



# Criminal Justice Act 1967

## 1967 CHAPTER 80

### PART I

#### CRIMINAL PROCEDURE, ETC.

##### *Miscellaneous provisions as to evidence, procedure and trial*

#### **8 Proof of criminal intent.**

A court or jury, in determining whether a person has committed an offence.—

- (a) shall not be bound in law to infer that he intended or foresaw a result of his actions by reason only of its being a natural and probable consequence of those actions; but
- (b) shall decide whether he did intend or foresee that result by reference to all the evidence, drawing such inferences from the evidence as appear proper in the circumstances.

#### **9 Proof by written statement.**

(1) In any criminal proceedings, other than committal proceedings, a written statement by any person shall, if such of the conditions mentioned in the next following subsection as are applicable are satisfied, be admissible as evidence to the like extent as oral evidence to the like effect by that person.

(2) The said conditions are—

- (a) the statement purports to be signed by the person who made it;
- (b) the statement contains a declaration by that person to the effect that it is true to the best of his knowledge and belief and that he made the statement knowing that, if it were tendered in evidence, he would be liable to prosecution if he wilfully stated in it anything which he knew to be false or did not believe to be true;

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- (c) before the hearing at which the statement is tendered in evidence, a copy of the statement is served, by or on behalf of the party proposing to tender it, on each of the other parties to the proceedings : and
- (d) none of the other parties or their solicitors, within seven days from the service of the copy of the statement, serves a notice on the party so proposing objecting to the statement being tendered in evidence under this section:

Provided that the conditions mentioned in paragraphs (c) and (d) of this subsection shall not apply if the parties agree before or during the hearing that the statement shall be so tendered.

- (3) The following provisions shall also have effect in relation to any written statement tendered in evidence under this section, that is to say—
  - (a) if the statement is made by a person under the age of twenty-one, it shall give his age ;
  - (b) if it is made by a person who cannot read it, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read ; and
  - (c) if it refers to any other document as an exhibit, the copy served on any other party to the proceedings under paragraph (c) of the last foregoing subsection shall be accompanied by a copy of that document or by such information as may be necessary in order to enable the party on whom it is served to inspect that document or a copy thereof.
- (4) Notwithstanding that a written statement made by any person may be admissible as evidence by virtue of this section—
  - (a) the party by whom or on whose behalf a copy of the statement was served may call that person to give evidence; and
  - (b) the court may, of its own motion or on the application of any party to the proceedings, require that person to attend before the court and give evidence.
- (5) An application under paragraph (b) of the last foregoing subsection to a court other than a magistrates' court may be made before the hearing and on any such application the powers of the court shall be exercisable—
  - (a) in the case of a court of quarter sessions, by the chairman or any deputy chairman of the court or, in the case of a court of quarter sessions for a borough, the recorder or any deputy or assistant recorder;
  - (b) in any other case, by any person entitled to sit as a judge of the court.
- (6) So much of any statement as is admitted in evidence by virtue of this section shall, unless the court otherwise directs, be read aloud at the hearing and where the court so directs an account shall be given orally of so much of any statement as is not read aloud.
- (7) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.
- (8) A document required by this section to be served on any person may be served—
  - (a) by delivering it to him or to his solicitor; or
  - (b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at his office; or

- (c) by sending it in a registered letter or by the recorded delivery service addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at his office; or
- (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it in a registered letter or by the recorded delivery service addressed to the secretary or clerk of that body at that office.

