



Criminal Justice Act 1948

1948 CHAPTER 58

PART I

POWERS AND PROCEEDINGS OF COURTS.

Powers relating to young offenders.

20 Borstal training.

- (1) Where a person is convicted on indictment of an offence punishable with imprisonment, then if on the day of his conviction he is not less than sixteen but under twenty-one years of age, and the court is satisfied having regard to his character and previous conduct, and to the circumstances of the offence, that it is expedient for his reformation and the prevention of crime that he should undergo a period of training in a Borstal institution, the court may, in lieu of any other sentence, pass a sentence of Borstal training.
- (2) A person sentenced to Borstal training shall be detained in a Borstal institution, and after his release therefrom shall be subject to supervision, in accordance with the provisions of the Second Schedule to this Act; subject, however, to the power of the Secretary of State under this Act to commute in certain cases the unexpired part of the term for which a person is liable to be so detained to a term of imprisonment.
- (3) Where a person is convicted by a court of summary jurisdiction of an offence punishable on summary conviction with imprisonment, then if on the day of his conviction he is not less than sixteen but under twenty-one years of age, and the court is satisfied of the matters mentioned in subsection (1) of this section, the court may commit him in custody to quarter sessions for sentence in accordance with the following provisions of this section.
- (4) An offender so committed as aforesaid shall be committed—
 - (a) where the court of summary jurisdiction acts for a county other than the County of London or for a borough not having a separate court of quarter

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- sessions, to the appeal committee of the quarter sessions for that county or for the county in which that borough is situated, as the case may be;
- (b) in any other case, to the next court of quarter sessions having jurisdiction in the county, borough or place for which the court of summary jurisdiction acts;
- and where the offender is so committed to an appeal committee, the clerk to the court of summary jurisdiction shall notify the clerk of the peace, and the clerk of the peace shall give notice to the prosecutor and to the governor of the remand centre or prison to which the offender is committed of the date on which the case will be dealt with by the appeal committee, being the next available sitting of a court consisting of members of that committee.
- (5) Where an offender is so committed for sentence as aforesaid, the following provisions shall have effect, that is to say:—
- (a) the appeal committee or court of quarter sessions shall inquire into the circumstances of the case and may—
- (i) if satisfied of the matters mentioned in subsection (1) of this section, sentence him to Borstal training; or
- (ii) in any case, deal with him in any manner in which the court of summary jurisdiction might have dealt with him;
- (b) the Poor Prisoners Defence Act, 1930, shall apply as if the offender were committed for trial for an indictable offence, subject to the modifications that in subsection (2) of section one the words " after reading the depositions " and in subsection (2) of section three the words " and the costs of a copy of the depositions " shall be omitted;
- (c) the Costs in Criminal Cases Act, 1908, shall apply in relation to the proceedings before the appeal committee or court of quarter sessions as it applies in relation to the prosecution of an indictable offence before a court of quarter sessions;
- (d) if the appeal committee or court of quarter sessions passes a sentence of Borstal training, the offender may appeal against the sentence to the Court of Criminal Appeal as if he had been convicted on indictment, and the provisions of the Criminal Appeal Act, 1907, shall apply accordingly.
- (6) References to a court of quarter sessions or a court in any enactment as applied by the last foregoing subsection, or in any other enactment relating to persons dealt with by quarter sessions (including any such enactment contained in this Act) shall be construed as including references to an appeal committee of quarter sessions by whom an offender is dealt with under that subsection.
- (7) Before a sentence of Borstal training is passed under this section, and before a person is committed for sentence under subsection (3) of this section, the court or committee shall consider any report or representations made by or on behalf of the Prison Commissioners on the offender's physical and mental condition and his suitability for the sentence; and if the court is a court of summary jurisdiction and has not received such a report or representations it shall after conviction remand the offender in custody for such a period or periods, not exceeding three weeks in the case of any single period, as the court thinks necessary to enable the report or representations to be made.
- (8) A copy of any report or representations in writing made to a court or appeal committee by the Prison Commissioners for the purposes of the last foregoing subsection shall be given .by the court or committee to the offender or his counsel or solicitor.