



# Criminal Justice Act 1948

1948 CHAPTER 58 11 and 12 Geo 6

**E+W**

An Act to abolish penal servitude, hard labour, prison divisions and sentence of whipping; to amend the law relating to the probation of offenders, and otherwise to reform existing methods and provide new methods of dealing with offenders and persons liable to imprisonment; to amend the law relating to the proceedings of criminal courts, including the law relating to evidence before such courts; to abolish privilege of peerage in criminal proceedings; to regulate the management of prisons and other institutions and the treatment of offenders and other persons committed to custody; to re-enact certain enactments relating to the matters aforesaid; and for purposes connected therewith. [30th July 1948]

## **PART I E+W**

### POWERS AND PROCEEDINGS OF COURTS

#### *Abolition of penal servitude, hard labour, prison divisions and sentence of whipping*

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

- (1) No person shall be sentenced by a court to penal servitude; and every enactment conferring power on a court to pass a sentence of penal servitude in any case shall be construed as conferring power 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 conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power 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

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before the commencement of this Act; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect.

(3) So far as any enactment 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 ..... <sup>F1</sup> **E+W**

**Textual Amendments**  
**F1** S. 2 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), **Sch. 1 Pt. IV**

3—12. .... <sup>F2</sup> **E+W**

**Textual Amendments**  
**F2** S. 3–12 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

13 ..... <sup>F3</sup> **E+W**

**Textual Amendments**  
**F3** S. 13 repealed by [Criminal Law Act 1967 \(c. 58\)](#), **Sch. 3 Pt. III**

14 ..... <sup>F4</sup> **E+W**

**Textual Amendments**  
**F4** S. 14 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

15 ..... <sup>F5</sup> **E+W**

**Textual Amendments**  
**F5** S. 15 repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

*Powers relating to young offenders*

16 ..... <sup>F6</sup> **E+W**

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**Textual Amendments**

**F6** S. 16 repealed by [Homicide Act 1957 \(c. 11\)](#), **Sch. 2**

**17** **E+W**

- (1) ..... **F7**
- (3) ..... **F8**
- (4) ..... **F9**
- (6) ..... **F10**

**Textual Amendments**

- F7** S. 17(1)(2) repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**
- F8** S. 17(3) repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**
- F9** S. 17(4)(5) repealed by [Magistrates' Courts Act 1952 \(c. 55\) s. 132\(2\)](#), **Sch. 6**
- F10** S. 17(6) repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

**18** ..... **F11** **E+W**

**Textual Amendments**

**F11** S. 18 repealed by [Criminal Justice Act 1961 \(c. 39\)](#), **Sch. 5**

**19, 20.** ..... **F12** **E+W**

**Textual Amendments**

**F12** Ss, 19, 20, 48(2), 52, 76(2) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

**21** ..... **F13** **E+W**

**Textual Amendments**

**F13** S. 21 repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

**22** ..... **F14** **E+W**

**Textual Amendments**

**F14** S. 22 repealed by [Criminal Justice Act 1961 \(c. 39\)](#), **Sch. 5**

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23 .....<sup>F15</sup> **E+W**

**Textual Amendments**

**F15** S. 23 repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

24 .....<sup>F16</sup> **E+W**

**Textual Amendments**

**F16** Ss. 24–26, 28 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), **Sch. 6**

*Adjournment, remand, etc.*

25, 26. ....<sup>F17</sup> **E+W**

**Textual Amendments**

**F17** Ss. 24–26, 28 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), **Sch. 6**

<sup>F18</sup>27 **Remand of persons aged [<sup>F19</sup>18] to 20.** **E+W**

<sup>F20</sup>(1) Where a court remands a person charged with or convicted of an offence or [<sup>F20</sup>commits him for trial or][<sup>F20</sup>sends him to the Crown Court for trial or commits him there for] sentence and he is not less than [<sup>F21</sup>eighteen] but under twenty–one years old and is not released on bail, then, if the court has been notified by the Secretary of State that a remand centre is available for the reception from the court of persons of his class or description, it shall commit him to a remand centre and, if it has not been so notified, it shall commit him to a prison.

(2) Where a person is committed to a remand centre in pursuance of this section, the centre shall be specified in the warrant and he shall be detained there for the period for which he is remanded or until he is delivered thence in due course of law.

