



Criminal Justice Administration Act 1914

1914 CHAPTER 58

Miscellaneous and General

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.