## **10 Proof by formal admission.**

- (1) Subject to the provisions of this section, any fact of which oral evidence may be given in any criminal proceedings may be admitted for the purpose of those proceedings by or on behalf of the prosecutor or defendant, and the admission by any party of any such fact under this section shall as against that party be conclusive evidence in those proceedings of the fact admitted.
- (2) An admission under this section—
  - (a) may be made before or at the proceedings;
  - (b) if made otherwise than in court, shall be in writing;
  - (c) if made in writing by an individual, shall purport to be signed by the person making it and, if so made by a body corporate, shall purport to be signed by a director or manager, or the secretary or clerk, or some other similar officer of the body corporate;
  - (d) if made on behalf of a defendant who is an individual, shall be made by his counsel or solicitor;
  - (e) if made at any stage before the trial by a defendant who is an individual, must be approved by his counsel or solicitor (whether at the time it was made or subsequently) before or at the proceedings in question.
- (3) An admission under this section for the purpose of proceedings relating to any matter shall be treated as an admission for the purpose of any subsequent criminal proceedings relating to that matter (including any appeal or retrial).
- (4) An admission under this section may with the leave of the court be withdrawn in the proceedings for the purpose of which it is made or any subsequent criminal proceedings relating to the same matter.

## **11 Notice of alibi.**

- (1) On a trial on indictment the defendant shall not without the leave of the court adduce evidence in support of an alibi unless, before the end of the prescribed period, he gives notice of particulars of the alibi.
- (2) Without prejudice to the foregoing subsection, on any such trial the defendant shall not without the leave of the court call any other person to give such evidence unless—
  - (a) the notice under that subsection includes the name and address of the witness or, if the name or address is not known to the defendant at the time he gives the notice, any information in his possession which might be of material assistance in finding the witness;
  - (b) if the name or the address is not included in that notice, the court is satisfied that the defendant, before giving the notice, took and thereafter continued

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- to take all reasonable steps to secure that the name or address would be ascertained;
- (c) if the name or the address is not included in that notice, but the defendant subsequently discovers the name or address or receives other information which might be of material assistance in finding the witness, he forthwith gives notice of the name, address or other information, as the case may be; and
  - (d) if the defendant is notified by or on behalf of the prosecutor that the witness has not been traced by the name or at the address given, he forthwith gives notice of any such information which is then in his possession or, on subsequently receiving any such information, forthwith gives notice of it.
- (3) The court shall not refuse leave under this section if it appears to the court that the defendant was not informed in accordance with rules under section 15 of the Justices of the Peace Act 1949 (rules of procedure for magistrates' courts) of the requirements of this section.
  - (4) Any evidence tendered to disprove an alibi may, subject to any directions by the court as to the time it is to be given, be given before or after evidence is given in support of the alibi.
  - (5) Any notice purporting to be given under this section on behalf of the defendant by his solicitor shall, unless the contrary is proved, be deemed to be given with the authority of the defendant.
  - (6) A notice under subsection (1) of this section shall either be given in court during, or at the end of, the proceedings before the examining justices or be given in writing to the solicitor for the prosecutor, and a notice under paragraph (c) or (d) of subsection (2) of this section shall be given in writing to that solicitor.
  - (7) A notice required by this section to be given to the solicitor for the prosecutor may be given by delivering it to him, or by leaving it at his office, or by sending it in a registered letter or by the recorded delivery service addressed to him at his office.
  - (8) In this section—
    - " evidence in support of an alibi " means evidence tending to show that by reason of the presence of the defendant at a particular place or in a particular area at a particular time he was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission.
    - " the prescribed period " means the period of seven days from the end of the proceedings before the examining justices.
  - (9) In computing the said period a Sunday, Christmas Day, Good Friday, a day which is a bank holiday under the Bank Holidays Act 1871 in England and Wales or a day appointed for public thanksgiving or mourning shall be disregarded.

## **12 Application of sections 9 to 11 to courts-martial.**

Without prejudice to section 99(1) of the Army Act 1955 or of the Air Force Act 1955 (application to proceedings before courts-martial of civil rules as to the admissibility of evidence) and to any power to make rules or orders for the procedure of, and otherwise for the trial of offences by, courts-martial, the three last foregoing sections shall apply to such proceedings as they apply to proceedings on indictment subject, however, to such modifications as may be prescribed by regulations made by the Secretary of State,

being modifications which appear to him to be necessary or proper for the purpose of the operation of those sections in relation to proceedings before courts-martial.

