



# Criminal Justice Administration Act 1914

## 1914 CHAPTER 58

### *Miscellaneous and General*

#### **25 Manner of enforcing payment of sums adjudged to be paid**

- (1) The following provision shall be substituted for subsection (3) of section twenty-one of the Summary Jurisdiction Act, 1879 :—

“Where a sum is adjudged to be paid by a conviction of a court of summary jurisdiction, or in the case of a sum not a civil debt by an order of such court, and on default of payment of such sum a warrant of distress is authorised to be issued, the court may, in any case in which it appears expedient to do so, instead of issuing a warrant of distress, issue a warrant of commitment:

Provided that where time is not allowed for the payment of such sum, a warrant of commitment shall not be issued in the first instance unless it appears to the court that the offender has no goods or insufficient goods to satisfy the money payable or that the levy of distress will be more injurious to him or his family than imprisonment.”

- (2) Where a sum is adjudged to be paid by a conviction or order of a court of summary jurisdiction, and, by the statute authorising such conviction or order, a mode of enforcing the payment thereof is provided which does not authorise the issue of a warrant of distress for the purpose, a warrant of distress may nevertheless be issued in like manner in all respects and with the like consequences as if no mode of enforcing the payment were provided in such statute.

#### **26 Provisions with respect to holders of licences and persons under police supervision**

- (1) An order under subsection (2) of section four of the Penal Servitude Act, 1891, remitting any of the requirements of sections five and eight of the Prevention of Crimes Act, 1871, in the case of any holder of a licence or person subject to the supervision of the police, may be made conditional on the observance of such conditions as may

be specified in the order, and if the Secretary of State is satisfied that any condition imposed by the order has been contravened he may cancel the order.

- (2) Where His Majesty has been pleased to revoke the licence granted to any convict under the Penal Servitude Acts, 1853 to 1891, the convict shall thereupon be liable to be arrested without warrant by any constable and brought before a court of summary jurisdiction, and' the court on being satisfied that he is the convict named in the licence and that the licence has been revoked, shall commit him to prison and forthwith send notice to the Secretary of State.

## **27 Power to issue warrants of arrest in certain cases**

It is hereby declared that where at common law or under any Act, whether passed before or after the commencement of this Act, there is power to arrest a person without warrant, a warrant for his arrest may be issued.

## **28 Provisions as to evidence**

- (1) The record or extract by which a conviction may be proved under section eighteen of the Prevention of Crimes Act, 1871, may in the case of a summary conviction consist of a copy of the minute or memorandum of the conviction entered in the register required to be kept under section twenty-two of the Summary Jurisdiction Act, 1879, purporting to be signed by the clerk of the court by whom the register is kept.
- (2) The provisions of section thirty of the Children Act, 1908 (which enables the evidence of a child of tender years to be received though not given on oath), shall apply to proceedings against persons for offences not mentioned in that section, in like manner as they apply in respect of proceedings against persons for offences mentioned in that section.
- (3) The wife or husband of a person charged with bigamy may be called as a witness either for the prosecution or defence and without the consent of the person charged.
- (4) In any proceedings. before a court of summary jurisdiction to enforce the payment of a sum of money adjudged by that or any other court of summary jurisdiction to be paid by one person to another person, then—
  - (a) if the person to whom the sum is ordered to be paid was an officer of a court of summary jurisdiction, the production of a certificate purporting to be signed by that officer that the sum has not been paid to him ; and
  - (b) in any other case the production of a statutory declaration to a like effect purporting to be made by the person to whom the sum is ordered to be paid ;shall be evidence of the facts therein stated, unless the court requires such officer or other person to be called as a witness.

## **29 Power of justices to order production of documents**

The provisions of section sixteen of the Indictable Offences Act, 1848, section seven of the Summary Jurisdiction Act, 1848, and section thirty-six of the Summary Jurisdiction Act, 1879, enabling a justice to issue a summons to any witness to attend to give evidence before a court of summary jurisdiction, shall be deemed to include the power to summon and require a witness to produce to such court books, plans, papers, documents, articles, goods, and things likely to be material evidence on the hearing of any charge, information, or complaint, and the provisions of those sections

relating to the neglect or refusal of a witness, without just excuse, to attend to give evidence, or to be sworn, or to give evidence, shall apply accordingly.

