



Inebriates Act 1898

1898 CHAPTER 60

Criminal Habitual Drunkards

1 Detention of habitual drunkard guilty of crime

- (1) Where a person is convicted on indictment of an offence punishable with imprisonment or penal servitude, if the court is satisfied from the evidence that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence, and the offender admits that he is or is found by the jury to be a habitual drunkard, the court may, in addition to or in substitution for any other sentence, order that he be detained for a term not exceeding three years in any State inebriate reformatory or in any certified inebriate reformatory the managers of which are willing to receive him.
- (2) In any indictment under this section it shall be sufficient, after charging the offence, to state that the offender is a habitual drunkard. In the proceedings on the indictment the offender shall, in the first instance, be arraigned on so much only of the indictment as charges the said offence, and, if on arraignment he pleads guilty or is found guilty by the jury, the jury shall, unless the offender admits that he is a habitual drunkard, be charged to inquire whether he is a habitual drunkard, and in that case it shall not be necessary to swear the jury again.

Provided that, unless evidence that the offender is a habitual drunkard has been given before he is committed for trial, not less than seven days' notice shall be given to the proper officer of the court by which the offender is to be tried and to the offender that it is intended to charge habitual drunkenness in the indictment.

2 Detention of habitual drunkard four times convicted of drunkenness

- (1) Any person who commits any of the offences mentioned in the First Schedule to this Act, and who within the twelve months preceding the date of the commission of the offence has been convicted summarily at least three times of any offences so mentioned, and who is a habitual drunkard, shall be liable upon conviction on indictment, or if he consents to be dealt with summarily on summary conviction, to

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be detained for a term not exceeding three years in any certified inebriate reformatory the managers of which are willing to receive him.

- (2) The Summary Jurisdiction Act, 1879, shall apply to proceedings under this section as if the offence charged were specified in the second column of the First Schedule to the said Act.