



Powers of Criminal Courts Act 1973

1973 CHAPTER 62

PART II

ADMINISTRATIVE AND SUPPLEMENTAL PROVISIONS

Miscellaneous and supplemental

52 Evidence with respect to offences punishable in Scotland

For the purposes of this Act a certificate purporting to be signed by or on behalf of the Lord Advocate that an offence is punishable in Scotland with imprisonment or is punishable in Scotland on indictment with imprisonment for a term specified in the certificate shall be evidence of the matter so certified.

53 Execution of process between England and Wales and Scotland

Section 4 of the Summary Jurisdiction (Process) Act 1881 (execution of process of English courts in Scotland and vice versa) shall apply to any process issued under Part I of this Act or under section 5 of the Criminal Justice (Scotland) Act 1949 as it applies to process issued under the Magistrates' Courts Act 1952 by a magistrates' court.

54 Rules and orders

- (1) Any power of the Secretary of State to make rules or orders under this Act shall be exercised by statutory instrument.
- (2) Subject to subsection (3) below, any rules or orders made by the Secretary of State under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Subsection (2) above does not apply to rules under section 49 of this Act nor to orders under section 14 of or paragraph 1 of Schedule 3 to this Act, but no order shall be made by the Secretary of State under section 14 unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

Status: This is the original version (as it was originally enacted).

- (4) Any order made by the Secretary of State under section 14 or 39 of this Act may be revoked by a subsequent order of the Secretary of State under that section, an order under section 26(2)(a) may be revoked by a subsequent order under that paragraph or under section 26(2)(b), and an order under paragraph 1 of Schedule 3 to this Act may be varied or revoked by a subsequent order.

55 Transitional provisions

Schedule 4 to this Act shall have effect for the purpose of the transition to the provisions of this Act from the law in force before the commencement of this Act.

56 Consequential amendments and repeals

- (1) The enactments specified in Schedule 5 to this Act shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the preceding provisions of this Act, but the amendment of any enactment by that Schedule shall not be taken as prejudicing the operation of section 38 of the Interpretation Act 1889 (which relates to the effect of repeals).
- (2) The enactments specified in Schedule 6 to this Act (which include enactments which were spent before the passing of this Act) are hereby repealed to the extent specified in the third column of that Schedule.

57 Interpretation

- (1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
- " the appropriate officer of the court " means, in relation to a magistrates' court, the clerk of the court;
 - " approved bail hostel " means a bail hostel approved by the Secretary of State under section 49(1) of this Act;
 - " approved probation hostel " and " approved probation home " mean respectively a probation hostel and a probation home approved by the Secretary of State under section 49(1) of this Act;
 - " bail hostel " means premises for the accommodation of persons remanded on bail;
 - " community service order " has the meaning assigned to it by section 14(1) of this Act;
 - " compensation order " has the meaning assigned to it by section 35(1) of this Act;
 - " court " does not include a court-martial;
 - " criminal bankruptcy order " means an order under section 39(1) of this Act;
 - " day training centre " means premises at which persons may be required to attend by a probation order containing a requirement under section 4 of this Act;
 - " detention centre " has the meaning assigned to it by section 43 of the Prison Act 1952 ;
 - " extended sentence certificate " has the meaning assigned to it by section 28 of this Act;

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" local authority " means, in relation to any probation and after-care area, any authority out of whose funds the salary of the clerk to the justices for a petty sessions area contained in the probation and after-care area is paid;

" order for conditional discharge " has the meaning assigned to it by section 7 of this Act;

" period of conditional discharge " has the meaning assigned to it by section 7 of this Act;

" probationer " means a person for the time being under supervision by virtue of a probation order ;

" probation hostel " means premises for the accommodation of persons who may be required to reside there by a probation order, being persons who are employed outside the premises or are awaiting such employment, and " probation home " has the same meaning save only that the premises are for the accommodation of persons not so employed or awaiting such employment;

" probation order " has the meaning assigned to it by section 2 of this Act;

" probation period " means the period for which a probationer is placed under supervision by a probation order;

" the register " means the register of proceedings before a magistrates' court required by rules made under section 15 of the Justices of the Peace Act 1949 to be kept by the clerk of the court;

" sentence of imprisonment " does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone;

" supervising court " has the meaning assigned to it by section 2(2) of this Act;

" supervision order " has the meaning assigned to it by section 26(1) of this Act;

" suspended sentence " means a sentence to which an order under section 22(1) of this Act relates.

- (2) For the purposes of any reference in this Act, however expressed, to the term of imprisonment or other detention to which a person has been sentenced or which, or part of which, he has served, consecutive terms and terms which are wholly or partly concurrent shall, unless the context otherwise requires, be treated as a single term.
- (3) Without prejudice to sections 20(1) and 21(1) of this Act, any reference in this Act however expressed to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of Great Britain and to a previous sentence passed by any such court.
- (4) Without prejudice to the meaning of references in sections 14, 43 and 44 of this Act to an offence punishable with imprisonment, any such reference elsewhere in this Act shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under any enactment on the imprisonment of offenders of his age.
- (5) For the purposes of this Act a compensation order, supervision order or community service order made on appeal from a decision of a magistrates' court or the Crown Court shall be treated as if it had been made by a magistrates' court or the Crown Court, as the case may be.

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- (6) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

58 Application to Scotland

The following provisions of this Act shall extend to Scotland, that is to say—

- (a) sections 8(4), 10, 13, 25(3), 29(7), 33, 53 and this section; and
- (b) section 56 and Schedules 5 and 6 so far as they amend or repeal any enactment or any part of an enactment which extends to Scotland ;

but, except as provided by this section, this Act shall not extend to Scotland.

59 Northern Ireland

- (1) Section 29(7) of this Act and this section shall extend to Northern Ireland but except as provided by this subsection this Act shall not extend to Northern Ireland.
- (2) For the purposes of section 6 of the Government of Ireland Act 1920, in so far as, notwithstanding its repeal by the Northern Ireland Constitution Act 1973, it continues to operate in relation to the power of Her Majesty to make laws under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972, section 29(7) of this Act shall be deemed to be a provision of an Act passed before the appointed day within the meaning of that section.
- (3) The references in section 29(6) and (7) of this Act to section 26 of the Criminal Justice Act 1961 shall be construed, in relation to Northern Ireland, as references to that section as amended by any Act of the Parliament of Northern Ireland, or Measure of the Northern Ireland Assembly, whether passed before or after this Act.
- (4) Nothing in any repeal made by this Act shall affect any power exercisable by Her Majesty by virtue of section 63(1) of the Criminal Justice Act 1972 (notwithstanding its repeal by the Northern Ireland Constitution Act 1973) to make laws under section 1(3) of the Northern Ireland (Temporary Provisions) Act 1972 for purposes corresponding to any of the purposes of the Criminal Justice Act 1972 as originally enacted.

60 Short title and commencement

- (1) This Act may be cited as the Powers of Criminal Courts Act 1973.
- (2) This Act shall come into force on such day as the Secretary of State may by order appoint, and different days may be so appointed for different provisions; and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the day so appointed for the coming into force of that provision.