

SCHEDULES.

FIRST SCHEDULE

Section 5.

DISCHARGE AND AMENDMENT OF PROBATION ORDERS.

Discharge.

- 1 The court by which a probation order was made may, upon application made by the probation officer or by the probationer, discharge the order.

Amendment.

- 2 (1) If the supervising court is satisfied that a probationer proposes to change, or has changed his residence from the petty sessional division named in the probation order to another petty sessional division, the court may, and if application in that behalf is made by the probation officer, shall, by order amend the probation order by substituting for the petty sessional division named therein the petty sessional division where the probationer proposes to reside or is residing:

Provided that if the probation order contains requirements which, in the opinion of the court, cannot be complied with unless the probationer continues to reside in the division named in the order, the court shall not amend the order as aforesaid unless, in accordance with the following provisions of this Schedule, they cancel those requirements or substitute therefor other requirements which can be so complied with.

- (2) Where a probation order is amended under this paragraph, the supervising court shall send to the clerk to the justices for the new division named in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to that court.

- 3 Without prejudice to the provisions of the last foregoing paragraph, the supervising court may, upon application made by the probation officer or by the probationer, by order amend a probation order by cancelling any of the requirements thereof or by inserting therein (either in addition to or in substitution for any such requirement) any requirement which could be included in the order if it were then being made by that court in accordance with the provisions of sections three and four of this Act:

Provided that—

- (a) the court shall not amend a probation order by reducing the probation period, or by extending that period beyond the end of three years from the date of the original order;
- (b) the court shall not so amend a probation order that the probationer is thereby required to reside in an approved probation hostel or home, or in any other institution, or to submit to treatment for his mental condition, for any period exceeding twelve months in all;
- (c) the court shall not amend a probation order by inserting , therein a requirement that the probationer shall submit to treatment for his mental

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condition unless the amending order is made within three months after the date of the original order.

- 4 Where the medical practitioner by whom or under whose direction a probationer is being treated for his mental condition in pursuance of any requirement of the probation order is of opinion—
- (a) that the treatment of the probationer should be continued beyond the period specified in that behalf in the order, or
 - (b) that the probationer needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of a probation order, or
 - (c) that the probationer is not susceptible to treatment, or
 - (d) that the probationer does not require further treatment,
- or where the practitioner is for any reason unwilling to continue to treat or direct the treatment of the probationer, he shall make a report in writing to that effect to the probation officer and the probation officer shall apply to the supervising court for the variation or cancellation of the requirement.

General.

- 5 Where the supervising court proposes to amend a probation order under this Schedule, otherwise than on the application of the probationer, it shall summon him to appear before the court; and if the probationer is not less than fourteen years of age, the court shall not amend a probation order unless the probationer expresses his willingness to comply with the requirements of the order as amended :

Provided that this paragraph shall not apply to an order cancelling a requirement of the probation order or reducing the period of any requirement, or substituting a new petty sessional division for the division named in the probation order.

- 6 On the making of an order discharging or amending a probation order, the clerk to the court shall forthwith give copies of the discharging or amending order to the probation officer; and the probation officer shall give a copy to the probationer and to the person in charge of any institution in which the probationer is or was required by the order to reside:

Provided that if the order amends the probation order by substituting a new petty sessional division for the division named in the probation order the copies of the order shall be sent to the clerk to the justices for the new petty sessional division and he shall be responsible for giving copies of the order to the probation officer.

- 7 Subsection (7) of section three of this Act shall apply to any order made under this Schedule by virtue of which a probationer is required to reside in an institution as it applies to a probation order made under that section.

SECOND SCHEDULE

Section 20.

BORSTAL TRAINING.

- 1 A person sentenced to Borstal training shall be detained in a Borstal institution for such period, not extending beyond three years after the date of his sentence, as the Prison Commissioners may determine, and shall then be released:

Provided that the Prison Commissioners shall not release any such person from a Borstal institution before the expiration of nine months from the date of his sentence unless required to do so by directions of the Secretary of State under this Schedule.

- 2 A person shall, after his release from a Borstal institution and until the expiration of four years from the date of his sentence, be under the supervision of such society or person as may be specified in a notice to be given to him by the Prison Commissioners on his release, and shall, while under that supervision, comply with such requirements as may be so specified:

Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements or order that a person who is under supervision as aforesaid shall cease to be under supervision.