### **30 Periodical payments ordered by courts of summary jurisdiction**

- (1) Where a court of summary jurisdiction orders money to be paid periodically by one person to another, the court may, if it thinks fit, order that the payment shall be made through an officer of the court or any other person or officer specified in the order.
- (2) Where a court of summary jurisdiction has either before or after the commencement of this Act ordered money to be paid periodically by one person to another, the court which made the order, or any other court of summary jurisdiction for the same petty sessional division, may, if it thinks fit, order that the payment shall be made through an officer of the court or any other person or officer specified in the order.
- (3) Any order made either before or after the commencement of this Act by a court of summary jurisdiction for the periodical payment of money may, upon cause being shown upon fresh evidence to the satisfaction of the court, be revoked, revived, or varied by a subsequent order.
- (4) Where a court of summary jurisdiction makes an order for the periodical payment of money through an officer of the court or other person or officer specified in the order, the authority having the control of the fund out of which the salary of the clerk of that court is paid may pay to that officer or person out of that fund, in manner provided by rules made by the Secretary of State, a sum not exceeding five pounds per centum on the money actually paid through him in pursuance of the order, as remuneration to him in respect of the work done and expenses incurred by him in respect of the order.
- (5) Nothing in this section shall prejudice or affect the powers and duties of courts of summary jurisdiction under the Affiliation Orders Act, 1914.

### **31 Costs**

A court of summary jurisdiction to which an application is made for an order for the periodical payment of money, or for the variation, revocation, revival, or enforcement of such an order, may make an order for the payment by the applicant or the defendant, or both of them, of the costs of the court and such reasonable costs of either of the parties as the court thinks fit.

### **32 Recovery of arrears on bastardy orders, &c**

- (1) It is hereby declared that, notwithstanding anything in section fifty-four of the Summary Jurisdiction Act, 1879, the provisions of section eleven of the Summary Jurisdiction Act, 1848 (which relate to the time within which summary proceedings are to be taken), do not apply to proceedings for enforcing the payment of sums adjudged to be paid by an order in any matter of bastardy or by an order enforceable as an order of affiliation.
- (2) Proceedings for the enforcement of an order in any matter of bastardy or of an order enforceable as an order of affiliation may be taken at any time after the expiration of fourteen clear days from the making of the order, and accordingly in section four of the Bastardy Laws Amendment Act, 1872, " after the expiration of fourteen clear days " shall be substituted for " after the expiration of one calendar month. "

- (3) Where in any proceedings for the enforcement of an order" in any matter of bastardy or of an order enforceable as an order of affiliation the court commits the defendant to prison then, unless the court otherwise directs, no arrears shall accrue under the order during the time that the defendant is in prison.

### **33 Amendment of the law with respect to the recovery of rates**

The provisions of the Summary Jurisdiction Acts relating to the backing of warrants, and of section forty-one of the Summary Jurisdiction Act, 1879, relating to the proof of service of documents and of the handwriting and seal on documents, shall apply to proceedings in respect of the non-payment of any rate.

### **34 Appointment and remuneration of and accounting by justices' clerks**

- (1) Clerks to justices shall continue to be appointed as heretofore, but no appointment made after the commencement of this Act shall be valid unless and until it is confirmed by the Secretary of State, and the Secretary of State shall, before confirming any such appointment, take into consideration any representations that may be made to him, in the case of the appointment of a clerk to borough justices by the council of the borough, and in the case of the appointment of a clerk to county justices by the standing joint committee of the county.
- (2) Notwithstanding the provisions of any other general or local Act to the contrary, the salaries of clerks to justices shall be fixed and may from time to time be varied—
- (a) in the case of a clerk to borough justices, by the justices of the borough ; and
  - (b) in the case of a clerk to county justices, by the standing joint committee of the county :

Provided that—

- (i) in the case of the salary of a clerk to borough justices, the council of the borough ; and
- (ii) in the case of the salary of a clerk to county justices, the county justices for whom the clerk acts ; and
- (iii) in either case where the proposal is for a reduction of salary, the clerk to the justices

may appeal to the Secretary of State against the decision of the justices or standing joint committee, as the case may be, and the amount of the salary shall thereupon be determined by the Secretary of State.

