in him or under his control, and any expenses incurred under this section shall be paid out of moneys provided by Parliament. Power of Secretary of State to establish inebriate reformatories.

4. The Secretary of State may make regulations for the rule and management of any State inebriate reformatory, and for the classification, treatment, employment, and control of persons sent to it in pursuance of this Act, and for their absence under licence; and, subject to any adaptations, alterations, and exceptions made by such regulations, the Prison Acts, 1865 to 1898 (including the penal provisions thereof), shall apply in the case of every such reformatory as if it were a prison. Provided that no regulation shall authorise the infliction of corporal punishment in any State inebriate reformatory. Regulations for State inebriate reformatories.

5.—(1.) The Secretary of State, on the application of the council of any county or borough or of any persons desirous of establishing an inebriate reformatory, may, if satisfied as to the fitness of the reformatory and of the persons proposing to maintain it, certify it as an inebriate reformatory, and thereupon, while the certificate is in force, the reformatory shall be a certified inebriate reformatory within the meaning of this Act. Establishment of certified inebriate reformatories.

(2.) The Secretary of State may make regulations prescribing the conditions on which certificates under this section are to be granted and held, and the circumstances under which they may be withdrawn or resigned.

6. The Secretary of State may make regulations as to— Regulations as to certified inebriate reformatories.

(*a*) the establishment, management, maintenance, and inspection of certified inebriate reformatories;

(*b*) the classification, treatment, employment, and control of the inmates of certified inebriate reformatories, and the application of their earnings;

(*c*) the transfer of such inmates from one certified inebriate reformatory to another, their absence under licence, and their discharge; and

(*d*) the transfer of inmates from a State inebriate reformatory to a certified inebriate reformatory, or in special cases from a certified inebriate reformatory to a State inebriate reformatory,

and may thereby impose a fine not exceeding twenty pounds, or imprisonment for a term not exceeding three months, with or without hard labour, for the breach of any such regulations.

In reckoning the period of detention of any person detained in a certified inebriate reformatory the time during which he is imprisoned under this section shall not be computed.

Inspectors.

7. The Secretary of State may, with the consent of the Treasury as to number, appoint inspectors of certified inebriate reformatories and assign them such remuneration out of money provided by Parliament as the Treasury may determine.

Contribution by Treasury.

8. The Treasury may contribute out of money provided by Parliament such sums and on such conditions as the Secretary of State recommends towards the expenses of the detention of persons in certified inebriate reformatories.

Contributions by councils of counties and boroughs.

9.—(1.) The council of any county or borough may contribute such sums, and on such conditions, as they think fit, towards, or may themselves undertake, the establishment or maintenance of a reformatory certified or intended to be certified under this Act, and may defray the whole or any part of the expenses of detention of any person in any certified inebriate reformatory, and two or more councils may combine for any such purpose.

(2.) The council of a borough may borrow for any such purpose in like manner as if it were a purpose for which they are authorised by section one hundred and six of the Municipal Corporations Act, 1882, to borrow.

45 & 46 Vict. c. 50.

Expenses of conveyance.

10. The expense of conveying a person to a certified inebriate reformatory shall be defrayed by the police authority by whom or at whose instance he is conveyed, and shall be deemed part of the current expenses of that police authority.

Powers of officers and arrest

11.—(1.) Every officer of a certified inebriate reformatory authorised in writing by the managers of the reformatory to take charge of any person ordered to be detained under this Act for the purpose of conveying him to or from the reformatory, or of apprehending and bringing him back to the reformatory in case of his escape or refusal to return, shall, for that purpose and while engaged in that duty, have all the powers, protections and privileges of a constable.

(2.) If any person ordered to be detained in a certified inebriate reformatory escapes therefrom, or from the charge of any person in whose charge he is placed under licence, before the expiration of his period of detention, he may be apprehended without warrant and brought back to the reformatory.

Power to recover expenses against inebriate's estate.

12.—(1.) If it is made to appear to a judge of county courts that any person detained in a State or certified inebriate reformatory has any real or personal property more than sufficient to maintain his family, if any, the judge may make an order for the payment of the expenses incurred in relation to the detention of

that person, and the order may be enforced against any property of that person in the same way as a judgment of the county court.

(2.) The order may be made on application—

(*a*) in the case of a person detained in a State inebriate reformatory, of such person as may be authorised by the Secretary of State in that behalf; and

(*b*) in the case of a person detained in a certified inebriate reformatory, of the managers of the reformatory, or any two of them, or of any authority contributing to the maintenance of such person.

Amendment of Habitual Drunkards Act, 1879.

Transfer of licensing powers to county council. 42 & 43 Vict. c. 19. 51 & 52 Vict. c. 19.

