

SCHEDULES

SCHEDULE 5

Section 102.

TRANSITIONAL PROVISIONS AND SAVINGS.

Juries

- 1 Section 13 of this Act shall not apply to the verdict of a jury on the trial of any person who was arraigned before the commencement of that section.
- 2 Section 14 of this Act shall not apply to any person summoned to serve on a jury in any criminal proceedings before the commencement of that section.

Prisoners sentenced to corrective training or preventive detention

- 3 A person sentenced to corrective training or preventive detention in England and Wales who was or ought to have been detained in pursuance of his sentence immediately before the commencement of section 60 of this Act shall be treated for purposes of detention, release, recall and otherwise as having been sentenced to a term of imprisonment of the same length as the term of his original sentence and, if he was originally sentenced to preventive detention, he shall also be so treated as if an extended sentence certificate had been issued in respect of him.
- 4 A person sentenced to corrective training who immediately before the commencement of the said section 60 was subject to a licence under section 26 of the Prison Act 1952 (release on licence of prisoner sentenced to corrective training or preventive detention) shall be treated for all purposes as if his sentence had expired.
- 5 A person sentenced to preventive detention who immediately before the commencement of the said section 60 was subject to a licence as aforesaid shall be treated for the purposes of Part III of this Act as if he had been released on licence under subsection (3)(a) of that section and as if the requirements specified in the licence under the said section 26 were conditions specified in a licence under the said paragraph (a).

Release of prisoners, etc. on licence

- 6 A person serving any part of a sentence of imprisonment after the commencement of section 67 of this Act, being a sentence which fell to be reduced under section 17(2) of the Criminal Justice Administration Act 1962 (duration of sentence), shall, for the purpose of determining under section 60(1) of this Act whether he has served one-third of his sentence, be treated as if any period spent in custody between conviction and sentence and taken into account under the said section 17(2) were included in his sentence and as if he had served that period as part of that sentence.
- 7 A person sentenced to a term of imprisonment within the meaning of section 60 of this Act for eighteen months or more and subject immediately before the commencement of that section to a licence under section 25 of the Prison Act 1952

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or section 20 of the Prisons (Scotland) Act 1952 (release on licence instead of remission in the case of prisoners under twenty-one) shall be treated as if he had been released on licence under section 60(3)(b) of this Act and as if the requirements specified in the licence under the said section 25 or 20 were conditions specified in a licence under the said paragraph (b).

8 A person sentenced to a term of imprisonment for less than eighteen months and subject immediately before the commencement of the said section 60 to a licence under the said section 25 shall be subject to supervision under Schedule 1 to the Criminal Justice Act 1961 (supervision of persons released from detention centres) until the expiration of the period for which he would have been subject to supervision under the said section 25 and as if the requirements specified in the licence under the said section 25 had been specified in a notice given to him under that Schedule; and that Schedule and section 63(2) of this Act shall apply to any such person as they apply to a person mentioned in section 63(1) of this Act with the substitution for any reference in that Schedule to a period of twelve months from the date of a person's release of a reference to the period between his release and the expiration of the time for which he would have been subject to supervision as aforesaid.

9 Where a person was sentenced to a term of imprisonment for less than eighteen months and was immediately before the commencement of section 60 of this Act in prison by reason of having been recalled under the said section 25, the said Schedule 1 and section 63(2) shall apply to him as they apply to a person mentioned in the said section 63(1) subject to the modification mentioned in the last foregoing paragraph, and he shall be treated for the purposes of that Schedule as if he had been recalled thereunder.

10 A person subject immediately before the commencement of section 61 of this Act to a licence under any of the following enactments, that is to say, section 27 of the Prison Act 1952, section 21 of the Prisons (Scotland) Act 1952 (persons serving imprisonment for life), section 53(4) of the Children and Young Persons Act 1933 or section 57(4) of the Children and Young Persons (Scotland) Act 1937 (young offenders convicted of grave crimes), shall be treated as if he had been released on licence under the said section 61 and as if the conditions contained in a licence under any of the said enactments had been specified in a licence under the said section 61 and, in the case of a person released after being sentenced under section 53(2) of the said Act of 1933 or section 57(2) of the said Act of 1937 to be detained otherwise than for life, as if a licence granted to him under the said section 61 had specified the date of the expiration of his sentence as the date until which the licence is to remain in force.

11 Where any person sentenced to imprisonment for life or sentenced under section 53 of the Children and Young Persons Act 1933 or section 57 of the Children and Young Persons (Scotland) Act 1937 to be detained was notified before the commencement of section 61 of this Act that the Secretary of State proposed to release him under any enactment mentioned in the last foregoing paragraph, the Secretary of State may release him on licence under the said section 61, whether or not recommended to do so by the Parole Board or the Parole Board for Scotland.

12 Any person who immediately before the commencement of sections 60 to 62 or section 69 of this Act was unlawfully at large or liable to be arrested without warrant under any enactment superseded by any provision of those sections shall, so long as he is at large, be (or continue to be) unlawfully at large.

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Non-payment of fines, etc.

- 13 Notwithstanding anything in this Act, sections 69 and 70 of the Magistrates' Courts Act 1952, as in force immediately before the commencement of sections 44 to 46 of this Act, shall continue to apply, and the last-mentioned sections shall not apply, to a sum adjudged to be paid by a conviction of a magistrates' court if before the commencement of the last-mentioned sections a magistrates' court has fixed a term of imprisonment for default in paying that sum.
- 14 Section 93 of this Act shall not apply to a term of imprisonment to be served by a defaulter which has been fixed or imposed before the commencement of that section.

Legal aid

- 15 Where free legal aid has been granted in connection with any criminal proceedings under the enactments superseded by Part IV of this Act, those enactments shall continue to apply, and the said Part IV shall not apply, in relation to those proceedings and the legal aid so granted:
- Provided that section 74(7) of this Act shall apply in relation to free legal aid granted under any enactment so superseded as it applies in relation to legal aid ordered to be given under section 73(4) of this Act.
- 16 Where legal aid is ordered to be given under Part IV of this Act to a person who applied for it before the commencement of the said Part IV, so much of that Part as relates to contributions towards costs of legal aid shall not apply to the legal aid so ordered, and the court which orders legal aid to be so given shall not be obliged to require him under section 75(4) of this Act to furnish a written statement of his means.

Criminal appeals

- 17 The repeal by this Act of sections 20(5)(d) and 29(3)(d) of the Criminal Justice Act 1948 and section 69 of the Mental Health Act 1959 shall be without prejudice to appeals thereunder in the case of persons dealt with at quarter sessions before the commencement of section 97 of this Act.