



Criminal Justice Act 1948

1948 CHAPTER 58

PART I

POWERS AND PROCEEDINGS OF COURTS.

Powers relating to persistent offenders.

21 Corrective training and preventive detention.

- (1) Where a person who is not less than twenty-one years of age—
- (a) is convicted on indictment of an offence punishable with imprisonment for a term of two years or more; and
 - (b) has been convicted on at least two previous occasions since he attained the age of seventeen of offences punishable on indictment with such a sentence,
- then, if the court is satisfied that it is expedient with a view to his reformation and the prevention of crime that he should receive training of a corrective character for a substantial time, followed by a period of supervision if released before the expiration of his sentence, the court may pass, in lieu of any other sentence, a sentence of corrective training for such term of not less than two nor more than four years as the court may determine.
- (2) Where a person who is not less than thirty years of age—
- (a) is convicted on indictment of an offence punishable with imprisonment for a term of two years or more; and
 - (b) has been convicted on indictment on at least three previous occasions since he attained the age of seventeen of offences punishable on indictment with such a sentence, and was on at least two of those occasions sentenced to Borstal training, imprisonment or corrective training;
- then, if the court is satisfied that it is expedient for the protection of the public that he should be detained in custody for a substantial time, followed by a period of supervision if released before the expiration of his sentence, the court may pass, in lieu of any other sentence, a sentence of preventive detention for such term of not less than five nor more than fourteen years as the court may determine.

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- (3) A person sentenced to corrective training or preventive detention shall be detained in a prison for the term of his sentence subject to his release on licence in accordance with the provisions of the Third Schedule to this Act, and while so detained shall be treated in such manner as may be prescribed by rules made under section fifty-two of this Act.
- (4) Before sentencing any offender to corrective training or preventive detention, the court shall consider any report or representations which may be made to the court by or on behalf of the Prison Commissioners on the offender's physical and mental condition and his suitability for such a sentence.
- (5) A copy of any report or representations in writing made to the court by the Prison Commissioners for the purposes of the last foregoing subsection shall be given by the court to the offender or his counsel or solicitor.
- (6) For the purposes of paragraph (b) of subsection (2) of this section, a person who has been convicted by a court of summary jurisdiction of an indictable offence and sentenced for that offence by a court of quarter sessions, or on appeal from such a court, to Borstal training, imprisonment or corrective training shall be treated as if he had been convicted of that offence on indictment.

22 Power to order certain discharged prisoners to notify address.

- (1) Where a person is convicted on indictment of an offence punishable with imprisonment for a term of two years or more and that person—
 - (a) has been convicted on at least two previous occasions of offences for which he was sentenced to Borstal training or imprisonment; or
 - (b) has been previously convicted of an offence for which he was sentenced to corrective training,

the court, if it sentences him to a term of imprisonment of twelve months or more, shall, unless having regard to the circumstances, including the character of the offender, it otherwise determines, order that he shall for a period of twelve months from his next discharge from prison be subject to the provisions of this section.
- (2) Where any such order as aforesaid has been made—
 - (a) the offender shall, on his next discharge from prison and thereafter from time to time, inform the appointed society of his address in accordance with such instructions as may be given to him by or on behalf of the society;
 - (b) if the offender fails to comply to the satisfaction of the appointed society with the aforesaid requirement to notify his address on his discharge, the society shall, and if he subsequently fails to keep the society informed of his address to their satisfaction, the society may, give notice by registered post of the failure to the Commissioner of Police of the Metropolis, and shall use their best endeavours to inform the offender that the notice has been given;

and as from the date on which any such notice has been given as aforesaid, the provisions of the Fourth Schedule to this Act shall apply to the offender.
- (3) It shall be the duty of the governor of a prison on the discharge from prison of an offender against whom an order has been made under this section to serve upon him a notice stating the effect of the order.
- (4) The Secretary of State may by a direction in writing relieve an offender against whom an order has been made under this section of any requirement of this section or of the Fourth Schedule to this Act; and any such direction may be made conditional upon

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the observance of such requirements as may be specified therein; and the Secretary of State may, if he is satisfied that any requirement so imposed has been contravened, cancel the direction.

- (5) In this section the expression " the appointed society " means a society appointed by the Prison Commissioners for the purposes of this section, being a society approved by the Secretary of State; and the Prison Commissioners may appoint a society either to act in all cases or to act in such cases or classes of cases as they may direct.

23 Proof of previous convictions etc. for purposes of ss. 21 and 22.

- (1) For the purpose of determining whether an offender is liable to be sentenced to corrective training or preventive detention or to be ordered to be subject to the provisions of the last foregoing section, no account shall be taken of any previous conviction or sentence unless notice has been given to the offender and to the proper officer of the court at least three days before the trial that it is intended to prove the conviction or sentence; and unless any such previous conviction or sentence is admitted by the offender the question shall be determined by the verdict of a jury.
- (2) For the purposes of this section, evidence that a person has previously been sentenced to corrective training or preventive detention shall be evidence of the convictions and sentences which rendered him liable to that sentence.