- 3 If before the expiration of four years from the date of his sentence the Prison Commissioners are satisfied that a person who is under supervision after his release from a Borstal institution under paragraph 1 of this Schedule has failed to comply with any requirement for the time being specified in the notice given to him under paragraph 2 of this Schedule, they may by order recall him to a Borstal institution; and thereupon he shall be liable to be detained in the Borstal institution until the expiration of three years from the date of his sentence, or the expiration of six months from the date of his being taken into custody under the order, whichever is the later, and, if at large, shall be deemed to be unlawfully at large:

Provided that—

- (a) any such order shall, at the expiration of four years from the date of the sentence, cease to have effect unless the person to whom it relates is then in custody thereunder; and
 - (b) the Prison Commissioners may at any time release a person who is detained in a Borstal institution under this paragraph; and the foregoing provisions of this Schedule shall apply in the case of a person so released as they apply in the case of a person released under paragraph 1 of this Schedule.
- 4 If any person while under supervision, or after his recall to a Borstal institution, as aforesaid, is sentenced by a court in any part of Great Britain to corrective training or Borstal training or to penal servitude or detention in a Borstal institution, his original sentence of Borstal training shall cease to have effect; and if any such person is so sentenced to imprisonment, any period for which he is imprisoned under that sentence shall count as part of the period for which he is liable to detention in a Borstal institution under his original sentence.
- 5 The Prison Commissioners in exercising their functions under this Schedule shall act in accordance with any general or special directions of the Secretary of State, and shall consider any report made to them by a board of visitors on the advisability of releasing a person from a Borstal institution.

THIRD SCHEDULE

Section 21.

RELEASE ON LICENCE OF PERSONS SENTENCED TO CORRECTIVE TRAINING OR PREVENTIVE DETENTION.

- 1 The Prison Commissioners may release on licence a person sentenced to corrective training or preventive detention after he has served such portion of his sentence as

may be determined in accordance with rules made under section fifty-two of this Act:

Provided that the Secretary of State may require the Prison Commissioners to release a person so sentenced at any time.

- 2 A person shall, after his release on licence under paragraph 1 of this Schedule and until the expiration of his sentence, comply with such requirements as may be specified in the licence, including, if the Commissioners think it expedient, a requirement that he shall be under the supervision of such society or person as may be so specified:

Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements.

- 3 If before the expiration of his sentence the Prison Commissioners are satisfied that a person released on licence under paragraph 1 of this Schedule has failed to comply with any requirement for the time being specified in the licence, they may by order recall him to a prison; and thereupon he shall be liable to be detained in the prison until the expiration of his sentence, and, if at large, shall be deemed to be unlawfully at large.

- 4 The Prison Commissioners may release on licence a person detained in a prison under the last foregoing paragraph at any time before the expiration of his sentence; and the foregoing provisions of this Schedule shall apply in the case of a person released under this paragraph as they apply in the case of a person released under paragraph 1 of this Schedule.

- 5 If any person while released on licence, or after he is recalled to a prison, as aforesaid, is sentenced by a court in any part of Great Britain to corrective training or preventive detention, the sentence by virtue of which he is on licence or has been recalled shall cease to have effect; and if any such person is so sentenced to imprisonment or penal servitude, any period for which he is imprisoned under that sentence shall count as part of the period for which he is liable to detention under, the original sentence.

- 6 The Prison Commissioners in exercising their functions under this Schedule shall act in accordance with any general or special directions of the Secretary of State.

FOURTH SCHEDULE

Section 22.

REGISTRATION OF ADDRESS AND REPORTING AT POLICE STATIONS BY DISCHARGED PRISONERS.

- 1 (1) Any person to whom this Schedule applies shall—
- (a) register at an appointed police station in any police area in which he is from time to time residing the address of his residence ;
 - (b) report once in each month, on such day as may be directed by or on behalf of the chief officer of police, at the police station at which his address for the time being is registered.
- (2) Where any person to whom this Schedule applies changes his residence, he shall on registering his new address under this paragraph, state the address which was last registered by him thereunder.