- (3) If the justices for any petty sessional division make representations to the standing joint committee of the county with a view to the variation of the salary of their clerk, the standing joint committee shall at a meeting of which special notice has been given take into consideration the question of varying the salary.
- (4) The authority by whom the salary of a clerk is fixed may allow him such special remuneration in addition to his salary as they may, subject to the approval of the Secretary of State, determine, in respect of any duties which were not taken into account in fixing his salary.
- (5) Nothing in the foregoing provisions of this section shall apply to clerks at metropolitan police courts nor to the clerks to the justices of the city of London nor. to the clerk

to any stipendiary magistrate other than a stipendiary magistrate appointed under the Municipal Corporations Act, 1882.

- (6) If any clerk to justices fails without sufficient reason to account for or pay over any sum within one month from the time when he was required to account for or pay over the sum under section six of the Justices' Clerks Act, 1877, he shall be deemed to have wilfully omitted to account for or pay over that sum within the meaning of that section, but no person shall sue for a sum recoverable under that section, as amended by this section, except the person or authority to whom the account or payment is required to be made.

### **35 Punishment for accusation, &c. of dead person with intent to extort**

For the removing of doubts it is hereby declared that the enactments mentioned in the Third Schedule to this Act (which relate to divers forms of blackmail) apply to cases where the person is dead—

- (a) who is accused, or whom it is proposed to accuse ; or
- (b) upon whom any libel is published, or is threatened to be published ; or
- (c) touching whom it is threatened to print or publish, or it is proposed to abstain from printing or publishing, or it is offered to prevent the printing or publishing of, any matter or thing

and accordingly the words " (whether living or dead) " shall be inserted after the word " person " in those enactments as indicated in the third column of that schedule.

### **36 Corporal punishment**

- (1) No person shall be sentenced to be whipped more than once for the same offence.
- (2) No person shall be sentenced to be whipped otherwise than under a statutory enactment.

### **37 Right of appeal from decision of court of summary jurisdiction**

- (1) Any person aggrieved by any conviction of a court of summary jurisdiction in respect of any offence, who did not plead guilty or admit the truth of the information, may appeal from the conviction in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions.
- (2) An appeal shall lie to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts from any order made by a court of summary jurisdiction under the enactments relating to bastardy, or from any refusal by a court of summary jurisdiction to make such an order, or from the revocation, revival, or variation by a court of summary jurisdiction of such an order.

### **38 One justice to be competent to exercise certain powers in respect of charges of drunkenness**

Notwithstanding any enactment to the contrary, it shall be sufficient for a court of summary jurisdiction to consist of one justice only when hearing, trying, adjudging, and determining a charge or information against any person of having been found drunk in any highway or other public place, whether a building or not, or on any licensed premises, under section twelve of the Licensing Act, 1872.

### **39 Convictions on indictments**

- (1) Where a prisoner is arraigned on an indictment for any offence, and can lawfully be convicted on such indictment of some other offence not charged in such indictment, he may plead not guilty of the offence charged in the indictment, but guilty of such other offence.
- (2) If on the trial of any indictment for larceny it is proved that the defendant took any chattel, money, or valuable security in question in any such manner as would amount in law to obtaining it by false pretences with intent to defraud, the jury may acquit the defendant of larceny and find him guilty of obtaining the chattel, money, or valuable security by false pretences, and thereupon he shall be liable to be punished accordingly.