(3) In this section “ court ” includes a justice; and nothing in this section affects the provisions of [<sup>F22</sup>section 128(7) of the Magistrates’ Courts Act 1980 ] (which provides for remands to the custody of a constable). ]

**Textual Amendments**

**F18** S. 27 substituted by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 5 para. 24**

**F19** Word in s. 27 heading substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 2**; S.I. 2012/2906, art. 2(j)

**F20** Words in s. 27(1) substituted (9.5.2005 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 3 para. 35(2)**; S.I. 2005/1267, art. 2(1)(2)(a), Sch. Pt. 1

**F21** Word in s. 27(1) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 3**; S.I. 2012/2906, art. 2(j)

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**F22** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 7](#)

**28** ..... **F23** **E+W**

**Textual Amendments**

**F23** Ss. 24–26, 28 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [Sch. 6](#)

**29** ..... **F24** **E+W**

**Textual Amendments**

**F24** S. 29 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

*Miscellaneous provisions relating to procedure, appeals, evidence, etc.*

**30** ..... **F25** **E+W**

**Textual Amendments**

**F25** S. 30 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. IV](#)

**31** **Jurisdiction and procedure in respect of certain indictable offences committed in foreign countries.** **E+W**

(1) Any British subject employed under His Majesty's Government in the United Kingdom in the service of the Crown who commits, in a foreign country, when acting or purporting to act in the course of his employment, any offence which, if committed in England, would be punishable on indictment, shall be guilty of an offence . . . <sup>F26</sup>, and subject to the same punishment, as if the offence had been committed in England.

(2) ..... **F27**

**Textual Amendments**

**F26** Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

**F27** S. 31(2)(3) repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

**32, 33.** ..... **F28** **E+W**

**Textual Amendments**

**F28** Ss. 32, 33 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [Sch. 6](#)

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34 ..... F29 **E+W**

**Textual Amendments**  
F29 S. 34 repealed by [Criminal Justice Administration Act 1962 \(c. 15\)](#), [Sch. 5 Pt. II](#)

35 ..... F30 **E+W**

**Textual Amendments**  
F30 S. 35 repealed by [Juries Act 1974 \(c. 23\)](#), [Sch. 3](#)

36 ..... F31 **E+W**

**Textual Amendments**  
F31 S. 36 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [Sch. 6](#)

37 **Bail on appeal, case stated or application for certiorari.** **E+W**

(1) Without prejudice to the powers vested before the commencement of this Act in any court to admit or direct the admission of a person to bail—

- (a) ..... F32
- [<sup>F33</sup>(b) the High Court may [<sup>F34</sup>subject to section 25 of the Criminal Justice and Public Order Act 1994,][<sup>F35</sup>grant bail to] a person—
  - (i) who, after the decision of his case by the Crown Court, has applied to the Crown Court for the statement of a case for the High Court on that decision, or
  - (ii) who has applied to the High Court for an order of certiorari to remove proceedings in the Crown Court in his case into the High Court, or has applied to the High Court for leave to make such an application.]

- (c) ..... F36
- [<sup>F37</sup>(d) the High Court may [<sup>F34</sup>subject to section 25 of the Criminal Justice and Public Order Act 1994,]grant bail to a person who has been convicted or sentenced by a magistrates' court and has applied to the High Court for an order of certiorari to remove the proceedings into the High Court or has applied to the High Court for leave to make such an application.]

[<sup>F38</sup>(1A) Where the court grants bail to a person under paragraph (d) of subsection (1) above—

- (a) the time at which he is to appear in the event of the conviction or sentence not being quashed by the High Court shall be such time within ten days after the judgment of the High Court has been given as may be specified by the High Court; and
- (b) the place at which he is to appear in that event shall be a magistrates' court acting for the same petty sessions area as the court which convicted or sentenced him.]

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- (2) ..... F39
- [<sup>F40</sup>(4) Criminal Procedure Rules may be made for authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody under this section.]
- (5) ..... F41
- (6) The time during which a person is [<sup>F42</sup>released on] bail under paragraph (b), . . . <sup>F43</sup> or (d) of subsection (1) of this section shall not count as part of any term of imprisonment under his sentence; and any sentence of imprisonment imposed by a court of summary jurisdiction, or, on appeal, by [<sup>F44</sup>the Crown Court], after the imposition of which a person is so [<sup>F42</sup>released on] bail, shall be deemed to begin to run or to be resumed as from the day on which he is received in prison under the sentence; and for the purposes of this subsection the expression “prison” shall be deemed to include a detention centre and remand home and the expression “imprisonment” shall be construed accordingly.

