

1961 No. 1672 (C. 15)

**CRIMINAL PROCEDURE, ENGLAND AND WALES
CRIMINAL PROCEDURE, SCOTLAND**

**The Criminal Justice Act, 1961 (Commencement No. 1)
Order, 1961**

Made - - - - 28th August, 1961

In exercise of the powers conferred on me by section forty-four of the Criminal Justice Act, 1961(a), I hereby make the following Order:—

1. The provisions of the Criminal Justice Act, 1961, specified in the first column of the Schedule hereto (which relate to the matters specified in the second column of the said Schedule) shall come into operation on the second day of October, 1961.

2. This Order may be cited as the Criminal Justice Act, 1961 (Commencement No. 1) Order, 1961.

R. A. Butler,

One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
28th August, 1961.

SCHEDULE

Provisions of the Act.	Subject matter of provisions
Section eight ...	Fines for young offenders.
Section nine ...	Breach of probation, etc.
Section ten ...	Attendance at attendance centres.
Section eleven ...	Term of detention and supervision under sentence of borstal training.
Section twelve ...	Return to borstal institution on re-conviction.
Section fourteen ...	Release and supervision of persons detained in or released from approved schools.
Section fifteen ...	Temporary removal from approved school.
Sections sixteen and seventeen.	Removal to borstal institution of person detained in approved school.
Section eighteen ...	Directions as to the management of approved schools.
Section nineteen ...	Constitution of managers of approved schools.
Section twenty-one ...	Repeal of provisions requiring certain discharged prisoners to notify their addresses.
Section twenty-two ...	Penalties for assisting escape from prison and other places of detention.
Section twenty-three ...	Prison Rules and discharge of prisoners.
Section twenty-four ...	Transfer of functions of Prison Commissioners.
Section twenty-six ...	Transfer of prisoners to serve sentence.
Section twenty-seven ...	Temporary transfer of prisoners.
Section twenty-eight ...	Transfer of prisoners for trial.
Section twenty-nine ...	Removal of prisoners for other judicial purposes.
Section thirty ...	Prisoners unlawfully at large.
Section thirty-one ...	Subsequent sentence in case of persons transferred or removed under Part III of the Act.
Section thirty-two, other than paragraph (d) of subsection (2) and subsection (3).	Extension to the United Kingdom, the Channel Islands and the Isle of Man of certain enactments relating to supervision and recall.
Section thirty-three ...	Signing orders made under Part III of the Act.
Section thirty-five ...	Legal custody.
Section thirty-six ...	General provisions as to orders.
Section thirty-seven ...	Prison Commissioners' reports.
Sections thirty-eight and thirty-nine.	Interpretation.
Section forty ...	Legislative powers of Parliament of Northern Ireland.
Section forty-one, other than subsection (4).	Minor and consequential amendments and repeals.
Section forty-two ...	Application of Act to Scotland and Northern Ireland.
Section forty-three ...	Expenses payable out of moneys provided by Parliament.
Second Schedule ...	Supervision of persons released from approved schools.
So much of the Fourth Schedule as is set out in Appendix A hereto.	Minor and consequential amendments.
So much of the Fifth Schedule as is set out in Appendix B hereto.	Repeals.

APPENDIX A

Act to be amended	Amendment
<p>The Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12.</p>	<p>In section seventy-two, in subsection (4), for the words "two months" there shall be substituted the words "six months", and for the words "twenty pounds" there shall be substituted the words "one hundred pounds".</p> <p>In section seventy-eight, in subsection (4), for the words "two months" there shall be substituted the words "six months", and for the words "twenty pounds" there shall be substituted the words "one hundred pounds".</p> <p>In section eighty-two, in subsection (1), for the words "or on licence" there shall be substituted the words "or under supervision"; and in subsection (4), for the words "two months" there shall be substituted the words "six months", and for the words "twenty pounds" there shall be substituted the words "one hundred pounds".</p> <p>In section eighty-three, in subsection (1), after the word "Act" there shall be inserted the words "and of the Criminal Justice Act, 1961,"; and in subsection (3), for the words "on licence" there shall be substituted the words "under supervision", and after the word "Act" there shall be inserted the words "and of the Criminal Justice Act, 1961,".</p> <p>In section eighty-eight, in subsection (4), in paragraph (b) after the word "supervision" there shall be inserted the words "or has been removed under section sixteen of the Criminal Justice Act, 1961, to a borstal institution".</p> <p>In the Fourth Schedule, in paragraph 9, in sub-paragraph (2), after the word "aforesaid" there shall be inserted the words "or removed under section sixteen of the Criminal Justice Act, 1961, to a borstal institution"; in sub-paragraph (3), for the words "this Act shall have effect" there shall be substituted the words "this Act and the Criminal Justice Act, 1961, shall have effect"; and in paragraph 12, in sub-paragraph (3), at the end there shall be added the words "or as authorised by paragraph 7 of the Second Schedule to the Criminal Justice Act, 1961".</p>
<p>The Children and Young Persons Act, 1938. 1 & 2 Geo. 6. c. 40.</p>	<p>In section six, in subsection (2), after the words "Criminal Justice Act, 1948" there shall be inserted the words "or under section five, section fifteen or subsection (2) of section seventeen of the Criminal Justice Act, 1961,".</p>
<p>The Family Allowances Act, 1945. 8 & 9 Geo. 6. c. 41.</p>	<p>In section eleven, in subsection (1), in paragraph (a), for the words from "or seventy-four" to the end of the paragraph there shall be substituted the words "of that Act or Part I of the Second Schedule to the Criminal Justice Act, 1961, and the child is not absent from the school under supervision;".</p>
<p>The Children Act, 1948. 11 & 12 Geo. 6. c. 43.</p>	<p>In section six, in subsection (4), for the words "under section seventy-four of the said Act of 1933" there shall be substituted the words "under Part I of the Second Schedule to the Criminal Justice Act, 1961", and for the words "the said section seventy-four or" there shall be substituted the words "the said Part I or the said section".</p>

