



# Criminal Justice Act 1948

## 1948 CHAPTER 58

### PART II

#### ADMINISTRATIVE PROVISIONS AND PROVISIONS AS TO TREATMENT OF PRISONERS, ETC.

##### *Institutions for offenders.*

#### **48 Remand centres, detention centres and Borstal institutions.**

- (1) The Secretary of State may provide—
  - (a) remand centres, that is to say places for the detention of persons not less than fourteen but under twenty-one years of age who are remanded or committed in custody for trial or sentence;
  - (b) detention centres, that is to say places in which persons not less than fourteen but under twenty-one years of age who are ordered to be detained in such centres under this Act may be kept for short periods under discipline suitable to persons of their age and description; and
  - (c) Borstal institutions, that is to say places in which offenders not less than sixteen but under twenty-one years of age may be detained and given such training and instruction as will conduce to their reformation and the prevention of crime.
- (2) The Secretary of State may provide attendance centres, that is to say places at which offenders of not less than twelve but under twenty-one years of age may be required to attend, in pursuance of orders made under section nineteen of this Act, on such occasions and at such times as will avoid interference so far as is practicable with their school hours or working hours, and be given under supervision appropriate occupation or instruction; and for the purpose aforesaid the Secretary of State may make arrangements with any local authority or police authority for the use of premises of that authority.
- (3) The Secretary of State shall provide in remand centres facilities for the observation of any person detained therein on whose physical or mental condition a medical report

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*Status: This is the original version (as it was originally enacted).*

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may be desirable for the assistance of the court in determining the most suitable method of dealing with his case.

- (4) Where any person under seventeen years of age is committed to, or ordered to be detained in, a remand centre under this Act for the purpose of obtaining a medical report on his physical or mental condition, the council of the county or county borough who would be responsible for his maintenance if he were detained in a remand home shall pay to the Secretary of State, in such manner as the Secretary of State may with the approval of the Treasury determine, such sums in respect of the maintenance of that person as the Secretary of State may with the like approval direct.
- (5) The Prison Acts, 1865 to 1898, shall, subject to such adaptations and modifications as may be made by rules of the Secretary of State, apply to remand centres, detention centres and Borstal institutions, and to persons detained therein, as they apply to prisons and prisoners.
- (6) The appropriation of a prison vested in the Prison Commissioners under the Prison Act, 1877, for use as a remand centre, detention centre or Borstal institution shall not be deemed, for the purposes of sections thirty-three and thirty-four of that Act, to be a discontinuance of the prison.
- (7) Section six of the Prevention of Crime Act, 1871, and section eight of the Penal Servitude Act, 1891 (which relate to the registration, measurement and photographing of prisoners) shall have effect as if references therein to prisons and prisoners included references to remand centres, detention centres and Borstal institutions, and to persons detained therein.

#### **49 Remand homes.**

- (1) As from such date as may be specified in an order made by statutory instrument by the Secretary of State, no premises shall be used as a remand home unless a certificate of approval has been issued by the Secretary of State.
- (2) The Secretary of State may by rules made under this Act apply to remand homes, with such adaptations and modifications as he thinks fit, the provisions of section seventy-nine and subsection (3) of section one hundred and six of the Children and Young Persons Act, 1933 (which relate to the approval of schools for the purposes of that Act and the evidence of such approval).
- (3) No person shall be appointed after the commencement of this Act to be in charge of a remand home established by a county council or a county borough council unless his appointment has been approved by the Secretary of State.
- (4) Councils of counties and county boroughs may provide in remand homes provided for their areas facilities for the observation of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case, or may, if facilities for observation are available at any other institution or place, arrange for the use of those facilities for the observation of any such person as aforesaid.
- (5) Subsections (2) and (3) of section six of the Children and Young Persons Act, 1938 (which provide for the removal to a place of safety of persons found while detained in a remand home to be in need of medical treatment, and for giving notice to the clerk of the court by which the order for detention was made) shall apply in relation to the removal of any person from a remand home to an institution or place where facilities

are available in pursuance of arrangements made under the last foregoing subsection for the purpose, of obtaining such a report as aforesaid as they apply in relation to any such removal as is mentioned in the said subsection (2).

- (6) Any expenses incurred by the council of a county or county borough in giving effect to arrangements made under subsection (4) of this section, and any sums paid by such a council under subsection (4) of the last foregoing section, shall be treated for the purposes of any grant under section one hundred and four of the Children and Young Persons Act, 1933, as expenses of the council in respect of remand homes.

## **50 Acquisition of land for prisons and other institutions.**

- (1) The Prison Commissioners may, with the consent of the Secretary of State, purchase by agreement, or may be authorised by the Secretary of State to purchase compulsorily, any land required for the alteration, enlargement or rebuilding of a prison or other institution to which the Prison Acts, 1865 to 1898, apply or for establishing a new prison or a new institution as aforesaid or for any other purpose connected with the management of any such prison or institution (including the provision of accommodation for officers or servants employed therein).

- (2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory purchase of land by the Prison Commissioners under this section, and for that purpose shall have effect as if the Prison Commissioners were a local authority, as if this Act had been in force immediately before the commencement of that Act and as if references in that Act to a Minister included references to the Secretary of State:

Provided that section two of the said Act (which confers temporary powers for speedy acquisition of land in urgent cases) shall not apply to any compulsory purchase of land under this section.

- (3) In relation to the purchase of land by agreement under this section, the Lands Clauses Acts (except the provisions relating to the purchase of land otherwise than by agreement and the provisions relating to access to the special Act, and except section's one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) shall be incorporated with this section, and in construing those Acts as so incorporated this section shall be deemed to be the special Act and references to the promoters of the undertaking shall be construed as references to the Prison Commissioners.

## **51 Abolition of office of directors of convict prisons and application of Prison Acts to convict prisons.**

The office of the directors of convict prisons is hereby abolished; and the Prison Acts, 1865 to 1898, shall, subject to such adaptations and modifications as may be made by rules of the Secretary of State, apply to prisons which, at the commencement of this Act, are under the control of the Prison Commissioners by virtue of the said office in like manner as they apply to other prisons; and all property and rights vested in, and liabilities incurred by, the Prison Commissioners as holders of the said office shall be deemed to be vested in them or to have been incurred by them for the purposes of their functions generally.