



Inebriates Act 1898

1898 CHAPTER 60

Supplemental

21 Regulations to be laid before Parliament

- (1) A regulation made under this Act shall not come into effect until it has lain four weeks on the table of each House of Parliament whilst that House is sitting.
- (2) The making of any such regulations and the date at which they come into effect, shall be notified in the London Gazette.

22 Application to inebriate reformatories of provisions of 9 & 10 Vict. c.66

Section one of the Poor Removal Act, 1846, shall apply to a person detained in or absent under licence from a State inebriate reformatory, or a certified inebriate reformatory, as if he were a prisoner in a prison within the meaning of that section.

23 Provision as to criminal habitual drunkards in Scotland

- (1) Where in Scotland 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 the proceedings under an indictment in pursuance of this section, where at the first diet the accused has pleaded not guilty, at the second diet the jury shall in the first instance be sworn and the accused shall then be tried on so much only of the indictment as charges the said offence, and if he is found guilty, the same jury shall, unless the accused admits that he is a habitual drunkard, be re-sworn to inquire whether he is a habitual drunkard. Where at the first diet the accused pleads guilty of the offence, but

denies that he is a habitual drunkard, the plea shall be recorded, and at the second diet the jury shall be sworn to inquire whether he is a habitual drunkard.

- (3) This section shall be substituted in Scotland for section one of this Act.

24 Power to detain in certified inebriate reformatory in Scotland

- (1) Any person who in Scotland 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, may be tried on indictment before the High Court of Justiciary or the sheriff with a jury, or with his own consent by the sheriff summarily, and shall be liable on conviction to be detained for a term not exceeding three years in any certified inebriate reformatory the managers of which are willing to receive him.

- (2) This section shall be substituted in Scotland for section two of this Act.

25 Adaptations to Scotland

In the application of this Act to Scotland, the following further modifications shall be made:—

- (a) References to the Secretary of State shall be construed as references to the Secretary for Scotland ;
- (b) The person vested with the title to any available poorhouse may, with the consent of the Secretary for Scotland, and subject to such conditions and for such term as may be approved of by him, give the use of the whole or any part thereof for the purposes of an inebriate reformatory;
- (c) A reference to the Prisons (Scotland) Act, 1877, and the rules thereunder shall be substituted for a reference to the Prisons Acts, 1865 to 1898 ;
- (d) For references to a borough and the borough council shall be substituted reference to a burgh and the town council thereof

“burgh” shall include police burgh, and " town council" shall include burgh commissioners, and " town clerk" shall include clerk of the burgh commissioners ;
- (e) For the purpose of raising money by rate or loan in order to defray expenditure under this Act county councils and town councils shall have the same powers as if a certified inebriate reformatory were a certified reformatory within the meaning of the Reformatory Schools Act, 1866;
- (f) The reference to the Poor Removal Act, 1846, shall not apply, but in any computation of time for the purpose of ascertaining the settlement of any pauper the time during which he has been detained in an inebriate reformatory shall be reckoned as time spent by him as a prisoner;
- (g) References to a judge of county courts shall be construed as references to the sheriff. References to the coroner shall be construed as references to the procurator fiscal; and references to the London Gazette shall be construed as references to the Edinburgh Gazette.

26 Adaptation to Ireland

In the application of this Act to Ireland the following modifications shall be made :—

- (a) References to the Summary Jurisdiction Act, 1879, and the offences specified in the second column of the First Schedule to that Act shall be construed as references to the Criminal Justice Act, 1855, and the offences specified in section one of that Act;
- (b) For section three of this Act shall be substituted the following provision, namely :—

The Lord Lieutenant of Ireland may establish State inebriate reformatories, and for that purpose may, with the approval of the Treasury, either authorise the Prisons Board to acquire any land, or to erect or acquire any building, or appropriate the whole or any part of any building vested in or under the control of the Prisons Board; and any expenses incurred under this section shall be paid out of moneys provided by Parliament;

- (c) Subject as aforesaid, references to the Secretary of State shall be construed as references to the Lord Lieutenant;
- (d) A reference to the Prisons (Ireland) Acts, 1826 to 1884, shall be substituted for a reference to the Prisons Acts, 1865 to 1898 ;
- (e) For references to a borough and the council of a borough there shall be substituted references to a county borough and the council of a county borough ;
- (f) For the purposes of section nine of this Act, the council of a county borough may, with the consent of the Local Government Board for Ireland, borrow at interest on the security of any corporate land or of the borough fund or borough rate, or of all or any of those securities, such sums as the council think requisite ;
- (g) The expenses of conveying persons to and from certified inebriate reformatories shall be defrayed in like manner as the expenses of conveying prisoners to and from prisons;
- (h) References to the London Gazette shall be construed as references to the Dublin Gazette;
- (i) The reference to the Poor Removal Act, 1846, shall not apply.

27 Definitions

In this Act, unless the context otherwise requires,—

The expression " managers," in relation to a certified inebriate reformatory shall mean any persons having the management or control of the reformatory :

The expression " expenses," in relation to the detention of a person in a certified inebriate reformatory, shall include the expenses of his custody and maintenance, whether in the reformatory or when absent therefrom under licence, and any other expenses directed by this Act, or by any order made thereunder to be defrayed by the managers, and also any expenses incurred by the managers in assisting him to return to his home or place of settlement on the expiration of his term of detention:

The expression " patient" shall mean a person who has been admitted into a retreat, and whose term of detention has not expired or been concluded by his discharge.

28 Repeal

The Act mentioned in the Second Schedule to this Act is hereby repealed to the extent appearing in the third column of that schedule.

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

29 Commencement of Act

This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-nine.

30 Short title

This Act may be cited as the Inebriates Act, 1898, and shall be construed as one with the Inebriates Acts, 1879 and 1888, and those Acts and this Act may be cited together as the Inebriates Acts, 1879 to 1898.