- (3) Any such registration and report as aforesaid shall be effected in person before the officer in charge of the police station:
- Provided that any such report may, if permission in that behalf is granted by or on behalf of the chief officer of police, be made in writing.
- 2 (1) If any person fails without reasonable excuse to comply with any of the requirements of the foregoing paragraph, he shall be guilty of an offence and liable on summary conviction thereof to imprisonment for a term not exceeding six months:
- Provided that—
- (a) in proceedings for a failure to register an address it shall be a defence for the defendant to prove either that—
- (i) being on a journey to a particular destination he remained no longer in the place in which he failed to register his address than was reasonably necessary for the purposes of that journey ; or
- (ii) his absence from his registered address was temporary and that he kept the officer in charge of the police station at which that address was registered sufficiently informed of his whereabouts ; and
- (b) in proceedings for a failure to report it shall be a defence for the defendant to prove that, being temporarily absent from his registered address on the day on which he was directed to report, he personally presented himself and reported on that day at a police station within the police area in which he then was and stated his registered address.
- (2) A person to whom this Schedule applies who is reasonably suspected of having committed an offence under this paragraph may be arrested without warrant by any constable.
- (3) A person charged with an offence under this paragraph may be tried in the place in which he was arrested or in the place in which the offence is alleged to have been committed or, if the offence consists of a failure to report in writing to a police station, in the place in which the police station is situated.
- 3 (1) Any appointment, direction or permission purporting to be signed by or on behalf of a chief officer of police and to have been made or given for the purposes of this Schedule shall, in proceedings under the last foregoing paragraph of this Schedule, be evidence that the appointment, direction or permission thereby made or given was duly made or given by or on behalf of the chief officer of police.
- (2) A certificate purporting to be signed by an officer in charge of a police station and certifying that it appears from the records kept at that police station that a person has failed to register an address or make a report or has registered a particular address at that police station shall, in any such proceedings as aforesaid, be evidence of the facts so certified.
- (3) A certificate purporting to be signed by or on behalf of the Commissioner of Police of the Metropolis and certifying that he has received a notice given pursuant to paragraph (b) of subsection (2) of section twenty-two of this Act to the effect that a person has failed to comply with any requirement under that subsection shall, in any such proceedings as aforesaid, be evidence of the notice having been duly given and of the contents of the notice.
- 4 (1) For the purposes of this Schedule, a person shall be deemed to reside at any house or other place of whatever description at which he spends a night.

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- (2) In this Schedule the following expressions have the meaning hereby respectively assigned to them, that is to say :—
- " Appointed police station " means a police station appointed for the purposes of this Schedule by the chief officer of police of the police area in which the police station is situated ;
- " Chief officer of police " and " police area " have the same meaning respectively as in section thirty of the Police Pensions Act, 1921 ;
- " Registered address ", in relation to any person, means the address which is for the time being the address last registered by him in accordance with this Schedule.
- 5 It shall be the duty of a chief officer of police to appoint a sufficient number of police stations in his area for the purposes of this Schedule.

FIFTH SCHEDULE

Section 45.

ADMINISTRATIVE PROVISIONS AS TO PROBATION.

Probation Areas.

- 1 (1) If the Secretary of State is of opinion, either upon consideration of proposals submitted to him by a court of quarter sessions for a county or without any such proposals, that it is expedient that any two or more petty sessional divisions should form one probation area, he may by statutory instrument make an order to that effect; and the order may contain such incidental and consequential provisions as appear to the Secretary of State to be expedient for the purposes of the order.
- (2) Before making an order under the last foregoing sub-paragraph, the Secretary of State shall give to the justices acting for any petty sessional division affected by the order an opportunity of making to him any representations which they may desire to make with respect to the order, and shall consider any representations made by them.
- (3) Every petty sessional division which is not included in a probation area by virtue of an order made under the foregoing provisions of this paragraph shall itself constitute a probation area.

Probation Committees, Case Committees and Probation Officers.

- 2 (1) For every probation area there shall be a probation committee which shall, subject to the provisions of sub-paragraph (3) of this paragraph, consist—
- (a) if the probation area comprises more than one petty sessional division, of such number of justices as may be specified by the order, appointed in the manner so specified by the justices acting for the several petty sessional divisions comprised in the area and, if the order so provides, of such additional justices holding any of the offices of chairman, deputy chairman, assistant chairman or recorder of a court of quarter sessions having jurisdiction in the area, as may be appointed by the order;
- (b) if the probation area is one petty sessional division, of a prescribed number of justices appointed in the prescribed manner by the justices acting for that division.