### **13 Majority verdicts of juries in criminal proceedings.**

- (1) Subject to the following provisions of this section, the verdict of a jury in criminal proceedings need not be unanimous if—
  - (a) in a case where there are not less than eleven jurors, ten of them agree on the verdict; and
  - (b) in a case where there are ten jurors, nine of them agree on the verdict;and a verdict authorised by this subsection is hereafter in this section referred to as "a majority verdict".
- (2) A court shall not accept a majority verdict of guilty unless the foreman of the jury has stated in open court the number of jurors who respectively agreed to and dissented from the verdict.
- (3) A court shall not accept a majority verdict unless it appears to the court that the jury have had not less than two hours for deliberation or such longer period as the court thinks reasonable having regard to the nature and complexity of the case.

### **14 Disqualification of ex-prisoners from serving on juries in criminal proceedings.**

- (1) The following persons shall be disqualified from serving on a jury in any criminal proceedings, that is to say—
  - (a) any person who at any time during the ten years immediately preceding the date on which the jury is sworn for the purpose of those proceedings has served, in the United Kingdom, the Channel Islands or the Isle of Man, any part of a sentence of imprisonment or detention, being a sentence for a term of three months or more;
  - (b) any person who has been sentenced at any time in the United Kingdom, the Channel Islands or the Isle of Man to imprisonment or detention for life or for a term of five years or more or to penal servitude for such a term.
- (2) For the purposes of the foregoing subsection a person sentenced to borstal training shall be treated as if he had been sentenced for a term of more than three months, and a person sentenced to be detained for an offence during Her Majesty's pleasure or during the pleasure of the Governor of Northern Ireland shall be treated as if he had been sentenced to detention for life.
- (3) A person who serves on a jury in any criminal proceedings when disqualified by this section from doing so shall be liable on summary conviction to a fine not exceeding £250.
- (4) Section 38(2) to (5) of the Criminal Justice Act 1961 (construction of references to sentences, imprisonment or detention and similar expressions) shall apply for the purposes of this section as it applies for the purposes of Part III of that Act.
- (5) Any sheriff or other officer having power to summon persons to serve on juries in criminal proceedings shall send with every summons for that purpose a notice stating the effect of the foregoing provisions of this section.
- (6) For the purposes of section 27 of the Juries Act 1825 (challenge of jurors not qualified according to that Act), in its application to criminal proceedings, a person disqualified

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from serving on a jury by this section shall be treated as not qualified according to that Act.

- (7) Section 2(1) of the Juries Act 1922 (liability of persons included in jurors books to serve notwithstanding their disqualification) shall not apply to any person disqualified from serving on a jury by this section.
- (8) Section 10 of the Juries Act 1870 (disqualification of persons convicted of infamous crimes) shall not apply to criminal proceedings.

## **15 Validation of verdict where juror disqualified.**

It is hereby declared that the verdict of a jury in criminal proceedings (as in other proceedings) is not void by reason only that a member of the jury is disqualified from serving on the jury in those proceedings.

## **16 Continuation of exemption from jury service at criminal trials.**

- (1) The persons to whom this section applies (being persons exempted from jury service by section 9 of the Juries Act 1870 in the case of persons mentioned in paragraphs (a) to (k), by section 4 of the Port of London Act 1959 in the case of persons mentioned in paragraph (l) and by section 43(2) of the British Transport Commission Act 1962 in the case of persons mentioned in paragraph (m) of the next following subsection) shall for ten years after the date on which they cease to hold the office or employment or practise the profession by virtue of which they are so exempt continue to enjoy the like exemption from serving on juries in criminal proceedings as they enjoy before that date.
- (2) The persons to whom this section shall apply are—
- (a) judges;
  - (b) barristers-at-law;
  - (c) solicitors, and their managing clerks;
  - (d) the registrar of criminal appeals, clerks of assize and persons appointed or employed to assist him or them in the exercise of his or their functions;
  - (e) clerks of the peace and their deputies ;
  - (f) coroners;
  - (g) prison officers;
  - (h) sheriff's officers;
  - (i) members of police forces and special constables for police areas;
  - (j) metropolitan stipendiary magistrates;
  - (k) justices of the peace ;
  - (l) constables appointed by the Port of London Authority ; and
  - (m) constables in the British Transport Police Force.