**Textual Amendments**

**F32** S. 37(1)(a) repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

**F33** S. 37(1)(b) substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8**, para. 28(1)

**F34** Words in s. 37(1)(b)(d) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 6**; S.I. 1995/721, art. 2, **Sch.** Appendix A

**F35** Words substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 11(1)(2)**

**F36** S. 37(1)(c) repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

**F37** S. 37(1)(d) substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 11(1)(3)**

**F38** S. 37(1A) substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 11(1)(4)**

**F39** S. 37(2)(3) repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**

**F40** S. 37(4) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), **Sch. 8 para. 83**; S.I. 2004/2066, art. 2(c)(iii) (with art. 3)

**F41** S. 37(5) repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**

**F42** Words substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 11(1)(5)**

**F43** Word repealed by [Criminal Justice Act 1967 \(c. 80\)](#), s. 22(5), **Sch. 7 Pt. I**

**F44** Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 24(b)**

**Modifications etc. (not altering text)**

**C1** S. 37 applied by [Administration of Justice Act 1960 \(c. 65\)](#) s. 4(2)

**C2** S. 37(6) extended by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 113(4)

**C3** S. 37(6) applied by [Magistrates' Courts Act 1952 \(c. 55\)](#), s. 89(3)

- (1) ..... F45
- (2) ..... F46
- (3) ..... F47
- (5) ..... F48
- (6) ..... F49

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**Textual Amendments**

**F45** S. 38(1) repealed by [Criminal Appeal Act 1968 \(c. 19\)](#), **Sch. 7**

**F46** S. 38(2) repealed by [Criminal Appeal Act 1966 \(c. 31\)](#), **Sch. 3**

**F47** S. 38(3)(4) repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

**F48** S. 38(5) repealed by Costs in [Criminal Cases Act 1952 \(c. 48\)](#), **Sch.**

**F49** S. 38(6) repealed by [Administration of Justice Act 1960 \(c. 65\)](#), **Sch. 4**

<sup>F50</sup>**39 Proof of previous convictions by finger-prints. E+W**

.....

**Textual Amendments**

**F50** S. 39 repealed (1.1.2003) by [2001 c. 16, ss. 78\(9\), 137](#), **Sch. 7 Pt. II(1)**; [S.I. 2002/3032](#), **art. 2(a)**

**40** ..... <sup>F51</sup> **E+W**

**Textual Amendments**

**F51** S. 40 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), **Sch. 6**

**41 Evidence by certificate. E+W**

(1) In any criminal proceedings, a certificate purporting to be signed by a constable, or by a person having the prescribed qualifications, 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.

(2) ..... <sup>F52</sup>

(3) ..... <sup>F53</sup>

(4) Nothing in this section shall be deemed to make a certificate . . . <sup>F54</sup> admissible as evidence in proceedings for an offence except in a case 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 . . . <sup>F54</sup> 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 in the prescribed manner on the person charged with the offence; or

(b) if that person, 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 in the prescribed form and manner on the prosecutor requiring the attendance at the trial of the person who signed the certificate . . . <sup>F54</sup>



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- [<sup>F55</sup>( 5A ) [<sup>F56</sup>Where the proceedings mentioned in subsection (1) above are proceedings before a magistrates’ court inquiring into an offence as examining justices this section shall have effect with the omission of—
- (a) subsection (4), and
  - (b) in subsection (5), paragraph (b) and the word “or” immediately preceding it.]]
- (6) In this section the expression “prescribed” means prescribed by rules made by the Secretary of State.

**Textual Amendments**

- F52** S. 41(2) repealed by [Road Traffic Act 1960 \(c. 16\)](#), **Sch. 18 Pt. I**
- F53** S. 41(3) repealed by [Theft Act 1968 \(c. 60\)](#), s. 33(3), **Sch. 3 Pt. III**
- F54** Words repealed by [Theft Act 1968 \(c. 60\)](#), s. 33(3), **Sch. 3 Pt. III**
- F55** S. 41(5A) inserted (4.7.1996 but with effect as mentioned in Sch. 1 Pt. III para. 39) by [1996 c. 25](#), s. 47, **Sch. 1 Pt. II para. 18** (with s. 78(1)); S.I. 1997/683, **art. 1(2)**
- F56** S. 41(5A) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 3 para. 35(3)Sch. 37 Pt. 4**; S.I. 2012/1320, **art. 4(1)(c)(d)(2)(3)** (with **art. 5**) (see S.I. 2012/2574, **art. 4(2)** and S.I. 2013/1103, **art. 4**); S.I. 2012/2574, **art. 2(2)(3)(c)(d)**, **Sch.** (with **arts. 34**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)

