CHAPTER 69.

An Act to amend the Law relating to Penal Servitude and the Prevention of Crime. [5th August 1891.]

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:

Amendment of law as to term of penal servitude and as to sentences of imprisonment.

1.—(1.) Where under any enactment in force when this section comes into operation a court has power to award a sentence of penal servitude, the sentence may, at the discretion of the court, be for any period not less than three years, and not exceeding either five years, or any greater period authorised by the enactment.

(2.) Where under any Act now in force or under any future Act a court is empowered or required to award a sentence of penal servitude, the court may in its discretion, unless such future Act otherwise provides, award imprisonment for any term not exceeding two years, with or without hard labour.

27 & 28 Vict. c. 47.

(3.) Section two of the Penal Servitude Act, 1864, is hereby repealed with respect to any sentence awarded after the date at which this section comes into operation.

Amendment of law as to apprehension of licensees and supervisees. 34 & 35 Vict. c. 112.

2.—(1.) Any constable may take into custody without warrant any holder of a licence under the Penal Servitude Acts, or any person under the supervision of the police in pursuance of the Prevention of Crimes Act, 1871, whom he reasonably suspects of having committed any offence, and may take him before a court of summary jurisdiction to be dealt with according to law.

(2.) Any convict may be convicted before a court of summary jurisdiction of an offence against section three of the Prevention

34 & 35 Vict. c. 112.

of Crimes Act, 1871, although he was brought before the court on some other charge or not in manner provided by that section.

27 & 28 Vict. c. 47.

(3.) Section six of the Penal Servitude Act, 1864, is hereby repealed.

Power to grant licences in cases of unexpired terms.

3.—(1.) Where an offender is, under section nine of the Penal Servitude Act, 1864, undergoing, or liable to undergo, a term of penal servitude in consequence of the forfeiture or revocation of a licence granted in pursuance of the Penal Servitude Acts, Her Majesty may grant a licence to the offender in like manner as if the forfeiture or revocation of the former licence were a sentence of penal servitude which the offender is liable to undergo.

(2.) Where a person is sentenced on any conviction to a term of penal servitude, and by virtue of the same conviction his licence is forfeited, the term for which he is sentenced, together with the term which he is required further to undergo under the said section, shall, for all purposes of the Penal Servitude Acts relating to licences, be deemed to be one term of penal servitude, and those Acts shall apply as if, on conviction of the offence, the offender had been sentenced to the combined term.

27 & 28 Vict. c. 47.

(3.) In section nine of the Penal Servitude Act, 1864, the words "on indictment of any offence" shall be substituted for the words "of any indictable offence," and in Schedule A. to the said Act

the words "on indictment of some offence" shall be substituted for the words "of some indictable offence."

Amendment of law as to notices of residence to be given by licensees and supervisees. 42 & 43 Vict. c. 55.

4.—(1.) Sections five and eight of the Prevention of Crimes Act, 1871, and section two of the Prevention of Crimes Act, 1879 (which recites and refers to those sections), shall have effect as if the following substitutions had been made in the said sections five and eight; that is to say,

(*a.*) As if for the words "and whenever he changes his residence "from one police district to another shall notify such change "of residence to the chief officer of police of the police district "which he is leaving, and to the chief officer of police of the "police district into which he goes to reside" occurring in each section there had been substituted in each section the following words:

"and whenever he is about to leave a police district he shall "notify such his intention to the chief officer of police of that "district, stating the place to which he is going, and also, if "required, and, so far as is practicable, his address at that "place, and whenever he arrives in any police district he shall "forthwith notify his place of residence to the chief officer of "police of such last-mentioned district;" and

(*b.*) As if for the words in section five, from "If any holder" to the end of the section, and for the words in section eight, from "If any person" to the end of the section, there had been substituted in each section the following words:—

"If any person to whom this section applies fails to comply with any of the requisitions of this section, he shall, in any such case, be guilty of an offence against this Act, unless he proves to the satisfaction of the court before whom he is tried, either that being on a journey he tarried no longer in the place, in respect of which he is charged with failing to notify his place of residence, than was reasonably necessary, or that otherwise he did his best to act in conformity with the law; and on conviction of such offence it shall be lawful for the court in its discretion either to forfeit his licence, or to sentence him to imprisonment with or without hard labour for a term not exceeding one year.

(2.) Her Majesty may, by order under the hand of a Secretary of State, remit any of the requirements of sections five and eight of the Prevention of Crimes Act, 1871, either generally or in the case of any holder of a licence or person subject to the supervision of the police.

Amendment of 27 & 28 Vict. c. 47. ss. 4, 8.

5. The provisions of the Penal Servitude Act, 1864, applying to a licence in the form set forth in Schedule A. to that Act, shall apply also to a licence in any other form for the time being authorised by section ten of that Act.

Extension of 34 & 35 Vict. c. 112. s. 7.

6. A person who has been convicted on indictment of a crime within the meaning of the Prevention of Crimes Act, 1871, and against whom a previous conviction of such a crime is proved shall,

(*a.*) if the second sentence is to a term of imprisonment, then at any time within seven years after the expiration of the sentence; and

(*b.*) if the second sentence is to a term of penal servitude, then whilst at large on licence under that sentence, and also at any time within seven years after the expiration of the sentence,

be guilty of an offence against the Prevention of Crimes Act, 1871, under the circumstances stated in section seven of that Act or any of them, and may be taken into custody in manner provided by that section.

Amendment of 5 Geo. 4. c. 83. and 34 & 35 Vict. c. 112. s. 15 as to rogues and vagabonds.

7. Section four of the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An "Act for the punishment of idle and disorderly persons and rogues "and vagabonds in that part of Great Britain called England," as amended by section fifteen of the Prevention of Crimes Act, 1871, shall be read and construed as if the provisions applying to suspected persons and reputed thieves frequenting the places and with the intent therein described, applied also to every suspected person or reputed thief loitering about or in any of the said places and with the said intent.

Regulations as to measuring and photographing of prisoners.

8. The Secretary of State may make regulations as to the measuring and photographing of all prisoners who may for the time being be confined in any prison; and all the provisions of section six of the Prevention of Crimes Act, 1871, with respect to the photographing of prisoners shall apply to any regulations as to measuring made in pursuance of this section. All regulations made under this section shall be laid before both Houses of Parliament as soon as practicable after they are made.

Application to Scotland and Ireland.

9. The powers of the Secretary of State under this Act shall be exercised as to Scotland by the Secretary for Scotland, and as to Ireland by the Lord Lieutenant.

Application of penal servitude provisions to Channel Islands and Isle of Man.

10. Any person convicted in the Channel Islands or the Isle of Man of an offence for which he is sentenced to penal servitude may be confined, removed, and otherwise dealt with in the same place and manner as if he had been convicted in the United Kingdom.

Short title. 16 & 17 Vict. c. 99. 20 & 21 Vict. c. 3. 27 & 28 Vict. c. 47.

11. This Act may be cited as the Penal Servitude Act, 1891, and this Act and the Penal Servitude Acts, 1853, 1857, and 1864, may be cited collectively as the Penal Servitude Acts, 1853 to 1891, and are in this Act referred to as the Penal Servitude Acts.

CHAPTER 70.

An Act to amend the Markets and Fairs (Weighing of Cattle) Act, 1887. [5th August 1891.]

50 & 51 Vict. c. 27.

WHEREAS it is expedient to amend the Markets and Fairs (Weighing of Cattle) Act, 1887 (herein-after referred to as the principal Act):

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and