## **17 Entry of verdict of not guilty by order of a judge.**

Where a defendant arraigned on an indictment or inquisition pleads not guilty and the prosecutor proposes to offer no evidence against him, the court before which the defendant is arraigned may, if it thinks fit, order that a verdict of not guilty shall be recorded without the defendant being given in charge to a jury, and the verdict shall

have the same effect as if the defendant had been tried and acquitted on the verdict of a jury.

## **18 Restrictions on refusal of bail.**

- (1) Where a person who has attained the age of seventeen is charged before a magistrates' court with a summary offence which is not also an indictable offence and is punishable with not more than six months' imprisonment, then, subject to the following provisions of this section, if the court adjourns the trial and remands him, it shall remand him on bail.
- (2) Where by virtue of section 18 or section 19 of the Magistrates' Courts Act 1952 (offences triable on indictment or summarily) a magistrates' court proceeds to try any such person as aforesaid summarily for an offence which is both a summary offence and an indictable offence and is punishable on summary conviction with not more than six months' imprisonment, or for an offence specified in Schedule 1 to that Act, then, subject to the following provisions of this section, if after he has pleaded to the charge the court adjourns the trial and remands him, it shall remand him on bail.
- (3) Where any such person as aforesaid is charged with a summary offence and he or the prosecutor claims that he shall be tried by jury, then, subject to the following provisions of this section, if the magistrates' court adjourns the inquiry as examining justices or commits him for trial, it shall remand or commit him on bail.
- (4) The foregoing provisions of this section shall not require a magistrates' court to remand or commit a person on bail if he fails to give the court or a person prescribed for the purposes of section 95 of the Magistrates' Courts Act 1952 a proper recognizance and to produce sufficient and satisfactory sureties if required to do so.
- (5) The foregoing provisions of this section shall not require a magistrates' court to remand or commit a person on bail—
  - (a) where he is charged with an offence punishable by that court with imprisonment for a term of not less than six months and it appears to the court that he has been previously sentenced to imprisonment or borstal training;
  - (b) where it appears to the court that, having been released on bail on any occasion, he has failed to comply with the conditions of any recognizance entered into by him on that occasion;
  - (c) where he is charged with an offence alleged to have been committed while he was released on bail;
  - (d) where it appears to the court that it is necessary to detain him to establish his identity or address;
  - (e) where it appears to the court that he has no fixed abode or that he is ordinarily resident outside the United Kingdom;
  - (f) where the act or any of the acts constituting the offence with which he is charged consisted of an assault on or threat of violence to another person, or of having or possessing a firearm, an imitation firearm, an explosive or an offensive weapon, or of indecent conduct with or towards a person under the age of sixteen years ;
  - (g) where it appears to the court that unless he is remanded or committed in custody he is likely to commit an offence; or
  - (h) where it appears to the court necessary for his own protection to refuse to remand or commit him on bail.

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- (6) The requirements of subsections (1) and (2) of this section shall not apply to the adjournment of a trial by a magistrates' court under section 26 of the Magistrates' Courts Act 1952 for the purpose of enabling a medical examination and report to be made on the defendant if it appears to the court that it would be impracticable to obtain such a report without remanding the defendant in custody.
- (7) Where a magistrates' court refuses to remand or commit on bail any person who has attained the age of seventeen, the court shall, if he is not represented by counsel or a solicitor, inform him that he may apply to a judge of the High Court to be admitted to bail.
- (8) Where a magistrates' court refuses as aforesaid under subsection (5) of this section or otherwise refuses to commit any such person as aforesaid for trial on bail the court shall, if he is not so represented or if he is so represented and his counsel or solicitor so requests, give him a written notice stating the reason for the refusal.

**19 Restriction on justices sitting after dealing with bail.**

- (1) A justice of the peace shall not take part in trying the issue of a defendant's guilt on the summary trial of an information if in the course of the same proceedings the justice has been informed, for the purpose of determining the question of the defendant's admission to bail, that he has one or more previous convictions.
- (2) For the purposes of this section any committal proceedings from which the proceedings on the summary trial arose shall be treated as part of the trial.