**42 Order of speeches. E+W**

- (1) Notwithstanding anything in section two of the <sup>M1</sup>Criminal Procedure Act 1865, as amended by section three of the <sup>M2</sup>Criminal Evidence Act 1898, the prosecution shall not be entitled to the right of reply upon the trial of any person on indictment on the ground only that documents have been put in evidence for the defence.
- (2) ..... <sup>F57</sup>

**Textual Amendments**

- F57** S. 42(2)(3) repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), **Sch. 6**

**Marginal Citations**

- M1** 1865 c. 18.
- M2** 1898 c. 36.

**43 ..... <sup>F58</sup> E+W**

**Textual Amendments**

- F58** S. 43 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

**44 ..... <sup>F59</sup> E+W**

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**Textual Amendments**  
**F59** S. 44 repealed by Costs in [Criminal Cases Act 1952 \(c. 48\)](#), **Sch.**

**PART II** **E+W**

ADMINISTRATIVE PROVISIONS AND PROVISIONS AS TO TREATMENT OF PRISONERS, ETC.

**45—** ..... **F60** **E+W**  
**47.**

**Textual Amendments**  
**F60** Ss. 45–47 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), **Sch. 6**

*Institutions for offenders*

**48** **E+W**

(1)		<b>F61</b>
(2)		<b>F62</b>
(3)		<b>F61</b>
(4)		<b>F63</b>
(5)		<b>F64</b>

**Textual Amendments**  
**F61** S. 48(1)(3) repealed by [Prison Act 1952 \(c. 52\)](#), **Sch. 4 Pt. I**  
**F62** Ss. 19, 20, 48(2), 52, 76(2) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**  
**F63** S. 48(4) repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**  
**F64** Ss. 48(5)–(7) 50, 51 repealed by [Prison Act 1952 \(c. 52\)](#), **Sch. 4 Pt. I**

**49** **Remand homes.** **E+W**

- (1) As from such date as may be specified in an order made by statutory instrument by the Secretary of State, no premises shall be used as a remand home unless a certificate of approval has been issued by the Secretary of State.
- (2) The Secretary of State may by rules made under this Act apply to remand homes, with such adaptations and modifications as he thinks fit, the provisions of section seventy-nine and subsection (3) of section one hundred and six of the <sup>M3</sup>Children and Young Persons Act 1933 (which relate to the approval of schools for the purposes of that Act and the evidence of such approval).

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- (3) No person shall be appointed after the commencement of this Act to be in charge of a remand home established by a county council or a county borough council unless his appointment has been approved by the Secretary of State.
- (4) Councils of counties and county boroughs may provide in remand homes provided for their areas facilities for the observation of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case, or may, if facilities for observation are available at any other institution or place, arrange for the use of those facilities for the observation of any such person as aforesaid.
- (5) ..... F65
- (6) Any expenses incurred by the council of a county or county borough in giving effect to arrangements made under subsection (4) of this section, and any sums paid by such a council under subsection (4) of the last foregoing section, shall be treated for the purposes of any grant under section one hundred and four of the Children and Young Persons Act 1933, as expenses of the council in respect of remand homes.

**Textual Amendments**  
**F65** S. 49(5) repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), ss. 72(4), 73(1), [Sch. 6](#), which repeal came into force 1.1.1971 by virtue of [S.I. 1970/1498, art. 3](#), [Sch. 1](#) appendix B

**Modifications etc. (not altering text)**  
**C4** S. 49(1)–(4), (6) repealed (prosp.) by [Children and Young Persons Act 1969 \(c. 54\)](#), ss. 72(4), 73(1), [Sch. 6](#)

**Marginal Citations**  
**M3** 1933 c. 12.

50, 51. .... F66 **E+W**

**Textual Amendments**  
**F66** Ss. 48(5)–(7) 50, 51 repealed by [Prison Act 1952 \(c. 52\)](#), [Sch. 4 Pt. I](#)

*Rules for Management of Prisons, Etc.*

52 ..... F67 **E+W**

**Textual Amendments**  
**F67** Ss. 19, 20, 48(2), 52, 76(2) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

53— ..... F68 **E+W**  
59.