13. As from the commencement of this Act, the local authority under the Inebriates Acts, 1879 and 1888, as amended by this Act, and the clerk of the local authority, shall be in a borough the borough council and the town clerk, and elsewhere the county council and the clerk of the county council respectively, and a county council may delegate any of their powers as such local authority to a committee.

Power to contribute to retreats.

14. The council of any county or borough may contribute such sums and on such conditions as they may think fit towards the establishment or maintenance of a retreat under the Inebriates Acts, 1879 and 1888, as amended by this Act, and two or more councils may combine for any such purpose.

Period of licence of retreat.

15. The period for which a licence may be granted under section six of the Habitual Drunkards Act, 1879, shall be a period not exceeding two years instead of a period not exceeding thirteen months.

Amendment of 42 & 43 Vict. c. 19. s. 10, as to admission to retreat.

16. In section ten of the Habitual Drunkards Act, 1879, a term not exceeding two years shall be substituted for a term not exceeding twelve months, and one justice shall be substituted for two justices as the attesting authority to the signature of an applicant.

Extension of term of detention and re-admission.

17. A person who is or has at any time been detained in a retreat may have his term of detention extended, or be re-admitted, in like manner as a habitual drunkard may be admitted under section ten of the Habitual Drunkards Act, 1879, as amended by section four of the Inebriates Act, 1888, and by this Act, except that the statutory declaration therein mentioned shall not be necessary, and that the attesting justice shall not be required to satisfy himself that the applicant is a habitual drunkard.

Escape of patient.

18.—(1.) If a patient escapes from a retreat, the time between his escape and his return to the retreat shall not be treated as part of his term of detention in the retreat.

(2.) A warrant under section twenty-six of the Habitual Drunkards Act, 1879, for the apprehension of a patient who has escaped from a person in whose charge he has been placed under licence, may be issued by any justice having jurisdiction in the place where that person resides.

Death of patient absent under licence.

19.—(1.) In case of the death of a patient absent from a retreat under licence, a statement of the cause of his death, with the name of any person present at the death, shall be drawn up and signed by a duly qualified medical practitioner, and copies thereof, duly certified in writing by the person in whose charge the patient had been placed, shall be by him transmitted to the coroner and to the registrar of deaths for the district, and to the clerk of the local authority, and to the person by whom the last payment was made for the deceased, or to one, at least, of the persons who signed the statutory declaration under section ten of the Habitual Drunkards Act, 1879.

(2.) If the person in charge of the patient fails to comply with the requirements of this section, he shall be guilty of an offence against the Habitual Drunkards Act, 1879.

Power to make regulations.

20.—(1.) The Secretary of State may make regulations with respect to—

(*a*) the procedure on application for admission or re-admission into a retreat, or for the extension of the term of detention of a patient; and

(*b*) the medical or other curative treatment of patients in retreats, including the enforcement of such work as may be necessary for their health; and

(*c*) the inspection of retreats; and

(*d*) any other matter necessary or proper for carrying into effect the provisions of this or any other Act with respect to retreats.

(2.) The regulations made under this section may prescribe forms to be used in substitution for any of the forms in the Second Schedule to the Habitual Drunkards Act, 1879.

42 & 43 Vict. c. 19.

Supplemental.

Regulations to be laid before Parliament.

21.—(1.) A regulation made under this Act shall not come into effect until it has lain four weeks on the table of each House of Parliament whilst that House is sitting.

(2.) The making of any such regulations and the date at which they come into effect, shall be notified in the London Gazette.

Application to inebriate reformatories of provisions of 9 & 10 Vict. c. 66.

22. Section one of the Poor Removal Act, 1846, shall apply to a person detained in or absent under licence from a State inebriate reformatory, or a certified inebriate reformatory, as if he were a prisoner in a prison within the meaning of that section.

Provision as to criminal habitual drunkards in Scotland.

23.—(1.) Where in Scotland a person is convicted on indictment of an offence punishable with imprisonment or penal servitude, if the court is satisfied from the evidence that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence, and the offender admits that he is or is found by the jury to be a habitual drunkard, the court may, in addition to or in substitution for any other sentence, order that he be detained for a term not exceeding three years in any State inebriate reformatory or in any certified inebriate reformatory the managers of which are willing to receive him.

(2.) In the proceedings under an indictment in pursuance of this section, where at the first diet the accused has pleaded not guilty, at the second diet the jury shall in the first instance be sworn and the accused shall then be tried on so much only of the indictment as charges the said offence, and if he is found guilty, the same jury shall, unless the accused admits that he is a habitual drunkard, be re-sworn to inquire whether he is a habitual drunkard. Where at the first diet the accused pleads guilty of the offence, but denies that he is a habitual drunkard, the plea shall be recorded, and at the second diet the jury shall be sworn to inquire whether he is a habitual drunkard.