### **40 Rules**

- (1) The power of the Lord -Chancellor to make rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to the making of rules—
  - (a) for regulating the manner in which convictions and orders of courts of summary jurisdiction are to be drawn up, and in such cases as may be provided for by the rules, the transmission of such convictions and orders and any other documents therewith to the clerk of the peace and the filing of them by him, and
  - (b) for annulling, altering, or adding to the forms contained in the schedule to the Indictable Offences Act, 1848, and
  - (c) for regulating the procedure of courts of summary jurisdiction under this Act, and the procedure in any legal proceedings which under any Act, whether general or local, and whether passed before or after the commencement of this Act (other than the Summary Jurisdiction Acts), are to be taken before any police or stipendiary magistrate or other court of summary jurisdiction.
- (2) His Majesty may, by Order in Council, make rules extending the operation of the Summary Jurisdiction (Process) Act, 1881, as amended by any subsequent enactment (which relates to the service and execution in Scotland of process issued by courts of summary jurisdiction in England, and in England of process issued by courts of summary jurisdiction and sheriff courts in Scotland, and to the jurisdiction of courts in England and Scotland respectively in bastardy proceedings), so as to make the provisions of that Act, subject to the necessary adaptations, applicable as between any one part of the British Islands and any other part of the British Islands in like manner as it applies as between England and Scotland.

This subsection shall extend to the Isle of Man and the Channel Islands, and the Royal Courts of the Channel Islands shall register the same accordingly.

### **41 Definitions**

For the purposes of this Act, unless the context otherwise requires,—

- (1) The expression "sentenced to imprisonment" shall include cases where imprisonment is imposed by a court on any person either with or without the option of a fine, or in respect of the non-payment of any sum of money, or for failing to do or abstaining from doing any act or thing required to be done or left undone, and the expression "sentence of imprisonment" shall be construed, accordingly :

- (2) The expressions " fine," " sum adjudged to be paid by a conviction," and "sum adjudged to be paid by an order," have the same meanings as in. the Summary Jurisdiction Act, 1879.

## **42 Application to Scotland**

This Act in its application to Scotland shall be subject to the following modifications :

- (1) The Secretary for Scotland shall be substituted for the Secretary of State ; the Prison Commissioners for Scotland shall be substituted for the Prison Commissioners ; the Prisons (Scotland) Act, 1877, shall be substituted for the Prison Act, 1877 ; the Police (Scotland) Act, 1890, shall be substituted for the Police Act, 1890 ; an institution established in Scotland under Part I. of the Prevention of Crime Act, 1908, shall be substituted for a Borstal institution : a reference to a sum of money adjudged to be paid shall be deemed to be a reference to a penalty as defined in section two of the Summary Jurisdiction (Scotland) Act, 1908 :
- (2) Section one of this Act shall not apply and in lieu thereof the following provisions shall be substituted :—
- “(a) On conviction of any person by a court of summary jurisdiction the court shall allow time for the payment of any sum adjudged to be paid by such person in respect of such conviction, unless it is satisfied that he is possessed of sufficient means to enable him to pay the sum forthwith, or unless, upon being asked by the court whether he desires that time should be allowed for payment, he does not express any such desire, or fails to satisfy the court that he has a fixed abode within its jurisdiction, or unless the court for any other special reason is satisfied that no time should be allowed ;
- (b) Where any such person desires to be allowed time for payment, the court, in deciding what time shall be allowed, shall consider any representation made by him, but the time allowed shall not be less than seven clear days :

Provided that, if before the expiration of the time allowed the person convicted surrenders himself to the court and states that he prefers immediate imprisonment to awaiting the expiration of the time allowed, the court may authorise the clerk of court to issue forthwith an extract of the finding and sentence in the form of the Second Schedule to this Act, and the provisions of the Summary Jurisdiction (Scotland) Act, 1908, shall apply to such extract as if it were one of the forms included in Schedule E. to that Act;

- (c) Where a person so allowed time for payment as aforesaid appears to the court to be not less than sixteen nor more than twenty-one years of age, the court may, if it thinks fit and subject to any rules made under this Act, order that he be placed under the supervision of such person as may be appointed by the court until the sum adjudged to be paid is paid, and, in such case, before issuing an extract of the conviction and sentence, the clerk of court shall again lay the complaint before the court and the court shall consider any report as to the conduct and means of the offender which may be made by the person under whose supervision the offender has been placed ;