Act to be amended	Amendment
<p>The Criminal Justice Act, 1948. 11 & 12 Geo. 6. c. 58.</p>	<p>In section nineteen, in subsection (1), for the word "twelve", in the first place where that word occurs, there shall be substituted the word "ten".</p> <p>In section thirty-eight, in subsection (4), for the words "the Second Schedule to this Act" there shall be substituted the words "section forty-five of the Prison Act, 1952".</p> <p>In section thirty-nine, in subsection (2), for the words "in pursuance of section eight of the Penal Servitude Act, 1891" there shall be substituted the words "under or by virtue of any enactment in that behalf in force in any part of the United Kingdom (including an enactment of the Parliament of Northern Ireland)".</p> <p>In section forty-eight, in subsection (2), for the word "twelve" there shall be substituted the word "ten".</p> <p>In section fifty-two, subsection (2) shall cease to have effect.</p> <p>In section seventy-two, in subsection (1), for the words "in whose case an approved school order has been made" there shall be substituted the words "who has been ordered to be sent to an approved school", after the word "original" there shall be inserted the words "approved school or other" and for the words "sixteen years" there shall be substituted the words "fifteen years"; and in subsection (2), after the word "school", where it first occurs, there shall be inserted the words "or other", and for the words "seventy-three and seventy-four" there shall be substituted the words "and seventy-three".</p>
<p>The Prison Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.</p>	<p>In section thirteen, at the end of subsection (2) there shall be added the words "and while he is being taken to any place to which he is required or authorised by or under this Act to be taken, or is kept in custody in pursuance of any such requirement or authorisation".</p> <p>In section twenty-five, in subsection (3) at the end there shall be inserted the words "or order that a person who is under supervision as aforesaid shall cease to be under supervision."; and for subsection (7) there shall be substituted the following subsection:—</p> <p>"(7) A person who is committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated for the purposes of subsection (1) of this section, but not for the purpose of subsection (2) thereof, as undergoing a sentence of imprisonment for the term for which he is committed, and consecutive terms of imprisonment shall be treated for all the purposes of this section as one term."</p> <p>In section thirty-nine for the words "two years" there shall be substituted the words "five years".</p> <p>In section forty-three, in subsection (1), in paragraph (b), after the words "the Criminal Justice Act, 1948" there shall be inserted the words "or the Criminal Justice Act, 1961," and in paragraph (c), for the word "sixteen" there shall be substituted the word "fifteen".</p> <p>In section forty-four, in subsection (1), for the words "three years", in both places where those words occur, there shall be substituted the words "two years"; and in subsection (2), after the word "Act" there shall be inserted the words "and of the Criminal Justice Act, 1961".</p>