(3.) This section shall be substituted in Scotland for section one of this Act.

Power to detain in certified inebriate reformatory in Scotland.

24.—(1.) Any person who in Scotland commits any of the offences mentioned in the First Schedule to this Act, and who within the twelve months preceding the date of the commission of the offence has been convicted summarily at least three times of any offences so mentioned, and who is a habitual drunkard, may be tried on indictment before the High Court of Justiciary or the sheriff with a jury, or with his own consent by the sheriff summarily, and shall be liable on conviction to be detained for a term not exceeding three years in any certified inebriate reformatory the managers of which are willing to receive him.

(2.) This section shall be substituted in Scotland for section two of this Act.

Adaptations to Scotland.

25. In the application of this Act to Scotland, the following further modifications shall be made:—

(*a.*) References to the Secretary of State shall be construed as references to the Secretary for Scotland;

(*b.*) The person vested with the title to any available poorhouse may, with the consent of the Secretary for Scotland, and subject to such conditions and for such term as may be approved of by him, give the use of the whole or any part thereof for the purposes of an inebriate reformatory;

(*c.*) A reference to the Prisons (Scotland) Act, 1877, and the rules thereunder shall be substituted for a reference to the Prisons Acts, 1865 to 1898; 42 & 43 Vict. c. 53.

(*d.*) For references to a borough and the borough council shall be substituted reference to a burgh and the town council thereof, "burgh" shall include police burgh, and "town council" shall include burgh commissioners, and "town clerk" shall include clerk of the burgh commissioners;

(*e.*) For the purpose of raising money by rate or loan in order to defray expenditure under this Act county councils and town councils shall have the same powers as if a certified inebriate reformatory were a certified reformatory within the meaning of the Reformatory Schools Act, 1866; 29 & 30 Vict. c. 117.

(*f.*) The reference to the Poor Removal Act, 1846, shall not apply, but in any computation of time for the purpose of ascertaining the settlement of any pauper the time during 40 & 41 Vict. c. 53.

which he has been detained in an inebriate reformatory shall be reckoned as time spent by him as a prisoner;

(*g.*) References to a judge of county courts shall be construed as references to the sheriff. References to the coroner shall be construed as references to the procurator fiscal; and references to the London Gazette shall be construed as references to the Edinburgh Gazette.

Adaptation to Ireland.

26. In the application of this Act to Ireland the following modifications shall be made:—

(*a.*) References to the Summary Jurisdiction Act, 1879, and the offences specified in the second column of the First Schedule to that Act shall be construed as references to the Criminal Justice Act, 1855, and the offences specified in section one of that Act;

18 & 19 Vict. c. 126.

(*b.*) For section three of this Act shall be substituted the following provision, namely:—

The Lord Lieutenant of Ireland may establish State inebriate reformatories, and for that purpose may, with the approval of the Treasury, either authorise the Prisons Board to acquire any land, or to erect or acquire any building, or appropriate the whole or any part of any building vested in or under the control of the Prisons Board; and any expenses incurred under this section shall be paid out of moneys provided by Parliament;

(*c.*) Subject as aforesaid, references to the Secretary of State shall be construed as references to the Lord Lieutenant;

(*d.*) A reference to the Prisons (Ireland) Acts, 1826 to 1884, shall be substituted for a reference to the Prisons Acts, 1865 to 1898;

(*e.*) For references to a borough and the council of a borough there shall be substituted references to a county borough and the council of a county borough;

(*f.*) For the purposes of section nine of this Act, the council of a county borough may, with the consent of the Local Government Board for Ireland, borrow at interest on the security of any corporate land or of the borough fund or borough rate, or of all or any of those securities, such sums as the council think requisite;

(*g.*) The expenses of conveying persons to and from certified inebriate reformatories shall be defrayed in like manner as the expenses of conveying prisoners to and from prisons;

(*h.*) References to the London Gazette shall be construed as references to the Dublin Gazette;

(*i.*) The reference to the Poor Removal Act, 1846, shall not apply.

Definitions.

27. In this Act, unless the context otherwise requires,—

The expression "managers," in relation to a certified inebriate reformatory shall mean any persons having the management or control of the reformatory:

The expression "expenses," in relation to the detention of a person in a certified inebriate reformatory, shall include the expenses of his custody and maintenance, whether in the reformatory or when absent therefrom under licence, and any other expenses directed by this Act, or by any order made thereunder to be defrayed by the managers, and also any expenses incurred by the managers in assisting him to return to his home or place of settlement on the expiration of his term of detention:

The expression "patient" shall mean a person who has been admitted into a retreat, and whose term of detention has not expired or been concluded by his discharge.

Repeal.

28. The Act mentioned in the Second Schedule to this Act is hereby repealed to the extent appearing in the third column of that schedule.

