



# Criminal Justice Act (Northern Ireland) 1953

## 1953 CHAPTER 14

An Act to abolish penal servitude, hard labour and prison divisions and to make further provision for dealing with offenders and for the administration of criminal justice; to amend the law relating to certain criminal offences; to confer powers on courts of quarter sessions with respect to the adjournment of criminal and other appeals pending in such courts; and for purposes connected with the aforesaid matters or any of them.

[5th May 1953]

### PART I

#### GENERAL PROVISIONS AS TO THE PUNISHMENT AND TREATMENT OF OFFENDERS

##### PUNISHMENT GENERALLY

#### **1 Abolition of penal servitude, hard labour and prison divisions.**

- (1) No person shall be sentenced by a court to penal servitude; and every enactment which operates to empower a court to pass a sentence of penal servitude in any case shall operate so as to empower that court to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before the commencement of this Act.
- (2) No person shall be sentenced by a court to imprisonment with hard labour; and every enactment which operates to empower a court to pass a sentence of imprisonment with hard labour in any case shall operate so as to empower that court to pass a sentence of imprisonment for a term not exceeding the term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Act; and so far as any enactment in force immediately

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before the commencement of this Act requires or permits prisoners to be kept to hard labour it shall cease to have effect and accordingly the words “with or without hard labour” wherever occurring in any enactment prescribing the punishment for an offence are hereby repealed.

- (3) So far as any enactment in force immediately before the commencement of this Act provides that a person sentenced to imprisonment or committed to prison is or may be directed to be treated as an offender of a particular division, or to be placed in a separate division, it shall cease to have effect.

## 2 **Commutation of death sentence to sentence of imprisonment.**

Where a person who has been sentenced to death has been pardoned on condition that he serves a term of imprisonment, that person shall be deemed to have been lawfully sentenced by the court before which he was convicted to imprisonment for the said term.

*S. 3 rep. by 1967 c. 18 (NI)*

## 4 **Taking of other offences into consideration in imposing punishment.**

- (1) Where a person, on being convicted of an offence, admits himself guilty of any other offence and asks the court to take it into consideration in imposing punishment, the court may, unless objection is made by or on behalf of the prosecutor or unless it is an offence in respect of which the court has not jurisdiction to award punishment, take it into consideration accordingly.
- (2) If the court takes an offence into consideration, a note of that fact shall be made and filed with the record of the sentence, and the accused shall not be prosecuted for that offence, unless his conviction is reversed or quashed or otherwise annulled.

*Ss. 5, 6 rep. by 1968 c. 29 (NI)*

*S. 7 rep. by 1980 NI 10*

*S. 8 rep. by 1968 c. 34 (NI)*

### PROPERTY OF CONVICTED PERSONS

## 9 **Amendments of Forfeiture Act, 1870.**

*Subs. (1) rep. by SLR 1973*

- (2) Where any pension or superannuation allowance has been forfeited under section two of the Forfeiture Act, 1870, the authority by whom the pension or allowance was granted may restore the pension or allowance either in whole or in part, but nothing in this sub-section shall authorise or permit the making, on foot of any such pension or allowance, of a payment in respect of a period occurring before the commencement of this Act.

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## 10 Other provisions as to property of convicted persons.

- (1) A court before which a person is convicted of an offence punishable with imprisonment [<sup>F1</sup> or detention in a young offenders centre] for a term exceeding six months, ...<sup>F2</sup>, may make an order (in this section referred to as a “stay”) prohibiting that person (in this section referred to as the “convicted prisoner”) or any other person acting on his behalf from disposing of or dealing with all or any property of his, or held in trust for him or in his possession, custody or control at the time of his arrest, otherwise than in accordance with the judgment or order of a civil court of competent jurisdiction; and a stay shall, subject to the provisions of this section, have effect during such period as the court may think proper to enable all claims to or against such property to be determined and effectively enforced by civil process.
- (2) A stay may be made on the application of the Crown or of any person who appears to the court to have—
  - (a) any claim to or against any property which is or appears to be the property of or held in trust for the convicted prisoner or which is or appears to have been in his possession, custody or control; or
  - (b) any good cause of action against the convicted prisoner.
- (3) A stay may contain such directions and be subject to such conditions as the court may consider advisable for the purpose of ensuring that the property to which the stay relates is readily available to meet the claims of any persons alleged to have suffered loss of property or other injury as a result of an act of the convicted prisoner, or to be taken in execution by civil process.
- (4) A copy of any stay made under this section may be sent by registered post<sup>F3</sup> addressed to any person or officer (including a person responsible for keeping any register or other record of moneys, stocks, shares, securities or other assets) appearing to be in any way concerned with any property referred to in the stay and if any person or officer to whom such copy is so sent knowingly and wilfully neglects or fails to comply with or acts in breach or contravention of such stay or of any direction or condition contained therein he shall be guilty of an offence and shall be liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding<sup>F4</sup> level 3 on the standard scale], or to both such imprisonment and such fine; or
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to<sup>F4</sup> an unlimited fine], or to both such imprisonment and such fine.
- (5) In this section—

“property” includes any thing in action, and any estate or interest in or right to or over real or personal property; and

“possession” includes receipt of income, or rents and profits or the right to receive the same.