- (d) In all cases where time is not allowed for payment the reasons of the court, for not so allowing a time shall be stated in the finding and sentence”
- (3) Section two of this Act shall not apply, and in lieu thereof the following provisions shall be substituted :—
- “Where time has been allowed for payment of a sum adjudged to be paid by any person in respect of his conviction "by a court of summary jurisdiction, the court may, subject to any rules made under this Act, on an application by or on behalf of such person, and after giving the prosecutor an opportunity of being heard, allow further time for the payment of such sum.”
- (4) Section three of this Act shall not apply :
- (5) Subsection (1) of section four of this Act shall apply as if references to proceedings for enforcing bastardy or maintenance orders were omitted therefrom. Subsection (2) of section four of this Act shall not apply :
- (6) Section five of this Act shall not apply : Provided that in Scotland a court of summary jurisdiction in fixing the amount of any fine to be imposed on any offender shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court :
- (7) Section six of this Act shall not apply :
- (8) Section ten of this Act shall not apply: Provided that in Scotland from and after such date as may be prescribed by the Secretary for Scotland section one of the Prevention of Crime Act, 1908, shall be construed as if after the words " penal servitude or imprisonment" there were inserted the words " or " is convicted by the sheriff summarily of an " offence for which he is liable to be sentenced to " imprisonment " :
- (9) Section thirteen of this Act shall apply with the substitution of the expression " an extract of the finding and sentence " for the expression " the order " :
- (10) Sections fourteen to twenty-five, both inclusive, subsections (1), (2), and (4) of section twenty-eight, sections twenty-nine to forty, both inclusive, and subsection (2) of section forty-one of this Act, shall not apply :
- (11) Provision may be made by rules under the Prisons (Scotland) Act, 1877, for enabling a prisoner sentenced to imprisonment, whether by one sentence or cumulative sentences, for a period prescribed by the rules, to earn by special industry and good conduct a remission of a portion of his imprisonment, and on his discharge his sentence shall be deemed to have expired :
- (12) It shall be lawful for the High Court of Justiciary by Act of Adjournal to make rules for regulating the procedure under this Act.

### **43 Application to Ireland**

- (1) The provisions of sections one to four inclusive, sections seven to twelve inclusive, sections sixteen to twenty-one inclusive, section twenty-four, subsection (2) of section twenty-five, sections twenty-six and twenty-seven, subsections (2) and (4) of section twenty-eight, sections thirty-five, thirty-six, and thirty-nine, and subsection (1)



of section forty-one of this Act shall apply to Ireland, subject to the following modifications, namely :—

- (a) references to the Lord Lieutenant shall be substituted for references to the Secretary of State, and references to the General Prisons Board for Ireland shall be substituted for references to the Prison Commissioners ;
  - (b) a reference to the Prisons (Ireland) Acts, 1826 to 1907, shall be substituted for any reference to the Prison Acts, 1865 to 1902, and a reference to sections thirty-six, thirty-seven, thirty-eight, and thirty-nine of the General Prisons (Ireland) Act, 1877, shall be substituted for the reference to sections twenty-four, twenty-five, twenty-six, and twenty-seven of the Prison Act, 1877.
  - (c) references to the Court of Criminal Appeal, the Criminal Appeal Act, 1907, and the Costs in Criminal Cases Act, 1908, and the provision of section two of this Act relative to payment by instalments, shall not apply ; and
  - (d) subsection (2) of section twenty of this Act shall apply as respects the police district of Dublin metropolis only, and a reference to section twenty-one of the Indictable Offences (Ireland) Act, 1849, shall be substituted for the reference therein to section twenty-one of the Indictable Offences Act, 1848.
- (2) A court of summary jurisdiction, in fixing the amount of any fine to be imposed on an offender, shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court.
  - (3) Proceedings for the recovery in a summary manner of a penalty for an offence under the Births and Deaths Registration Act (Ireland), 1880, may be commenced at any time within three years after the commission of the offence.
  - (4) Where upon summary conviction an offender is adjudged to pay a penalty exceeding five pounds, the offender in case of non-payment thereof may without any warrant of distress be committed to prison for any term not exceeding the period for which he might be committed to prison in default of distress: Provided that where time is not allowed for the payment of the penalty a warrant of commitment shall not be issued in the first instance unless it appears to the court that the offender has no goods or insufficient goods to satisfy the penalty, or that the levy of distress would be more injurious to him or his family than imprisonment.
  - (5) So much of section three of the Fines Act (Ireland), 1851, as requires that a warrant for the execution of an order of a divisional justice of the police district of Dublin metropolis for the imposition or levy of a penal sum shall be issued within one week from the making of the order, shall cease to have effect.
  - (6) Upon any information or complaint laid or made before a divisional justice of the police district of Dublin metropolis of an offence punishable on summary conviction, if the person charged resides within the limits of that district, the justice shall, notwithstanding that the offence has been or is alleged to have been committed outside those limits, have all the like powers, jurisdiction, and authority as he has upon an information or complaint laid or made of a similar offence committed or alleged to have been committed within those limits.
  - (7) So much of section twenty-two of the Petty Sessions (Ireland) Act, 1851, as relates to the liability of persons aiding, abetting, counselling, or procuring the commission of offences punishable on summary conviction shall, as amended by any subsequent enactment, extend to the police district of Dublin metropolis; and every person who aids, abets, counsels, or procures the commission of any such offence may be proceeded against and convicted in that district in any case where the principal