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**Textual Amendments**  
F68 Ss. 53–59 repealed by [Prison Act 1952 \(c. 52\)](#), **Sch. 4 Pt. I**

60, 61. .... F69 **E+W**

.....  
**Textual Amendments**  
F69 Ss. 60, 61 repealed by [Prison Act 1952 \(c. 52\)](#) s. 55(3), **Sch. 4 Pt. II**

62 ..... F70 **E+W**

.....  
**Textual Amendments**  
F70 S. 62 repealed by [Mental Health Act 1959 \(c. 72\)](#), **Sch. 8 Pt. I**

63 ..... F71 **E+W**

.....  
**Textual Amendments**  
F71 S. 63 repealed by [Mental Health Act 1959 \(c. 72\)](#), **Sch. 8 Pts. I, II**

64 ..... F72 **E+W**

.....  
**Textual Amendments**  
F72 S. 64 repealed by [Mental Health Act 1959 \(c. 72\)](#), **Sch. 8 Pt. I**

*Miscellaneous*

65 ..... F73 **E+W**

.....  
**Textual Amendments**  
F73 S. 65 repealed by [Prison Act 1952 \(c. 52\)](#), s. 55(3), **Sch. 4 Pt. II**

66 **Legal custody.** **E+W**

Any person required or authorised by or under this Act to be taken to any place or to be kept in custody shall, while being so taken or kept, be deemed to be in legal custody; and a constable, while taking or keeping any such person as aforesaid, shall have all

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the powers, authorities, protection and privileges of a constable as well beyond his constablewick as within it.

**Modifications etc. (not altering text)**

C5 S. 66 repealed (S.) by Statute Law (Repeals) Act 1977 (c. 18), Sch. Pt. IV

67 ..... F74 **E+W**

**Textual Amendments**

F74 S. 67 repealed by Magistrates' Courts Act 1952 (c. 55), Sch. 6

68 ..... F75 **E+W**

**Textual Amendments**

F75 S. 68 repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), Sch. 7 Pt. I

<sup>F76</sup>69 **Commutation of death sentence to sentence of imprisonment.** **E+W**

.....

**Textual Amendments**

F76 S. 69 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), Sch. 1 Pt. 3

70 **Amendments of Forfeiture Act, 1870.** **E+W**

(1) ..... F77

(2) Where any pension or superannuation allowance has been forfeited under section two of the <sup>M4</sup>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: Provided that no payment of pension or allowance in respect of any period before the commencement of this Act shall be made by virtue of this subsection.

**Textual Amendments**

F77 S. 70(1) repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. IV

**Marginal Citations**

M4 1870 c. 23.

71, 72. .... F78 **E+W**

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**Textual Amendments**

**F78** Ss. 71, 72 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**

**PART III E+W**

SUPPLEMENTAL

**73** ..... **F79 E+W**

**Textual Amendments**

**F79** S. 73 repealed by [Statute Law Repeals Act 1977 \(c. 18\)](#), **Sch. 1 Pt. IV**

**74** ..... **F80 E+W**

**Textual Amendments**

**F80** S. 74 repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), **Sch. 5**

**75** ..... **F81 E+W**

**Textual Amendments**

**F81** S. 75 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**

**76 Rules and orders. E+W**

(1) Any power of the Secretary of State to make rules under this Act shall be exercised by statutory instrument.

(2) ..... **F82**

(3) Any power to make Orders in Council under this Act, and any power of the Secretary of State to make orders under this Act, shall include power to revoke or vary any such Order in Council or order by a subsequent Order in Council or order.

**Textual Amendments**

**F82** Ss, 19, 20, 48(2), 52, 76(2) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

**77 Expenses and grants payable out of moneys provided by Parliament. E+W**

(1) Any expenses of the Secretary of State under this Act . . . **F83**

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shall, to such amount as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

(2) ..... F84

(6) There shall be paid out of moneys provided by Parliament any sums by which any grants under section one hundred and four of the <sup>M5</sup>Children and Young Persons Act 1933 towards the expenses of councils of counties and county boroughs are increased by reason of any provisions of this Act.

(7) ..... F84

**Textual Amendments**

F83 Words repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

F84 S. 77(2)–(5)(7) repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

**Modifications etc. (not altering text)**

C6 S. 77(6) repealed (prosp.) by Children and Young Persons Act 1969 (c. 54), s. 73(2), Sch. 6

**Marginal Citations**

M5 1933 c. 12.

<sup>F85</sup>78 **Transitory provisions.** E+W

.....

**Textual Amendments**

F85 S. 78 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), Sch. 1 Pt. 3

79 **E+W**

The enactments mentioned in the first column of the Ninth Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule (being amendments consequential upon the foregoing provisions of this Act or relating to matters of minor detail).