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- (2) For every petty sessional division there shall be one or more committees, to be called " case committees," and every such committee shall, subject to the provisions of the next following sub-paragraph, consist—
- (a) if the division is a separate probation area, of the probation committee ;
 - (b) in any other case, of a prescribed number of justices appointed by the justices acting for that division.
- (3) Any case committee for a petty sessional division not being a separate probation area, or any probation committee, may co-opt such number of persons, possessing such qualifications as may be prescribed, as they think fit :

Provided that the number of members so co-opted shall not exceed one-third of the number of members of the committee, and no person shall be so co-opted if he is a justice of the peace for any county or borough in which the probation area or any part thereof is situated, or which is wholly or partly comprised in that area.

- 3 (1) It shall be the duty of every probation committee—
- (a) to appoint sufficient probation officers for their probation area, subject, in the case of such classes or descriptions of probation officers as may be prescribed, to the approval of the appointment by the Secretary of State, and to ensure that at least one probation officer who is a man and one probation officer who is a woman shall be appointed for or assigned by the committee to each petty sessional division ; (5) to pay to the probation officers appointed for their area such remuneration, allowances and expenses as may be prescribed ;
 - (c) to provide for the efficient carrying out of the work of probation officers ;
 - (d) to make such payments and to such persons as may be prescribed in respect of persons under the supervision of probation officers, being persons required by a probation order or supervision order to reside in any place otherwise than for the purpose of their submitting to treatment for their mental condition as voluntary or resident patients ; and
 - (e) to perform such other duties in connection with the work of probation officers as may be prescribed.
- (2) A probation committee may, in such cases and in such manner as may be prescribed, give financial and other assistance to persons under the supervision of probation officers appointed for their area.
- (3) A probation committee shall pay any expenses incurred in accordance with rules made by the Secretary of State under this Schedule by a case committee for a petty sessional division in their probation area.
- (4) A probation committee may delegate such of their functions as may be approved by the Secretary of State to a sub-committee consisting of such number of members of the committee as may be so approved.
- (5) It shall be the duty of probation officers to supervise the probationers and other persons placed under their supervision and to advise, assist and befriend them, to inquire, in accordance with any directions of the court, into the circumstances or home surroundings of any person with a view to assisting the court in determining the most suitable method of dealing with his case, to advise, assist and befriend, in such cases and in such manner as may be prescribed, persons who have been released from custody and to perform such other duties as may be prescribed or may be imposed by any enactment.

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- (6) It shall be the duty of case committees to review the work of probation officers in individual cases, and to perform such other duties in connection with the work of probation officers as may be prescribed.
- (7) Rules made under this Schedule relating to the procedure of case committees may provide that some only of the members of a case committee shall be summoned to deal with any particular case or class of cases.

Selection of Probation Officers.

- 4 (1) The probation officer who is to be responsible for the supervision of any probationer shall be selected under arrangements made by the probation committee for the probation area which includes the petty sessional division for the time being named in the order from among the probation officers appointed for or assigned to that petty sessional division ; and, if the probation officer so selected dies or is unable for any reason to carry out his duties, or if the case committee dealing with the case think it desirable that another officer should take his place, another probation officer shall be selected in like manner from among the probation officers appointed for or assigned to that division.
- (2) The probation officer under whose supervision a woman or girl is placed shall be a woman.

Expenses.

- 5 (1) The sums required to meet any expenses incurred by a probation committee under the provisions of this Schedule, and expenses incurred by a probation committee in respect of superannuation allowances, gratuities or compensation payable by virtue of an order under the Probation Officers (Superannuation) Act, 1947. to or in respect of probation officers and clerks appointed by probation committees or probation officers to assist probation officers in the performance of their duties, and any other expenses incurred by a probation committee in accordance with rules made under this Schedule, shall be defrayed, in accordance with rules so made, by the local authority in whose area the probation area is situated:

Provided that the Secretary of State may, if he is satisfied that a probation committee are not efficiently performing their functions under this Schedule or have unreasonably incurred expenses in the performance of those functions, direct that the local authority shall be relieved, to such extent as may be specified in the direction, of their liability to defray the expenses of the probation committee.

- (2) Where a probation area is situated in the area of two or more local authorities, the sums to be defrayed as aforesaid shall be apportioned between the several authorities in such manner as may be agreed upon between them, or, in default of agreement, as may be determined by the Secretary of State.
- (3) Where a probation officer is appointed for more than one probation area, his salary and any expenses incurred by him or by a probation committee in respect of the performance of his duties, and any expenses incurred in respect of a superannuation allowance, gratuity or compensation payable to or in respect of him or any clerk appointed to assist him under an order under the Probation Officers (Superannuation) Act, 1947, shall be apportioned between the probation committees for the several probation areas for which he is appointed, in such manner as may be agreed upon by

the probation committees after consultation with the local authorities affected, or, in default of agreement, as may be determined by the Secretary of State.

