



# Criminal Justice Act 1972

## 1972 CHAPTER 71

### PART III

#### MISCELLANEOUS PROVISIONS

#### **42 Order for return to borstal institution on re-conviction**

- (1) An offender dealt with for an offence before the Crown Court in a proceeding to which subsection (2) of section 10 of the Criminal Appeal Act 1968 applies (offender convicted otherwise than on indictment and committed or otherwise brought before the Crown Court to be dealt with) may appeal under that section to the Court of Appeal against sentence where the Crown Court makes in respect of him an order under section 12 of the Criminal Justice Act 1961 (return to borstal institution on re-conviction).
- (2) Where under subsection (4) of section 12 of the said Act of 1961 (adjournment to enable report to be made on offender's suitability for return to borstal institution) a magistrates' court remands the offender, it may, instead of remanding him in custody, remand him on bail; and that subsection shall not oblige a court to adjourn the hearing or remand the offender if it proposes to deal with him otherwise than by making an order under that section.