**Modifications etc. (not altering text)**

C7 The text of s. 79 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

80 **Interpretation.** E+W

(1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say:—

..... F86  
[<sup>F87</sup> “ Approved school ” means a school approved under section seventy–nine of the <sup>M6</sup> Children and Young Persons Act 1933; ]

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[<sup>F88</sup> “ Court ” does not include a court–martial; ]

[<sup>F89</sup> “ Court of summary jurisdiction ” includes examining justices within the meaning of the <sup>M7</sup> Criminal Justice Act 1925; ]

“Detention centre” has the meaning assigned to it by section forty–eight of this Act;

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

“England” includes Wales;

“Impose imprisonment” means pass a sentence of imprisonment or commit to prison 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;

“Local authority” means, in relation to any probation area, any authority out of whose funds the salary of the clerk to the justices for a [<sup>F90</sup>petty sessions area] or place contained in the probation area is paid;

.....<sup>F91</sup>

“Remand centre” has the meaning assigned to it by section forty–eight of this Act

[<sup>F92</sup> “ Remand home ” means premises established or used by the council of a county or county borough under the provisions of section seventy–seven of the Children and Young Persons Act 1933; ]

“Sentence” includes an order for detention in a detention centre, . . . <sup>F93</sup>, but does not include a committal in default of payment of any sum of money or failing to do or abstain from doing anything required to be done or left undone;

.....<sup>F94</sup>

- (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 to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of Great Britain and to a previous sentence passed by any such court.
- (3) Where the age of any person at any time is material for the purposes of any provision of this Act, or of any Order in Council made thereunder, regulating the powers of a court, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.
- (4) References in this Act to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under [<sup>F95</sup>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.
- (5) .....<sup>F96</sup>
- (6) Where any provision of this Act empowers a court on conviction of an offender to pass a sentence or make an order in lieu of dealing with him in any other manner, the said provision shall not be construed as taking away any power of the court to order the offender to pay costs, . . . <sup>F97</sup> or compensation.



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(7) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment including this Act.

#### Textual Amendments

- F86** Definition repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)
- F87** Definition repealed (prosp.) by [Children and Young Person Act 1969 \(c. 54\)](#), ss. 72(4), 73(2), [Sch. 6](#)
- F88** Words in s. 80(1) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 17](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F89** Words in s. 80 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 35\(4\)](#)[Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), [Sch.](#) (with arts. 34) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 34)
- F90** S. 80(1): words in definition of “local authority” substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3), [Sch. 10 para. 17](#) (with [Sch. 14 para. 7\(2\)](#))
- F91** Definitions repealed by [Mental Health Act 1959 \(c. 72\)](#), [Sch. 8 Pt. I](#), [Administration of Justice Act 1964 \(c. 42\)](#), [Sch. 5](#) and [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)
- F92** Definition of “Remand Home” repealed (prosp.) by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)
- F93** Words repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)
- F94** Definitions repealed by [Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#) and [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)
- F95** Words substituted by [Criminal Justice Act 1961 \(c. 39\)](#), [Sch. 4](#)
- F96** S. 80(5) repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)
- F97** Word repealed by [Criminal Justice Act 1972 \(c. 71\)](#), [Sch. 6 Pt. II](#)

#### Marginal Citations

- M6** 1933 c. 12.
- M7** 1925 c. 86.

#### 81 Application to Scotland. **E+W**

.....<sup>F98</sup> this Act shall not extend to Scotland.

#### Textual Amendments

- F98** Words repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. IV](#)

#### 82 †Application to Northern Ireland. **E+W**

.....<sup>F99</sup> this Act shall not extend to Northern Ireland.

#### Textual Amendments

- F99** Words repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. IV](#)

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**Modifications etc. (not altering text)**

C8 Unreliable marginal note

**83 Short title, commencement and repeals. E+W**

(1) This Act may be cited as the Criminal Justice Act 1948.

