

SCHEDULES

SCHEDULE 6

Section 103.

MINOR AND CONSEQUENTIAL AMENDMENTS.

THE VAGRANCY ACT 1824 (C. 83)

- 1 In section 5 (committal of incorrigible rogues to quarter sessions) for the words from " to the house of correction " onwards there shall be substituted the words " to quarter sessions, either in custody or on bail ".

THE PROSECUTION OF OFFENCES ACT 1879 (C. 22)

- 2 In section 2 (duty of Director of Public Prosecutions), for the words " (whether in the Court for Crown Cases Reserved, before sessions' of oyer and terminer of the peace, before magistrates, or otherwise)" there shall be substituted the words " (whether in the criminal division of the Court of Appeal or in the House of Lords on appeal under section 1 of the Administration of Justice Act 1960 from the criminal division or from a Divisional Court of the Queen's Bench Division of the High Court, or at assizes or quarter sessions or before a magistrates' court, or otherwise) ".

THE CORONERS ACT 1887 (C. 71)

- 3 In section 19(5) for the words " this section " in the first and third places where they occur there shall be respectively substituted the words " section 49 of the Criminal Justice Act 1967 ".

THE CRIMINAL APPEAL ACT 1907 (C. 23)

- 4 In section 3(c) (right of appeal against sentence) for the words " against the sentence passed on his conviction, unless the sentence is one fixed by law " there shall be substituted the words " against any sentence (not being a sentence fixed by law) passed on him for the offence of which he was convicted, whether passed on his conviction or in subsequent proceedings ".

THE CHILDREN AND YOUNG PERSONS ACT 1933 (C. 12)

- 5 In section 55(4) (manner in which fine, etc., ordered to be paid by parent or guardian of young offender may be recovered) the words " by distress or imprisonment " shall be omitted.

THE CRIMINAL JUSTICE ACT 1948 (C. 58)

- 6 In section 29(2) after the words " 1952 " (being words inserted by the Magistrates' Courts Act 1952) there shall be inserted the words " or section 62 of the Criminal Justice Act 1967 ".

Status: This is the original version (as it was originally enacted).

THE LEGAL AID AND ADVICE ACT 1949 (C. 51)

- 7 In section 1(1) (proceedings excluded from the provisions of the Act relating to legal aid), for the words from " free legal aid " onwards there shall be substituted the words " legal aid may be given under Part IV of the Criminal Justice Act 1967 ".

THE PRISON ACT 1952 (C. 52)

- 8 In section 43(4)(a) (application of provisions of that Act) for the words from " subsections ", where it first occurs to " thirty " there shall be substituted the words " section twenty-eight ".

THE MAGISTRATES' COURTS ACT 1952 (C. 55)

- 9 In section 14(3) (adjournment for inquiries after conviction and before sentence) after the word " so " there shall be inserted the words " the adjournment shall not be for more than four weeks at a time unless the court remands the accused in custody and where it so remands him ".
- 10 In section 26(1) (remand for medical examination) at the end there shall be inserted the words " where the court remands him in custody nor for more than four weeks at a time where it remands him on bail ".
- 11 In section 28 (committal for borstal sentence), in subsection (1) after the word " custody " there shall be inserted the words " or on bail " and in subsection (4) after the word " committed " where it first occurs, there shall be inserted the words " in custody ".
- 12 In section 29 (committal for sentence for indictable offence tried summarily) after the word " custody " there shall be inserted the words " or on bail ".
- 13 In section 70(2) (summons requiring appearance of offender at means inquiry or warrant for his arrest), for the words " this section " there shall be substituted the words " section 44 of the Criminal Justice Act 1967 ".
- 14 In section 72A(2) (court of summary jurisdiction in Scotland to be specified in a transfer of fine order) for the words " twenty pounds or more " there shall be substituted the words " more than fifty pounds or is a fine originally imposed by a court of assize or quarter sessions ".
- 15 In section 72A(3) (termination of functions of convicting court) for the words " convicting court " there shall be substituted the words " court which made the order ".
- 16 In section 72B (powers of magistrates' court under transfer of fine order from Scotland) there shall be added the following subsection :—

“(3) Where a transfer of fine order under section 44 of the Summary Jurisdiction (Scotland) Act 1954 provides for the enforcement in a petty sessions area in England and Wales of a fine originally imposed by a court of assize or quarter sessions, a magistrates' court acting for that area shall have all the like functions under this Part of this Act, exercisable subject to the like restrictions, as if it were the magistrates' court by which payment of the fine fell to be enforced by virtue of section 44(3) of the Criminal Justice Act 1967 and as if any order made under the said Act of 1954 in respect of the fine before the making of the transfer of fine order had been made by that court.”