### Annotations:

**F1** 1968 c. 29 (NI)

**F2** 1968 c. 29 (NI); 1980 NI 10

**F3** Recorded delivery service may be used as an alternative, 1963 c. 5 (NI)

**F4** 1984 NI 3

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## PART II

### PROCEDURE, EVIDENCE AND POWERS IN CRIMINAL MATTERS

*S. 11 rep. by 1964 c. 21 (NI)*

#### 12 Evidence by certificate.

- (1) In any criminal proceedings, a certificate purporting to be signed by a member of the Royal Ulster Constabulary, not below the rank of sergeant, or by a person appearing to the court to be suitably qualified, and certifying that a plan or drawing exhibited thereto is a plan or drawing made by him of the place or object specified in the certificate, and that the plan or drawing is correctly drawn to a scale so specified, shall be evidence of the relative position of the things shown on the plan or drawing.

*Subs. (2) rep. by 1973 NI 17; subs. (3) rep. by 1969 c. 16 (NI)*

- (4) Nothing in this section shall be deemed to make a certificate ...<sup>F5</sup> admissible as evidence in proceedings for an offence except where and to the extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (5) Nothing in this section shall be deemed to make a certificate ... admissible as evidence in proceedings for any offence—
- (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served on the person charged with the offence or on his solicitor, if any; or
  - (b) if that person or his solicitor, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves notice on the prosecutor or his solicitor requiring the attendance at the trial of the person who signed the certificate ...

#### Annotations:

**F5** 1969 c. 16 (NI)

*S. 13 rep. by 1964 c. 21 (NI)*

#### 14 Proof of previous convictions by finger-prints.

**F6** .....

#### Annotations:

**F6** S. 14 repealed (1.3.2007) by Police and Criminal Evidence (Amendment) (Northern Ireland) Order 2007 (S.I. 2007/288 (N.I. 2)), arts. 1(2), 15(4), 41(2), Sch. 1 para. 12, **Sch. 2**

## PART III

### OFFENCES AND PENALTIES

*Ss. 15, 16 rep. by 1955 c. 27 (NI)*

*Ss. 17, 18 rep. by 1969 c. 16 (NI)*

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*S. 19 rep. by 1981 c. 45*

*S. 20 rep. by 1998 c. 32*

*S. 21 rep. by SLR 1973*

*S. 22 substitutes s. 6 of 1908 c. 45*

**23 Amendment of s. 42 of the Offences against the Person Act, 1861.**

*Subs. (1) substitutes s. 42 of 1861 c. 100*

- (2) For the removal of doubt it is hereby declared that the references in section forty-six of the Summary Jurisdiction Act (Northern Ireland), 1953 , or in any other enactment to the said section forty-two shall be construed as references to that section as amended by this section.

*Subs. (3) rep. by SLR 1973*

## PART IV

### MISCELLANEOUS AND GENERAL

*S. 24 rep. by 1959 c. 25 (NI)*

*S. 25 rep. by 1989 NI 12*

### SUPPLEMENTAL

*S. 26 rep. by SLR 1976*

**27 Interpretation.**

In this Act, unless the contrary intention appears, the following expressions have the meanings hereby respectively assigned to them, that is to say—

*Definition rep. by 1980 NI 10*

“court” does not include a court-martial;

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

“member of the Royal Ulster Constabulary” includes an officer of that force;

*Definitions rep. by 1980 NI 10*

“sentence” includes an order for custody in a remand home under section fifty-six<sup>F7</sup> of the Children and Young Persons Act (Northern Ireland), 1950 , and an order sending an offender to a training school (a school approved under section one hundred and six<sup>F8</sup> of the Children and Young Persons Act (Northern Ireland), 1950), but does not include a committal 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.

- (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

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to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of the United Kingdom or the Republic of Ireland and to a previous sentence passed by any such court.

- (3) References in this Act to an offence punishable with imprisonment [F9 shall be construed in relation to any offender without regard to any prohibition or restriction imposed by or under any enactment 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.

*Subs. (4)(5) rep. by 1980 NI 10; subs. (6) rep. by 1954 c. 33 (NI)*

**Annotations:**

**F7** 1968 c. 34 (NI)

**F8** 1968 c. 34 (NI)

**F9** 1968 c. 29 (NI)

*S. 28, with Second Schedule, effects amendments*

*S. 29 rep. by SLR 1973*

**30 Short title.**

- (1) This Act may be cited as the Criminal Justice Act (Northern Ireland), 1953.

*Subs. (2) rep. by SLR 1973*

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*First Schedule rep. by SLR 1976*

*Second Schedule Amendments*

*Third Schedule rep. by SLR 1973*

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