(2) ..... F100

**Textual Amendments**

F100 S. 83(2)(3) repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. IV

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## SCHEDULES

### <sup>F101</sup>FIRST SCHEDULE **E+W**

#### Textual Amendments

**F101** Sch. 1 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

.....  
F101

### <sup>F102</sup>SECOND TO FOURTH SCHEDULES **E+W**

#### Textual Amendments

**F102** Schs. 2–4 repealed by Prison Act 1952 (c. 52), Sch. 4 Pt. I

.....  
F102

### <sup>F103</sup>FIFTH SCHEDULE **E+W**

#### Textual Amendments

**F103** Sch. 5 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

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F103

### <sup>F104</sup>SIXTH SCHEDULE **E+W**

#### Textual Amendments

**F104** Sch. 6 repealed by Prison Act 1952 (c. 52), Sch. 4 Pt. I

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F104

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F105F105 SEVENTH  
SCHEDULE E+W

**Textual Amendments**

F105 Sch. 7 repealed by Prison Act 1952 (c. 52), s. 55(3), Sch. 4 Pt. II

F105

F106EIGHTH  
SCHEDULE E+W

Section 78.

**Textual Amendments**

F106 Sch. EIGHTH repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), Sch. 1 Pt. 3

NINTH SCHEDULE E+W

Section 79.

CONSEQUENTIAL AND MINOR AMENDMENTS.

**Modifications etc. (not altering text)**

C9 Except as indicated the text of Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Act to be amended	Amendment
F107	F107
F108	F108
F109	F109
F110	F110
F111	F111
F112	F112

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The Protection of Animals Act, 1911. 1 & 2  
Geo. 5. c. 27.

In section fourteen, in subsection (2), for the words from “direct that the recognizance” to “undertaking” there shall be substituted the words “order him” and at the end the subsection there shall be added the words “and a person who fails to comply with an order under this section without satisfactory excuse shall be liable on summary conviction to a fine not exceeding five pounds”.

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F122

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F122

The Criminal Justice Administration Act,  
1914. 4 & 5 Geo. 5. c. 58.

Section fifteen shall cease to have effect.

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The Children and Young Persons Act, 1933.  
23 & 24 Geo. 5. c. 12.

In section forty-eight, for subsection (2) there shall be substituted the following subsection— “(2) The attainment of the age of seventeen years by a probationer, or a person in whose case an order for conditional discharge has been made, shall not deprive

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	a juvenile court of jurisdiction to enforce his attendance and deal with him in respect of any failure to comply with the requirements of the probation order or the commission of a further offence or to amend or discharge the probation order”. and in subsection (3) the words from “and where” to the end shall cease to have effect.
The Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12.	In section fifty–nine after the word “enactment” there shall be inserted the words “whether passed before or after the commencement of this Act”.
... F126	... F126
... F127	... F127
... F128	... F128
... F129	... F129
... F130	... F130
... F131	... F131
... F132	... F132

### Textual Amendments

- F107** The entry relating to The Diplomatic Privileges Act, 1708. 7 Ann. c. 12. is repealed by [Courts Act 1971 \(c. 23\)](#) Sch. 11 Pt IV
- F108** The entry relating to The Beerhouse Act, 1840. 3 & 4 Vict. c. 61. repealed by [Courts Act 1971 \(c. 23\)](#) Sch. 11 Pt IV
- F109** The entry relating to The Stipendiary Magistrates Act, 1858. 21 & 22 Vict. c. 73 is repealed by [Statute Laws \(Repeals\) Act 1977 \(c. 18\)](#) Sch. 1 Pt. IV
- F110** The entry relating to The Queen's Remembrancer Act, 1859. 22 & 23 Vict. c. 21. is repealed by [Courts Act 1971 \(c. 23\)](#) Sch. 11 Pt IV
- F111** The entry relating to The Refreshment Houses Act, 1860. 23 & 24 Vict. c. 27 repealed by Licensing Act 1961, (c. 61) s. 38(3), Sch. 9 Pt. I
- F112** The entry relating to The Criminal Lunatic Asylums Act, 1860. 23 & 24 Vict. c. 75 repealed by [Mental Health Act, 1959 \(c. 72\)](#) Sch. 8 Pt. I
- F113** The entry relating to The Forfeiture Act, 1870. 33 & 34 Vict. c. 23. repealed by [Criminal Law Act 1967 \(c. 58\)](#) Sch. 3 Pt. III
- F114** The entry relating to The Prison Act, 1877. 40 & 41 Vict. 21 repealed by [Prison Act, 1952 \(c. 52\)](#) Sch. 4 Pt. I
- F115** The entry relating to The Summary Jurisdiction Act, 1879. 42 & 43 Vict. c. 49 repealed by [Magistrates' Courts Act, 1952 \(c. 55\)](#) Sch. 6