General.

- 6 The Secretary of State may make rules—
- (a) regulating the constitution, procedure, powers and duties of probation committees and case committees, and the expenses which may be incurred by them and the manner in which those expenses are to be defrayed ;
 - (b) regulating the qualifications, manner of appointment, conditions of service and duties of probation officers ;
 - (c) prescribing anything else which under the foregoing provisions of this Schedule may be prescribed ;
- and in those provisions the expression " prescribed " means prescribed by rules of the Secretary of State.
- 7 (1) The foregoing provisions of this Schedule shall in their application to the metropolitan police court area have effect subject to the following modifications, that is to say :—
- (a) the metropolitan police court area shall be a probation area;
 - (b) the provisions with respect to the constitution of probation committees and case committees shall not apply; and the Secretary of State may by order constitute committees to ensure that the work of probation officers is efficiently carried out and to review that work and for such other purposes as he may think fit;
 - (c) the power to appoint probation officers and the other powers of probation committees shall be exercisable by the Secretary of State;
 - (d) there shall be paid out of the metropolitan police fund such sums as the Secretary of State may direct to meet the expenses and contributions which would, in the case of probation areas outside the metropolitan police court area, be payable by local authorities.
- (2) Notwithstanding anything in paragraph I of this Schedule, the City of London shall not be included in a probation area constituted by an order made thereunder.

SIXTH SCHEDULE

Section 56.

RELEASE OF YOUNG OFFENDERS FROM PRISON ON LICENCE.

- 1 A person released on licence under section fifty-six of this Act shall until the expiration of his sentence be under the supervision of such society or person as may be specified in the licence and shall comply with such other requirements as may be so specified :
- Provided that the Prison Commissioners may at any time modify or cancel any such requirements.
- 2 If before the expiration of his sentence the Prison Commissioners are satisfied that a person released as aforesaid has failed to comply with any requirement for the time being specified in the licence, they may by order recall him to a prison ; and thereupon he shall be liable to be detained in the prison until the expiration of his sentence and, if at large, shall be deemed to be unlawfully at large.

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

- 3 The Prison Commissioners may release on licence a person detained in a prison under the last foregoing paragraph at any time before the expiration of his sentence ; and the foregoing provisions of this Schedule shall apply in the case of a person released under this paragraph as they apply in the case of a person released under section fifty-six of this Act.
- 4 The Prison Commissioners in exercising their functions under section fifty-six of this Act and this Schedule shall act in accordance with any general or special directions of the Secretary of State.
- 5 Where the unexpired part of the sentence of a person released under the said section fifty-six is less than six months, the provisions of this Schedule shall apply to him subject to the following modifications—
- (a) the period for which he is under supervision under paragraph 1, and is liable to recall under paragraph 2, shall be a period of six months from the date of his release under the said section fifty-six;
 - (b) if he is recalled under paragraph 2, the period for which he may be detained thereunder shall be whichever is the shorter of the following, that is to say—
 - (i) the remainder of the said period of six months ; or
 - (ii) the part of his sentence which was unexpired on the date of his release under the said section fifty-six, reduced by any time during which he has been so detained since that date ;
 and he may be released on licence under paragraph 3 at any time before the expiration of that period.

SEVENTH SCHEDULE

Section 61.

PART I

PROVISIONS RELATING TO PERSONS IN ENGLAND AFTER DISCHARGE FROM PRISONS, ETC., IN SCOTLAND.

- 1 In relation to any person who, whether before or after the commencement of this Act, has been discharged from a Borstal institution in Scotland, either on licence or at the expiration of his sentence, and who is for the time being in England, the provisions of sections five and six of the Prevention of Crime Act, 1908, shall apply as if those sections had not been repealed by this Act.
- 2 In relation to any person who, whether before or after the commencement of this Act, has been released on licence under section fourteen of the Prevention of Crime Act, 1908, from a prison in Scotland, and who is for the time being in England, the provisions of that section, and of sections fifteen and sixteen of that Act, shall apply as if it had not been repealed by this Act.
- 3 In relation to any person who, whether before or after the commencement of this Act, has been released on licence under section nine of the Penal Servitude Act, 1853, from a prison in Scotland, and who is for the time being in England, the provisions of the Penal Servitude Acts, 1853 to 1891, relating to persons so released, and the provisions of sections three to five of the Prevention of Crimes Act, 1871, and section twenty-six of the Criminal Justice Administration Act, 1914, shall apply as if those provisions had not been repealed by this Act.