Act to be amended	Amendment
<p>The Prison Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52. —<i>cont.</i></p>	<p>In section forty-five, in subsection (2), for the words “three years” there shall be substituted the words “two years” and for the words “nine months” there shall be substituted the words “six months”; in subsection (3), for the words “four years from the date of his sentence” there shall be substituted the words “two years from the date of his release”; in subsection (4), for the words “four years from the date of his sentence” (where they first occur) there shall be substituted the words “two years from the date of his release”, and for the words “three years” there shall be substituted the words “two years”; in the proviso to subsection (4), in paragraph (a), for the words “four years from the date of the sentence” there shall be substituted the words “two years from the date of his release”, and in paragraph (b), for the words “and the preceding” to the end of the paragraph there shall be substituted the words “and the provisions of subsection (3) of this section and the preceding provisions of this subsection shall apply on his release under this paragraph as they apply in the case of his original release, except that the references to the period of two years from the date of his release shall be construed as references to the period of two years from the date of his original release.”; and in subsection (5), after the words “as aforesaid” there shall be inserted the words “or after being ordered to be returned to a borstal institution under section twelve of the Criminal Justice Act, 1961”.</p> <p>In section forty-seven, in subsection (5), for the words from “serving” to the end of the subsection there shall be substituted the words “detained in a prison, borstal institution, or detention centre, not being persons committed in custody for trial at assizes or quarter sessions or committed to be sentenced or otherwise dealt with by quarter sessions or remanded in custody by any court”.</p> <p>In section forty-nine, in subsection (2), in paragraph (a) after the word “court” there shall be inserted the words “in the United Kingdom”.</p> <p>In section fifty-five, in subsection (4), for the words “the Second Schedule to this Act” there shall be substituted the words “the Criminal Justice Act, 1961”.</p>
<p>The Magistrates’ Courts Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.</p>	<p>In section twenty, in subsection (5), for the words “ten pounds” there shall be substituted the words “fifty pounds”.</p> <p>In section thirty-two, for the words “forty shillings” there shall be substituted the words “ten pounds”.</p> <p>In section fifty-four, in subsection (3), in paragraph (b), for the words “until he has” there shall be substituted the words “for a specified period or until he has sooner”.</p> <p>In section one hundred and twenty-six, in subsection (1), in the definition of “Fine”, after the word “‘Fine’” there shall be inserted the words “, except for the purposes of any enactment imposing a limit on the amount of any fine.”.</p>

CRIMINAL PROCEDURE, ENGLAND AND WALES
CRIMINAL PROCEDURE, SCOTLAND

3342

Act to be amended	Amendment
The Prisons (Scotland) Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.	In section thirty-seven, in the proviso to subsection (2), after the word "court" there shall be inserted the words "in the United Kingdom".
The Criminal Justice Act (Northern Ireland), 1953, c. 14.	In section fourteen, in subsection (2), for the words from "in pursuance" to "1953" there shall be substituted the words "under or by virtue of any enactment in that behalf in force in any part of the United Kingdom (including an enactment of the Parliament of Northern Ireland)".
The Prison Act (Northern Ireland), 1953, c. 18.	In section thirty-eight, in subsection (3), after the word "court" there shall be inserted the words "in the United Kingdom".
The Naval Discipline Act, 1957. 5 & 6 Eliz. 2. c. 53.	In section eighty-four, in subsection (5), for the words "or the Prison Act (Northern Ireland), 1953" there shall be substituted the words "the Prison Act (Northern Ireland) 1953, or the Criminal Justice Act, 1961".
The Mental Health Act, 1959. 7 & 8 Eliz. 2. c. 72.	In section seventy-three, in paragraph (a) of subsection (2), after the word "sessions" there shall be added the words "or committed in custody to assizes or quarter sessions under section six or section eight of the Criminal Justice Act, 1948". In section seventy-nine, in subsection (1), the words "child or young", in both places where they occur, shall be omitted.

APPENDIX B

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	Section seventy-four. In section eighty-two, in subsection (1), in paragraph (b), the words "or upon the revocation of his licence". In section eighty-seven, in subsection (3), the words "on licence or". In section eighty-eight, in subsection (4), in paragraph (b), the words "or on licence". In the Fourth Schedule, paragraph 6; and, in paragraph 12, the words "on licence or" in both places where they occur.
11 & 12 Geo. 6. c. 43.	The Children Act, 1948.	In section six, in subsection (4), the words "paragraph 6 of the Fourth Schedule to the said Act of 1933, or".

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act, 1948.	<p>In section nineteen, in subsection (1), the words "not exceeding twelve in the aggregate".</p> <p>Section twenty-two.</p> <p>In section twenty-three, in subsection (1), the words "or to be ordered to be subject to the provisions of the last foregoing section".</p> <p>In section thirty-eight, in subsection (4), the words from "and nothing" to the end of the subsection.</p> <p>In section fifty-two, subsection (2).</p> <p>In section seventy-two, in subsection (2), the words "and to supervision and recall".</p>
15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.	The Prison Act, 1952	<p>In section twenty-two, paragraph (a) of subsection (2).</p> <p>In section twenty-four, subsection (2).</p> <p>Section twenty-nine.</p> <p>Section forty-eight.</p> <p>In section forty-nine, in subsection (2), the words from "and (c) nothing" to the end of the subsection.</p> <p>In section fifty-five, in subsection (3), the words from "subsections (1), (3)" to the words "Second Schedule" and the words from "and subsection (1) of the said section" to the end of the subsection.</p> <p>The First and Second Schedules.</p> <p>In the Third Schedule, the amendment of the Criminal Justice Act, 1948.</p>
15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act, 1952.	<p>In section ten, paragraph (a) of subsection (2).</p> <p>Section thirty-six.</p> <p>In section thirty-seven, in subsection (1), the words "in any part of Great Britain".</p> <p>The Second Schedule.</p>
8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act, 1960.	<p>In section six, in subsection (2), the words from "and nothing" to the end of the subsection.</p>

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order brings into force a number of the provisions of the Criminal Justice Act, 1961; the provisions brought into force are set out in the Schedule.