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- F116** The entry relating to The Criminal Lunatics Act, 1884. 47 & 48 Vict. c. 64 repealed by [Mental Health Act, 1959 \(c. 72\)](#) Sch. 8 Pt. I
- F117** The entry relating to The Local Government Act, 1888. 51 & 52 Vict. c. 41 repealed by [Courts Act 1971 \(c. 23\)](#) Sch. 11 Pt IV
- F118** The entry relating to The Clergy Discipline Act, 1892, 55 & 56 Vict. c. 32 repealed by [Statute Laws \(Repeals\) Act 1977 \(c. 18\)](#) Sch. 1 Pt. IV
- F119** The entry relating to The Criminal Appeal Act, 1907. 7 Edw. 7. c. 23 repealed by Costs in [Criminal Cases Act, 1952 \(c. 48\)](#) Sch.; and [Administration of Justice Act, 1960 \(c. 65\)](#) sch. 4; and [Courts Act 1971 \(c. 23\)](#) Sch. 11 Pt IV
- F120** The entry relating to The Costs in Criminal Cases Act, 1908. 8 Edw. 7. c. 15 repealed by Costs in [Criminal Cases Act, 1952 \(c. 48\)](#) Sch. ; and [Courts Act 1971 \(c. 23\)](#) Sch. 11 Pt IV
- F121** The entry relating to The Licensing (Consolidation) Act, 1910. 10 Edw. 7 & 1 Geo. 5. c. 24 repealed by [Courts Act 1971 \(c. 23\)](#) Sch. 11 Pt IV
- F122** The entry relating to The Mental Deficiency Act, 1913. 3 & 4 Geo. 5. c. 28 repealed by [Mental Health Act, 1959 \(c. 72\)](#) Sch. 8 Pt. I
- F123** The entry relating to The Criminal Justice Administration Act, 1925. 15 & 16 Geo. 5. c. 86. repealed by [Magistrates' Courts Act, 1952 \(c. 55\)](#) Sch. 6
- F124** The entry relating to The Mental Deficiency Act, 1927. 17 & 18 Geo. 5. c. 33 repealed by [Mental Health Act, 1959 \(c. 72\)](#) Sch. 8 Pt. I
- F125** The entry relating to The Local Government (Clerks) Act, 1931. 21 & 22 Geo. 5. c. 45. repealed by [Courts Act 1971 \(c. 23\)](#) Sch. 11 Pt IV
- F126** The entry relating to The Summary Jurisdiction (Appeals) Act, 1933. 23 & 24 Geo. 5. c. 38. repealed by [Courts Act 1971 \(c. 23\)](#) Sch. 11 Pt IV
- F127** The entry relating to The Money Payments (Justices Procedure) Act. 1935. 25 & 26 Geo. 5. c. 46 repealed by [Magistrates' Courts Act, 1952 \(c. 55\)](#) Sch. 6
- F128** The entry relating to The Firearms Act, 1937. 1 Edw. 8 & Geo. 6. c. 12. repealed by [The Firearms Act 1968 \(c. 27\)](#) Sch. 7
- F129** The entry relating to The Dogs Amendment Act, 1938. 1 & 2 Geo. 6. c. 21 repealed by [Dangerous Dogs Act 1989 \(c. 30\)](#) s. 2(3)(b)
- F130** The entry relating to The Children and Young Persons Act, 1938. 1 & 2 Geo. 6. c. 40 repealed by [Children and Young Persons Act 1963 \(c. 37\)](#) Sch. 5 and by [Statute Laws \(Repeals\) Act 1977 \(c. 18\)](#) Sch. 1 Pt. IV
- F131** The entry relating to The National Service Act, 1947. 10 & 11 Geo. 6. c. 31. repealed by [Statute Laws \(Repeals\) Act 1977 \(c. 18\)](#) Sch. 1 Pt. IV
- F132** The entry relating to The Police Pensions Act, 1948. 11 & 12 Geo. 6. c. 24. repealed by [Police Pensions Act 1976 \(c. 35\)](#) Sch. 3

F133F133 TENTH  
SCHEDULE **E+W**

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**Textual Amendments**

**F133** Sch. 10 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), **Sch. 1 Pt. IV**

F133

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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 27(1) words repealed by [2000 c. 43 Sch. 8](#)
- s. 27(2) repealed by [2000 c. 43 Sch. 8](#)
- s. 39(3) words repealed by [2000 c. 43 Sch. 8](#) (This amendment not applied to legislation.gov.uk. S. 39 already repealed (1.1.2003) by 2001 c. 16, ss. 78(9), 137, Sch. 7 Pt. 2(1); S.I. 2002/3032, art. 2(a))
- s. 80(1) words repealed by [2000 c. 43 Sch. 8](#)