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- 4 In relation to any person who is subject to the supervision of the police by virtue of a direction given, whether before or after the commencement of this Act, by a court in Scotland under section eight of the Prevention of Crimes Act, 1871, and who is for the time being in England, the provisions of that section and of sections two and four of the Penal Servitude Act, 1891, shall apply as if those provisions had not been repealed by this Act.
- 5 In relation to any such person as is mentioned in the foregoing provisions of this Schedule, the provisions of section twenty-one of the Firearms Act, 1937, shall have effect as originally enacted and not as amended by this Act.

PART II

PROVISIONS RELATING TO PERSONS IN SCOTLAND AFTER DISCHARGE FROM PRISONS, ETC., IN ENGLAND.

- 6 Where any person serving a term of imprisonment for life has been released on licence under subsection (1) of section fifty-seven of this Act, he may be recalled under subsection (2) of that section notwithstanding that he is for the time being in Scotland ; and in relation to any such person, while in Scotland, the said subsection (2) shall extend to Scotland accordingly.
- 7 Where any person sentenced to Borstal training under this Act, or who is required by virtue of any enactment to be treated as if he had been so sentenced, is released from a Borstal institution, he shall continue to be under supervision, and, may be recalled, in accordance with the provisions of the Second Schedule to this Act, notwithstanding that he is for the time being in Scotland ; and in relation to any such person, while in Scotland, the provisions of that Schedule (other than paragraph I thereof) shall extend to Scotland accordingly.
- 8 Where any person sentenced under this Act to corrective training or preventive detention, or required by virtue of section sixty-one of this Act to be treated as if he had been so sentenced, is released on licence under paragraph I of the Third Schedule to this Act, any requirements of the licence shall continue in force, and he may be recalled under the said Third Schedule, notwithstanding that he is for the time being in Scotland; and in relation to any such person, while in Scotland, the provisions of that Schedule (except paragraph I thereof) shall extend to Scotland accordingly.
- 9 Where any person serving a sentence of imprisonment is released on licence under subsection (2) of section fifty-six of this Act, he shall continue to be under supervision, and may be recalled, in accordance with the provisions of the Sixth Schedule to this Act, notwithstanding that he is for the time being in Scotland ; and in relation to any such person, while in Scotland, the provisions of that Schedule shall extend to Scotland accordingly.
- 10 Where, under section twenty-two of this Act, any person convicted of an offence is ordered to be subject to the provisions of that section, he shall remain so subject notwithstanding that he is for the time being in Scotland ; and in relation to any such person, while in Scotland, the provisions of that section and of the Fourth Schedule to this Act shall extend to Scotland accordingly, and the reference in paragraph 4 of the said Fourth Schedule to section thirty of the Police Pensions Act, 1921, shall be construed as a reference to that section as it applies to Scotland.

EIGHTH SCHEDULE

Section 78.

TRANSITORY PROVISIONS.