**20 Power of magistrates' court to commit on bail for sentence.**

Where a magistrates' court has power to commit an offender to a court of quarter sessions under section 5 of the Vagrancy Act 1824 (incorrigible rogues) or section 28 or 29 of the Magistrates' Courts Act 1952 (committal for sentence), the court may instead of committing him in custody commit him on bail.

**21 Special conditions of bail.**

- (1) The conditions on which any person is admitted to bail may include conditions appearing to the court to be likely to result in his appearance at the time and place required or to be necessary in the interests of justice or for the prevention of crime.
- (2) A court which on admitting, or directing the admission of, any person to bail imposes a condition under the foregoing subsection shall not require him to find sureties in respect of that condition.

**22 Extension of power of High Court to grant, or vary conditions of, bail.**

- (1) Where in connection with any criminal proceedings an inferior court has power to admit any person to bail, but either refuses to do so, or does so or offers to do so on terms unacceptable to him, the High Court may admit him or direct his admission to bail or, where he has been admitted to bail, may vary any conditions on which he was so admitted or reduce the amount in which he or any surety is bound or discharge any of the sureties.



- (2) The conditions as to the time and place of appearance of a person admitted to bail under this section which are to be included in a recognizance entered into by him shall be such conditions as the inferior court had power to impose.
- (3) Subsections (3), (4) and (6) of section 37 of the Criminal Justice Act 1948 (ancillary provisions as to persons admitted to bail by the High Court under that section and the currency of sentence in the case of persons so admitted) shall apply in relation to the powers conferred by this section and persons admitted to bail in pursuance of those powers as it applies in relation to the powers conferred by that section and persons admitted to bail in pursuance of those powers, except that the said subsection (6) shall not apply in relation to a person admitted to bail pending an appeal from a magistrates' court to a court of quarter sessions.
- (4) In this section " inferior court " means a court of quarter sessions, a magistrates' court or a coroner.
- (5) The powers conferred on the High Court by this section shall be in substitution for the powers so conferred by paragraphs (a), (b) and (c) of section 37(1) of the Criminal Justice Act 1948, but except as aforesaid this section shall not prejudice any powers of the High Court to admit or direct the admission of persons to bail.

## **23 Arrest of persons granted bail.**

- (1) A constable may arrest without warrant any person who has been admitted to bail—
  - (a) if the constable has reasonable grounds for believing that that person is likely to break the condition that he will appear at the time and place required or any other condition on which he was admitted to bail, or has reasonable cause to suspect that that person is breaking or has broken any such other condition ; or
  - (b) on being notified in writing by any surety for that person that the surety believes that that person is likely to break the first-mentioned condition and for that reason the surety wishes to be relieved of his obligations as a surety.
- (2) A person arrested under the foregoing subsection—
  - (a) shall, except where he was so arrested within the period of twenty-four hours immediately preceding an occasion on which he is required by virtue of a condition of his bail to appear before any court, be brought as soon as practicable and in any event within twenty-four hours after his arrest before a justice of the peace acting for the petty sessions area in which he was arrested ;  
and
  - (b) in the said excepted case shall be brought before the court before which he is required to appear as aforesaid.
- (3) A justice of the peace before whom a person is brought under the last foregoing subsection may, if of the opinion that that person has broken or is likely to break any condition on which he was admitted to bail, remand him in custody or commit him to custody, as the case may require, or alternatively release him on his original recognizance or on a new recognizance, with or without sureties, and if not of that opinion shall release him on his original recognizance.