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- 17 In section 96(4) (payment of a forfeited recognizance to be enforced as if it were a fine imposed on summary conviction), after the words " summary conviction " there shall be inserted the words " of an offence not punishable with imprisonment and so much of section 44(10) of the Criminal Justice Act 1967 as empowers a court to remit fines shall not apply to the sum but so much thereof as relates to remission after a term of imprisonment has been imposed shall so apply " and in the proviso to the said section 96(4) for the words " reduce or remit the sum " there shall be substituted the words " remit the whole or any part of the sum either ",
- 18 In section 98(2) and (3) (constitution and place of sitting of magistrates' court) for the words " section 70 of this Act " there shall be substituted the words " section 44 of the Criminal Justice Act 1967 ".
- 19 In section 110(1) (detention of offenders for one day in courthouse or police station), for the words " sixty-nine, seventy or " there shall be substituted the words " thirty-nine or forty-four of the Criminal Justice Act 1967 or section ".
- 20 In section 111(1) (committal to custody overnight at police station for non-payment of fine &c.) for the word " seventy " there shall be substituted the words " forty-four of the Criminal Justice Act 1967 or section ".

THE SUMMARY JURISDICTION (SCOTLAND) ACT 1954 (C. 48)

- 21 Section 44 (transfer of fine orders within and from Scotland) shall be amended as follows, that is to say—
- (a) in subsection (2) for the words " fine was imposed " there shall be substituted the words " order is made ";
 - (b) in subsection (3) for the words " imposing the fine " there shall be substituted the words " which made the order ";
 - (c) at the end there shall be added the following subsection:—

“(5) Where a transfer of fine order under section 72A of the Magistrates' Courts Act 1952 or this section provides for the enforcement by a sheriff court in Scotland of a fine imposed by a court of assize or quarter sessions, the proviso to the last foregoing subsection shall not apply, but the term of imprisonment which may be imposed under this Act shall be the term fixed in pursuance of section 47 of the Criminal Justice Act 1967 by that court of assize or quarter sessions or a term which bears the same proportion to the term so fixed as the amount of the fine remaining due bears to the amount of the fine imposed by that court, notwithstanding that the term exceeds the period applicable to the case under section 49(1) of this Act.”

THE GENEVA CONVENTIONS ACT 1957 (C. 52)

- 22 In section 4(1) (appeals by protected persons), for the words " ten days " (where first occurring) there shall be substituted the words " twenty-eight days " ; and for the words from " and in a case to which " to the end of the subsection there shall be substituted the following:—

“and in a case to which the foregoing provisions of this subsection apply, a reference to the period aforesaid shall be substituted for the references in section 6(1) of the Criminal Appeal Act 1907 and section 5(1) of the

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Criminal Appeal (Northern Ireland) Act 1930 (revesting and restitution of property on conviction) to the period of twenty-eight days from the date of conviction”.

THE ROAD TRAFFIC ACT 1960 (C. 16)

23 In section 105 (appeals against order of disqualification), the following subsections shall be substituted for subsection (1):—

“(1) A person disqualified by an order of a magistrates' court under section 5(1) or 5(3) of the Road Traffic Act 1962 (compulsory disqualification) may appeal against the order in the same manner as against a conviction.

(1A) Any court (whether a magistrates' court or another) which makes an order disqualifying a person for holding or obtaining a licence may, if it thinks fit, suspend the disqualification pending an appeal against the order”.

THE CRIMINAL JUSTICE ACT 1961 (C. 39)

24 For section 32(2) (enactments about supervision and recall of persons released from prison which are to apply throughout the United Kingdom, etc.), there shall be substituted the following subsection :—

“(2) The following are the enactments extended by this section, that is to say :—

- (a) section 45 of the Prison Act 1952 ;
- (b) sections 19 and 33 of the Prisons (Scotland) Act 1952;
- (c) section 55(4) of the Children and Young Persons Act (Northern Ireland) 1950;
- (d) sections 20, 21, 22 and 23 of the Prison Act (Northern Ireland) 1953, and Schedules 1, 2 and 3 to that Act;
- (e) section 13 of and Schedule 1 to this Act;
- (f) sections 11, 12 and 14 of the Criminal Justice (Scotland) Act 1963 and Schedule 1 to that Act; and
- (g) sections 60 to 63 of the Criminal Justice Act 1967.”

25 In section 40 (Northern Ireland) at the end there shall be added the following subsection—

“(2) Any reference in this Act to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed, in relation to Northern Ireland, as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.”

THE CRIMINAL JUSTICE (SCOTLAND) ACT 1963 (C. 39)

26 In section 12(1) (supervision of persons released from young offenders institutions), after the word " more " there shall be inserted the words " but less than eighteen months ".

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

THE CRIMINAL APPEAL ACT 1964 (C. 43)

- 27 In section 2(5) (evidence from previous committal proceedings and trial which may be given on retrial), after the word " trial ", in the first place where it occurs, there shall be inserted the words " or to any written statement by any such person tendered under section 2 of the Criminal Justice Act 1967 in the committal proceedings before the original trial " and for the words " the shorthand notes " there shall be substituted the words " the record ".

THE FORESTRY ACT 1967 (C. 10)

- 28 In section 46(5)(c) (penalty for contravention of byelaws by the Forestry Commissioners) for the words " either case " there shall be substituted the words " the case of a continuing offence falling within either of the foregoing paragraphs ".