- 1 (1) Any person who immediately before the commencement of this Act was undergoing or liable to undergo a term of penal servitude under a sentence passed by a court in any part of Great Britain, or as a condition of a pardon granted by His Majesty for an offence for which he was sentenced to death by such a court, or in consequence of the forfeiture or revocation of a licence granted in any part of Great Britain under the Penal Servitude Acts, 1853 to 1891, shall, if he is or ought to be in custody in England at the commencement of this Act, be treated thereafter as if he had been sentenced to, or were undergoing or liable to undergo, imprisonment and not penal servitude for that term.
- (2) Where any person who having been sentenced to penal servitude for life, or while undergoing penal servitude for life as a condition of a pardon granted as aforesaid, is at the commencement of this Act the holder of a licence granted under the Penal Servitude Acts, 1853 to 1891, which has not been forfeited or revoked, he shall, unless the licence was granted to him while he was in Scotland, be deemed to have been released on licence under section fifty-seven of this Act, and paragraph 6 of the Seventh Schedule to this Act shall apply to him accordingly.
- (3) Where any person who having been sentenced to penal servitude for a term less than life is at the commencement of this Act the holder of a licence granted as aforesaid under the Penal Servitude Acts, 1853 to 1891, which has not been forfeited or revoked, he shall, unless the licence was granted to him while he was in Scotland, be treated as if his sentence had expired.
- 2 Any person who has been sentenced to imprisonment with hard labour for a term which has not expired at the commencement of this Act shall, for the remainder of that term, be treated as though he had been sentenced to imprisonment without hard labour; but nothing in this paragraph shall affect any disability or disqualification attaching to him by virtue of his sentence.
- 3 (1) Any person who is at the commencement of this Act detained in custody in England under a sentence of preventive detention shall for the remainder of the period for which he was sentenced to preventive detention be treated as if he had been sentenced to preventive detention under this Act; and the provisions of this Act relating to preventive detention shall apply to him accordingly.
- (2) Where a person having been sentenced to a term of preventive detention is at the commencement of this Act absent from prison by virtue of a licence granted under section fourteen of the Prevention of Crime Act, 1908, the provisions of Part II of that Act shall continue to apply to him; but if before the expiration of the term his licence is revoked or forfeited the said provisions shall cease to apply, and he shall for the remainder of the term be treated as if he had been sentenced to preventive detention under this Act; and the provisions of this Act relating to preventive detention shall apply to him accordingly.
- (3) Where a person has been sentenced to penal servitude for a term which has not expired at the commencement of this Act, and is liable to undergo a period of preventive detention on the determination of the sentence of penal servitude, there shall be substituted for the sentence of preventive detention a sentence of preventive detention under this Act for a like period; and the provisions of this Act relating to preventive detention shall apply to that person accordingly.

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

- 4 (1) Where a person has been sentenced, otherwise than by a court in Scotland, to detention in a Borstal institution, then if immediately before the commencement of this Act he is or ought to be detained in England in a Borstal institution, or in a prison awaiting removal to such an institution, or holds a licence in force under section five of the Prevention of Crime Act, 1908, or is under the supervision of the Prison Commissioners under section six of that Act, he shall be deemed to have been sentenced to Borstal training under this Act, or to be under supervision under the Second Schedule to this Act ; and in its application to him the said Second Schedule shall have effect as if for the references therein to three years there were substituted references to the term of the sentence of detention in a Borstal institution and for the references therein to four years there were substituted references to the sum of that term and one year.
- (2) Any person to whom Part I of the Prevention of Crime Act, 1908, applied immediately before the commencement of this Act by reason of his transfer from a prison to a Borstal institution under section three of that Act shall be treated as if he were transferred under the provisions of this Act on the date of the commencement of this Act.
- 5 (1) Where at the commencement of this Act a person is subject to the supervision of the police pursuant to the direction of a court in England given under section eight of the Prevention of Crimes Act, 1871, the period for which he is under' supervision shall expire at the end of twelve months from the commencement of this Act unless it shall have expired sooner.
- (2) Any period of supervision as aforesaid exceeding twelve months which has not begun before the commencement of this Act shall by virtue of this Act be reduced to twelve months.
- (3) The Secretary of State may substitute for any such direction, the period of supervision under which has not expired at the commencement of this Act, an order that the person subject to supervision under the direction shall, during the remainder of the period for which he would be liable to such supervision, be subject to the provisions of section twenty-two of this Act.
- 6 The Probation of Offenders Act, 1907, shall continue in force so far as it relates to any probation order by virtue of which a person is under supervision at the commencement of this Act or to any order, other than a probation order, by virtue of which a person is then bound by a recognizance entered into under section one of that Act:
- Provided that any court which under that Act has jurisdiction to appoint a probation officer in lieu of the probation officer or other person named in the probation order or to vary the terms and conditions of the recognizance entered into by the probationer may, without summoning the probationer, amend the order by substituting for the words naming the person who is to exercise the supervision under the order words naming the petty sessional division in which the probationer is residing or will reside ; and this Act shall have effect in relation to a probation order so amended as if it had been made under this Act and amended under paragraph 2 of the First Schedule to this Act and as if the conditions of the recognizance entered into by the probationer under section two of that Act were requirements of the probation order ; and the Probation of Offenders Act, 1907, shall cease to apply thereto and any recognizance entered into under that Act shall be discharged.
- 7 For the purposes of this Act—

