



Criminal Justice Act 1961

1961 CHAPTER 39 9 and 10 Eliz 2

PART IV

SUPPLEMENTAL

39 Interpretation.

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say:—

[^{F1}]^{F2}“appropriate institution”, in relation to any person, means, subject to subsection (1A) of this section, any institution which would be appropriate for the detention of an offender of the same age serving an equivalent sentence passed by a court in the place to which he has been transferred;]]

^{F3}
...

“default” means failure to pay, or want of sufficient distress to satisfy, any fine or other sum of money, or failure to do or abstain from doing any thing required to be done or left undone;

“enactment” includes an enactment of the Parliament of Northern Ireland;

“prison” does not include a naval, military or air force prison;

[^{F2} “responsible Minister” means—

- (a) in relation to persons detained in England and Wales or in Scotland, a Secretary of State;
- (b) in relation to persons detained in Northern Ireland, [^{F4}the Secretary of State]];

^{F5}
...

[^{F6}(1ZA) In the definition of “default” in subsection (1) the reference to want of sufficient distress to satisfy a fine or other sum includes a reference to circumstances where—

- (a) there is power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to recover the fine or other sum from a person, but
- (b) it appears, after an attempt has been made to exercise the power, that the person's goods are insufficient to pay the amount outstanding (as defined by paragraph 50(3) of that Schedule).]

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1961, Section 39. (See end of Document for details)

- [^{F7}] Subsection (1) of this section shall have effect in relation to a person serving a sentence [^{F8}(1A) of a length which could not have been passed on an offender of his age by a court in the place to which he has been transferred as if it defined “appropriate institution” as meaning such place as the Secretary of State may direct.]
- (1B) Any reference in this Act to a sentence being equivalent to another sentence is to be construed as a reference to its having been so designated under section 38(6) of this Act.]
- (2) [^{F9}Except as otherwise expressly provided, references in this Act to a court do not include the Court Martial, the Summary Appeal Court, the Service Civilian Court, the Court Martial Appeal Court or the Supreme Court on an appeal brought from the Court Martial Appeal Court.]
- (3) Where the age of any person at any time is material for the purposes of any provision of this Act regulating the powers of a court or justice of the peace, his age at the material time shall be deemed to be or to have been that which appears to the court or justice, after considering any available evidence, to be or to have been his age at that time.
- (4) 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.

Textual Amendments

- F1** Definition substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 14 para. 16(a)**
- F2** Definitions in s. 39(1) repealed (E.W.) (1.10.1997) by [1997 c. 43, s. 56\(2\)](#), **Sch. 6**; S.I. 1997/2200, **art. 2(1)(o)**
- F3** Words in s. 39(1) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\)](#), **Sch. 17**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- F4** Words substituted by [Criminal Law Act 1977 \(c. 45\)](#), **Sch. 12**
- F5** Definition repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**
- F6** [S. 39\(1ZA\)](#) inserted (6.4.2014) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\), s. 148](#), **Sch. 13 para. 26** (with s. 89); S.I. 2014/768, **art. 2(1)(b)**
- F7** [S. 39\(1A\)\(1B\)](#) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 14 para. 16(b)**
- F8** [S. 39\(1A\)](#) repealed (E.W.)(1.10.1997) by [1997 c. 43, s. 56\(2\)](#), **Sch. 6**; S.I. 1997/2200, **art. 2(1)(o)**
- F9** [S. 39\(2\)](#) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\)](#), **Sch. 16 para. 47**; S.I. 2009/812, **art. 3(a)(b)** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice Act 1961, Section 39.