**24 Process for minor offences.**

- (1) A warrant for the arrest of any person who has attained the age of seventeen shall not be issued under section 1 of the Magistrates' Courts Act 1952 (summons or warrant to answer a charge) unless—
  - (a) the offence to which the warrant relates is an indictable offence or is punishable with imprisonment; or
  - (b) the address of the defendant is not sufficiently established for a summons to be served on him.
- (2) A warrant for the arrest of any such person shall not be issued under section 15(2) of the said Act of 1952 (non-appearance of defendant) unless—
  - (a) the offence to which the warrant relates is punishable with imprisonment; or
  - (b) the court, having convicted the defendant, proposes to impose a disqualification on him;and proviso (a) to that subsection (restriction on issue of warrant for arrest of defendant who fails to appear at an adjourned trial) shall cease to have effect.
- (3) Where a summons has been issued under the said section 1 and a magistrates' court has begun to try the information to which the summons relates, then, if—
  - (a) the defendant, at any time during or after the trial, makes a statutory declaration that he did not know of the summons or the proceedings until a date specified in the declaration, being a date after the court has begun to try the information; and
  - (b) within fourteen days of that date the declaration is served on the clerk to the justices;without prejudice to the validity of the information, the summons and all subsequent proceedings shall be void.
- (4) For the purposes of the last foregoing subsection a statutory declaration shall be deemed to be duly served on the clerk to the justices if it is delivered to him, or left at his office, or is sent in a registered letter or by the recorded delivery service addressed to him at his office.
- (5) Rules under section 15 of the Justices of the Peace Act 1949 (rules of procedure for magistrates' courts) shall not, unless the foregoing provisions of this section have come into force, include a provision dispensing with the need to prove that a summons issued under section 1 of the Magistrates' Courts Act 1952 and served in accordance with the rules has come to the knowledge of the defendant; and any such provision in the rules shall not in any event apply to a summons for an indictable offence.
- (6) Where any proceedings have become void by virtue of subsection (3) of this section, the information shall not be tried again by any of the same justices.

**25 Restrictions on issue of search warrants under Obscene Publications Act 1959.**

A justice of the peace shall not issue a warrant under section 3(1) of the Obscene Publications Act 1959 (search for and seizure of obscene articles) except on an information laid by or on behalf of the Director of Public Prosecutions or by a constable.

**26 Restrictions on passing sentence in the absence of the defendant.**

- (1) A magistrates' court shall not in a person's absence sentence him to imprisonment or detention in a detention centre or make an order under section 40 of this Act that a suspended sentence passed on him shall take effect.
- (2) A magistrates' court shall not in a person's absence impose any disqualification on him, except on resumption of the hearing after an adjournment under section 14(3) of the Magistrates' Courts Act 1952 (adjournment after convicting, but before sentencing, the defendant).
- (3) Where a trial is adjourned in pursuance of the last foregoing subsection, the notice required by section 14(2) of that Act (notice of resumption) shall include notice of the reason for the adjournment.

**27 Summary trial of certain offences under the Forgery Act 1913.**

The Magistrates' Courts Act 1952 shall have effect as if the following offences were included among those specified in paragraphs 1 to 18 of Schedule 1 to that Act (indictable offences which are by virtue of section 19 of that Act triable summarily with the consent of the defendant)—

- (a) offences under section 2(2)(a) of the Forgery Act 1913 (forgery of valuable securities) in relation to any document being an accountable receipt, release, or discharge, or any receipt or other instrument evidencing the payment of money, or the delivery of any chattel personal;
- (b) offences under section 4 of the said Act of 1913 (forgery of documents in general); and
- (c) uttering any forged document the forgery of which is an offence which by virtue of the said section 19 is triable summarily with the consent of the defendant.

**28 Jurisdiction of magistrates' courts to try offences.**

A magistrates' court for any area by which a person is tried for an offence shall have jurisdiction to try him for any summary offence for which he could be tried by a magistrates' court for any other area.

**29 Plea by a corporation before a magistrates' court.**

- (1) On the trial by a magistrates' court of an information against a corporation, a representative may on behalf of the corporation enter a plea of guilty or not guilty.
- (2) Section 33(6) of the Criminal Justice Act 1925 shall apply to a representative for the purposes of the foregoing subsection as it applies to a representative for the purposes of that section.
- (3) A notification or intimation for the purposes of section 1(2) of the Magistrates' Courts Act 1957 (trial in absence of accused who has notified desire to plead guilty without appearing before the court) may be given on behalf of a corporation by a director or the secretary of the corporation ; and that subsection shall apply in relation to a notification or intimation purporting to be so given as it applies to a notification or intimation purporting to be given by an individual defendant.

