



# Criminal Justice Act 1948

## 1948 CHAPTER 58

### PART III

#### SUPPLEMENTAL.

#### 80 Interpretation.

(1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say:—

" Approved probation hostel " and " Approved probation home " have the meaning assigned to them by section forty-six of this Act;

" Approved school " means a school approved under section seventy-nine of the Children and Young Persons Act, 1933;

" Court " does not include a court-martial;

" Court of summary jurisdiction " includes examining justices within the meaning of the Criminal Justice Act, 1925;

" Detention centre " has the meaning assigned to it by section forty-eight of this Act;

" Enactment " includes an enactment contained in a local Act and any order, regulation or other instrument having effect by virtue of an Act;

" England " includes Wales;

" Impose imprisonment " means pass a sentence of imprisonment or commit to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone;

" Local authority " means, in relation to any probation area, any authority out of whose funds the salary of the clerk to the justices for a petty sessional division or place contained in the probation area is paid ;

" Mental hospital " includes a Broadmoor institution;

" Metropolitan police court area " means the area consisting of the police court divisions for the time being constituted under the Metropolitan Police Courts Acts, 1839 and 1840;

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*Status: This is the original version (as it was originally enacted).*

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" Offence the sentence for which is fixed by law " means an offence for which the court is required to sentence the offender to death or imprisonment for life or to detention during His Majesty's pleasure;

" Order for conditional discharge " has the meaning assigned to it by section seven of this Act;

" Period of conditional discharge " has the meaning assigned to it by section seven of this Act;

" Probationer " means a person for the time being under supervision by virtue of a probation order;

" Probation order " has the meaning assigned to it by section three of this Act;

" Probation period " means the period for which a probationer is placed under supervision by a probation order;

" Remand centre " has the meaning assigned to it by section forty-eight of this Act;

" Remand home " means premises established or used by the council of a county or county borough under the provisions of section seventy-seven of the Children and Young Persons Act, 1933;

" Sentence " includes an order for detention in a detention centre, an order for custody in a remand home under section fifty-four of the Children and Young Persons Act, 1933, and an order sending an offender to an approved school, but does not include a committal in default of payment of any sum of money or failing to do or abstain from doing anything required to be done or left undone;

" Sum adjudged to be paid by a conviction " includes any costs, damages or compensation adjudged to be paid by the conviction of which the amount is ascertained by the conviction;

" Supervising court " means, in relation to a probation order, a court of summary jurisdiction acting for the petty sessional division or place for the time being named in the order; and where the probationer was a child or young person within the meaning of the Children and Young Persons Act, 1933, when the probation order was made, means a juvenile court for that division or place;

" Supervision order " has the meaning ascribed to it by section seventy-four of this Act.

- (2) Any reference in this Act to a previous sentence of imprisonment shall be construed as including a reference to a previous sentence of penal servitude; any such reference to a previous sentence of Borstal training shall be construed as including a reference to a previous sentence of detention in a Borstal institution; and any such reference to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of Great Britain and to a previous sentence passed by any such court.
- (3) Where the age of any person at any time is material for the purposes of any provision of this Act, or of any Order in Council made thereunder, regulating the powers of a court, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.
- (4) References in this Act to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed

by or under this Act upon the imprisonment of offenders of his age, but shall not be construed as including an offence for which the court is required to impose a sentence of imprisonment for life.

- (5) For the purposes of this Act, except subsection (6) of section three thereof, where a probation order or an order for conditional discharge has been made on appeal, the order shall be deemed to have been made by the court from which the appeal was brought.
- (6) Where any provision of this Act empowers a court on conviction of an offender to pass a sentence or make an order in lieu of dealing with him in any other manner, the said provision shall not be construed as taking away any power of the court to order the offender to pay costs, damages or compensation.
- (7) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment including this Act.