Commencement of Act.

29. This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-nine.

Short title.

42 & 43 Vict. c. 19.

51 & 52 Vict. c. 19.

30. This Act may be cited as the Inebriates Act, 1898, and shall be construed as one with the Inebriates Acts, 1879 and 1888, and those Acts and this Act may be cited together as the Inebriates Acts, 1879 to 1898.

SCHEDULES.

FIRST SCHEDULE.

Sections 2, 24.

Description of Offence.	Statute enacting Offence.
Being found drunk in a highway or other public place, whether a building or not, or on licensed premises	Licensing Act, 1872 (35 & 36 Vict. c. 94.), s. 12.
Being guilty while drunk of riotous or disorderly behaviour in a highway or other public place, whether a building or not	
Being drunk while in charge, on any highway or other public place, of any carriage, horse, cattle, or steam-engine	
Being drunk when in possession of any loaded firearms	
Refusing or failing when drunk to quit licensed premises when requested.	Licensing Act, 1872 (35 & 36 Vict. c. 94.), s. 18.
Refusing or failing when drunk to quit any premises or place licensed under the Refreshment Houses Act, 1860, when requested.	Refreshment Houses Act, 1860 (23 & 24 Vict. c. 27.), s. 41.

Description of Offence.	Statute enacting Offence.
Being found drunk in any street or public thoroughfare within the Metropolitan Police District, and being guilty while drunk of any riotous or indecent behaviour.	Metropolitan Police Act, 1839 (2 & 3 Vict. c. 47.), s. 58.
Being drunk in any street, and being guilty of riotous or indecent behaviour therein.	Town Police Clauses Act, 1847 (10 & 11 Vict. c. 89.), s. 29.
Being intoxicated while driving a hackney carriage.	Town Police Clauses Act, 1847 (10 & 11 Vict. c. 89.), s. 61.
Being drunk during employment as a driver of a hackney carriage, or as a driver or conductor of a stage carriage in the Metropolitan Police District.	London Hackney Carriages Act, 1843 (6 & 7 Vict. c. 86.), s. 28.
Being drunk and persisting, after being refused admission on that account, in attempting to enter a passenger steamer - - -	Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60.), s. 287.
Being drunk on board a passenger steamer, and refusing to leave such steamer when requested	
Being found in a state of intoxication and incapable of taking care of himself, and not under the care or protection of some suitable person, in any street, thoroughfare, or public place.	Public Houses Acts Amendment (Scotland) Act, 1862 (25 & 26 Vict. c. 35.), s. 23.
Being in any street drunk and incapable and not under the care and protection of some suitable person.	Burgh Police (Scotland) Act, 1892 (55 & 56 Vict. c. 55.), s. 381.
Being drunk while in charge in any street or other place of any carriage, horse, cattle, or steam engine, or when in possession of any loaded firearms.	Burgh Police (Scotland) Act, 1892 (55 & 56 Vict. c. 55.), s. 380.
Being found in any shebeen drunk - -	Public Houses Acts Amendment (Scotland) Act, 1862 (25 & 26 Vict. c. 35.), s. 19.
Refusing or neglecting when drunk to quit any premises or place licensed under the Refreshment Houses (Ireland) Act, 1860, when requested.	Refreshment Houses (Ireland) Act, 1860 (23 & 24 Vict. c. 107.), s. 42.
Being drunk in any street or public thoroughfare within the Dublin police district, or being guilty, while drunk, of any riotous or indecent behaviour.	Dublin Police Act, 1842 (5 & 6 Vict. c. 24.), s. 15.
Being found drunk in any street, square, lane, road, way, or other public thoroughfare or place.	Licensing (Ireland) Act, 1836 (6 & 7 Will. 4, c. 38.), s. 12.
All similar offences in local Acts.	

SECOND SCHEDULE. Section 28.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
42 & 43 Vict. c. 19. -	The Habitual Drunkards Act, 1879.	Section twenty-one, from "An "unauthorised absence" to the end of the section. The First Schedule. As from the date at which new forms substituted under this Act come into effect, the Second Schedule and the references thereto in sections six and ten.

CHAPTER 61.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-nine, and to appropriate the Supplies granted in this Session of Parliament. [12th August 1898.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and 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:

Grant out of Consolidated Fund.

Issue of 42,968,470*l.* out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and ninety-nine, the sum of forty-two million nine hundred and sixty-eight thousand four hundred and seventy pounds.

Power for the Treasury to borrow.

2. The Treasury may borrow from any person, and the Bank of England may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole the sum of forty-two million nine hundred and sixty-eight thousand four hundred and seventy pounds, and the Treasury shall repay the moneys so borrowed, with interest not exceeding five pounds per centum per