**30 Period of adjournment under sections 14 and 26 of the Magistrates' Courts Act 1952.**

The maximum period for which a magistrates' court may adjourn a case at any one time—

- (a) under section 14(3) of the Magistrates' Courts Act 1952 (adjournment after conviction and before sentence) for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with the defendant; or
- (b) under section 26(1) of that Act for the purpose of enabling a medical examination and report to be made on the defendant;

shall be a period of four weeks instead of three weeks except where the court remands the defendant in custody.

**31 Extension of Costs in Criminal Cases Act 1952.**

- (1) Subject to the following provisions of this section, the Costs in Criminal Cases Act 1952 shall apply to proceedings for dealing with an offender under section 6, 8 or 9 of the Criminal Justice Act 1948 (probation orders and orders for conditional discharge), and to proceedings under section 40(1) of this Act for dealing with an offender in respect of a suspended sentence, as if the offender had been tried in those proceedings for the offence for which the order was made or the sentence passed.
- (2) The provisions of the said Act of 1952 other than section 6 (costs as between parties) shall apply with all necessary modifications to proceedings in which it is alleged that an offender required on conviction of an indictable offence to enter into a recognizance to keep the peace or be of good behaviour has failed to comply with a condition of that recognizance, as if that failure were an indictable offence committed in the same place as the offence of which he was convicted.
- (3) Where any proceedings mentioned in either of the foregoing subsections take place before a court of assize or quarter sessions and the fund out of which the costs of those proceedings fall to be paid by virtue of that subsection is maintained by a local authority other than the authority for the local government area in which that court is held, those costs shall—
  - (a) be paid in the first instance by the local authority for that area; and
  - (b) be recoverable, together with such sum (if any) in respect of the expenses of holding that court as may be determined in accordance with regulations made by the Secretary of State under section 18(3) of the Criminal Justice Administration Act 1962 (contributions to certain costs), from the local authority maintaining that fund.
- (4) Where proceedings for dealing with an offender under section 8 of the Criminal Justice Act 1948 (commission of further offences by probationers and persons conditionally discharged) or proceedings under section 40(1) of this Act for dealing with an offender in respect of a suspended sentence take place before a court of assize or quarter sessions before which the offender is convicted of an indictable offence committed during the period of probation or conditional discharge or the operational period of the sentence, or by which he is sentenced for any such offence after being committed for sentence to that court, the costs of those proceedings shall be treated for the purposes of the Costs in Criminal Cases Act 1952 as part of the costs of the proceedings in which he was convicted or sentenced.

- (5) Where any proceedings mentioned in subsection (1) of this section take place before a magistrates' court and relate to an order made or a sentence passed for an offence committed outside the local government area for which or for part of which that court acts, the offence shall be treated for the purposes of section 7(1) of the said Act of 1952 (local funds out of which costs are to be paid) as having been committed in that area.
- (6) In this section " local authority " means the council of a county or county borough or the Greater London Council, " local government area " means a county, county borough or Greater London and " operational period " has the same meaning as in Part II of this Act.