offender may be convicted in that district, or where the offence of aiding, abetting, counselling, or procuring was committed in that district.

- (8) Section three (which relates to boards of visitors for convict prisons), section six (which relates to divisions of prisoners), section eleven (which relates to orders for production of prisoners), and, so far as respects sentences of imprisonment passed after the commencement of this Act, section twelve (which relates to calculation of term of sentence) of the Prison Act, 1898, shall, as amended by this Act, extend to Ireland subject to the following modifications, namely :—
- (a) references to the Lord Lieutenant shall be substituted for references to the Secretary of State ;
  - (b) references to rules made by the General Prisons Board for Ireland with the approval of the Lord Lieutenant and Privy Council under the General Prisons (Ireland) Act, 1877, shall be substituted for any references to prison rules or special prison rules ;
  - (c) a reference to section forty-nine of the General Prisons (Ireland) Act, 1877, shall be substituted for the reference to sections forty and forty-one of the Prison Act, 1877, and references to provisions of the Prison Act, 1865, or the Criminal Procedure Act, 1853, shall not apply.
- (9) For removing doubts it is declared that in section twenty-four of the General Prisons (Ireland) Act, 1877, and section three of the Prisons (Ireland) Amendment Act, 1884 (which relate to visiting committees of prisons), the expressions " grand jury " and " grand juries " respectively, include, in the case of the county of Dublin, a grand jury of that county impanelled at a commission of oyer and terminer and general gaol delivery.
- (10) The Lord Chancellor may make rules for the purposes of this Act regulating the procedure to be followed, and prescribing the forms to be used in summary proceedings and regulating and prescribing any other matter or thing which for the purposes aforesaid requires to be regulated or prescribed, and adapting to the requirements of this Act any forms relating to summary proceedings prescribed by or in pursuance of any other Act, and all rules so made shall be laid as soon as may be before both Houses of Parliament.
- (11) An appeal under section twenty-seven of the Dublin Police Act, 1837, section twenty-three of the Summary Jurisdiction (Ireland) Act, 1851, or section twenty-four of the Petty Sessions (Ireland) Act, 1851, against a conviction of a court of summary jurisdiction in respect of an offence shall lie whatever may be the amount of the fine or the term of the imprisonment imposed.
- (12) Where a person convicted of an offence by a court of summary jurisdiction is committed to prison by the court under section ten of this Act without sentence he may appeal under the Summary Jurisdiction Acts against the conviction, and the provisions of those Acts with respect to appeals shall apply accordingly.
- (13) Upon any information, summons, or complaint laid or made" before a court of summary jurisdiction in Ireland wherein the defendant is called upon to show cause why such defendant should not be bound over to keep the peace or be of good behaviour, the defendant shall be entitled to call witnesses and tender evidence at the hearing of the information, summons, or complaint.
- (14) Save as provided in this section, the foregoing provisions of this Act shall not extend to Ireland.

#### **44 Short title, commencement, and repeal**

- (1) This Act may be cited as the Criminal Justice Administration Act, 1914, and shall, save as otherwise expressly provided, come into operation on the first day of December nineteen hundred and fourteen.
- (2) The enactments mentioned in the Fourth Schedule \_ to this Act are hereby repealed to the extent specified in the third column of that schedule.