### **32 Amendments of Costs in Criminal Cases Act 1952.**

- (1) For subsections (1) and (2) of section 2 of the Costs in Criminal Cases Act 1952 (power of court of assize or quarter sessions to award costs as between parties) there shall be substituted the following subsection:—
  - “(1) A court of assize or quarter sessions before which any person is prosecuted or tried on indictment or inquisition—
    - (a) may, if the accused is convicted, order him to pay the whole or any part of the costs incurred in or about the prosecution and conviction, including any proceedings before the examining justices;
    - (b) may, if the accused is acquitted, order the prosecutor to pay the whole or any part of the costs incurred in or about the defence, including any proceedings before the examining justices.”
- (2) Sections 1 and 5 of the said Act of 1952 (costs awarded by assizes, quarter sessions or magistrates' courts out of local funds), section 8 of the Criminal Appeal Act 1966 (payment of expenses of witnesses in connection with criminal appeals out of local funds) and paragraph 8 of Schedule 1 to the said Act of 1966 (payment out of moneys provided by Parliament of expenses of witnesses in connection with appeals to the Courts-Martial Appeal Court) shall apply in relation to a registered medical practitioner making a written report to a court in pursuance of a request to which this subsection applies as they apply in relation to a person called to give evidence at the instance of the court, and in the case of a report made in pursuance of such a request made by a magistrates' court shall so apply notwithstanding that the proceedings for the purposes of which the report is made are not proceedings to which the said section 5 applies.
- (3) The last foregoing subsection applies to a request to a registered medical practitioner to make a written or oral report on the medical condition of an offender or defendant, being a request made by a court—
  - (a) for the purpose of determining whether or not to make an order under section 4 of the Criminal Justice Act 1948 (probation orders requiring treatment for mental condition) or section 60 of the Mental Health Act 1959 (hospital orders and guardianship orders) or otherwise for the purpose of determining the most suitable method of dealing with an offender; or
  - (b) in exercise of the powers conferred by section 26 of the Magistrates' Courts Act 1952 (remand of a defendant for medical examination and requirement of such an examination on committing a defendant for trial on bail).

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*Status: This is the original version (as it was originally enacted).*

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- (4) Sections 1 and 5 of the Costs in Criminal Cases Act 1952 shall apply to a person properly attending at the instance of the court to give evidence as they apply to a person called to give evidence at the instance of the court.
- (5) In section 3(2) of the said Act of 1952 (power of criminal division of Court of Appeal to award costs to be paid out of local funds to a successful appellant) any reference to an appeal against conviction which is allowed shall include a reference to an appeal which is allowed against a special verdict within the meaning of the Criminal Procedure (Insanity) Act 1964 or a finding that the accused is under disability within the meaning of the said Act of 1964.

### **33 Taking and use of finger-prints and palm-prints.**

Section 40 of the Magistrates' Courts Act 1952 (taking of finger-prints from a person not less than fourteen who has been taken into custody and charged with an offence) shall apply to any person of not less than fourteen who appears before a magistrates' court in answer to a summons for any offence punishable with imprisonment, and in that section and in section 39 of the Criminal Justice Act 1948 (proof of previous convictions by finger-print) any reference to finger-prints shall be construed as including a reference to palm-prints.

### **34 Committal of persons under twenty-one accused of extradition crimes, etc.**

Any person under the age of twenty-one who apart from this section would be committed to prison under section 10 of the Extradition Act 1870 (committal of a person alleged to have committed an extradition crime) or section 5(1)(a) of the Backing of Warrants (Republic of Ireland) Act 1965 (remand in custody of a person for whose arrest a warrant has or is alleged to have been issued in the Republic of Ireland) shall be committed to an institution to which he could be committed if he were charged with an offence before the court which commits him, and any reference in those provisions to prison shall be construed accordingly.

### **35 Examining justices.**

It is hereby declared for the avoidance of doubt that a magistrates' court before which a person is charged with an indictable offence begins to act as examining justices as soon as he appears or is brought before the court, except where before that time the court has determined under section 18 of the Magistrates' Courts Act 1952 to try him summarily.

### **36 Interpretation of Part I.**

- (1) In this Part of this Act—

" broadcast " means broadcast by wireless telegraphy sounds or visual images intended for general reception ;

" committal proceedings " means proceedings before a magistrates' court acting as examining justices;

" publish ", in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

" director ", in relation to a body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any

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*Status: This is the original version (as it was originally enacted).*

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industry or part of an industry or undertaking and whose affairs are managed by the members thereof, means a member of that body.

- (2) Expressions used in any provision of this Part of this Act relating to magistrates' courts or proceedings before such courts and also used in the Magistrates' Courts Act 1952 have the same meanings in any such provision as they have in that Act.