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- (a) prison rules made under any enactment repealed by this Act and regulations made under section four of the Prevention of Crime Act, 1908, shall be deemed to have been made under section fifty-two of this Act;
- (b) orders made under subsection (1) of section two of the Criminal Justice Act, 1925, shall be deemed to have been made under paragraph 1 of the Fifth Schedule to this Act, and may be amended under this Act accordingly ;
- (c) orders made under subsection (6) of the said section two shall be deemed to have been made under paragraph (c) of subsection (2) of section forty-five of this Act, and may be amended as aforesaid ; and
- (d) rules made under section seven of the Probation of Offenders Act, 1907, or under section eight of the Criminal Justice Act, 1925, shall be deemed to have been made under paragraph 6 of the Fifth Schedule to this Act:

Provided that, notwithstanding anything in sub-paragraph (1) of paragraph 2 of the said Fifth Schedule, the probation committee for a combined probation area constituted by an order made under subsection (1) of section two of the Criminal Justice Act, 1925, may be constituted in any manner for the time being provided by that order.

8 Sections six to thirty of the Forfeiture Act, 1870, so far as those sections apply to a person who has ceased to be subject to the operation of that Act, shall, notwithstanding the repeal by this Act of those sections, continue in force in relation to any convict who immediately before the date of the commencement of this Act was subject to the operation of that Act, and shall apply to any such convict as if his sentence had expired on that date.

9 In relation to any person who—

- (a) having been sentenced to a term of preventive detention is at the commencement of this Act absent from prison by virtue of a licence granted under section fourteen of the Prevention of Crime Act, 1908 ; or
- (b) is at the commencement of this Act subject to the supervision of the police pursuant to the direction of any court under section eight of the Prevention of Crimes Act, 1871,

the provisions of section twenty-one of the Firearms Act, IQ37, shall have effect as originally enacted and not as amended by this Act.

NINTH SCHEDULE

Section 79.

CONSEQUENTIAL AND MINOR AMENDMENTS.

Act to be amended.	Amendment.
The Diplomatic Privileges Act, 1708. 7 Ann. c. 12.	In section four, for the words " penalties, and corporal punishment " there shall be substituted the words " and penalties ".
The Beerhouse Act, 1840. 3 & 4 Vict. c. 61.	In section seven the words " of felony or " shall cease to have effect.
The Stipendiary Magistrates Act, 1858. 21 & 22 Vict. c. 73.	In section nine, for the words " appoint two " or more justices one of whom shall be of " the quorum, to form a second court," there

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

Act to be amended.	Amendment.
The Queen's Remembrancer Act, 1859. 22 & 23 Vict. c. 21.	<p>shall be substituted the words " form " one or more additional courts, and " appoint to each court two or more " justices " ; and for the word " second ", in the second place where it occurs, there shall be substituted the word " additional " .</p> <p>In section ten, for the words " a second" there shall be substituted the words " an " additional" .</p> <p>In section eleven, for the words " a second " ' there shall be substituted the words " an " additional"; for the word "second", in the second place where it occurs, there shall be substituted the word " additional ", and for the words " an additional crier " there shall be substituted the words " a crier for " each such additional court " .</p> <p>In section thirty-two, for the words from the beginning to " recognizances as aforesaid " there shall be substituted the words " Within fourteen days after any fines, " issues, amerciements, penalties or recognizances are set, lost, imposed or forfeited " by or before a court of assize, the clerk of " assize or the clerk of the Central Criminal " Court, as the case may be, shall" .</p> <p>In section thirty-three, for the words " and " clerk of the Crown respectively " there shall be substituted the words " or clerk of " the Central Criminal Court " .</p> <p>In section thirty-eight, for the words " which " if this Act had not been passed would " have been certified or estreated into the " Exchequer " there shall be substituted the words " set, lost, imposed or forfeited " by or before a court of assize " ; and for the words " clerk of the Crown ", in both places where those words occur, there shall be substituted the words " clerk of the " Central Criminal Court " .</p>
The Refreshment Houses Act, 1860. 23 & 24 Vict. c. 27.	<p>In section twenty-two the words " of felony " or " shall cease to have effect.</p>
The Criminal Lunatic. Asylums Act, 1860. 23 & 24 Vict. c. 75.	<p>In section four, for the words " Secretary of "State" in both places where they occur, there shall be substituted the words " Minister of Health " and the words from " any such persons " to " council of super" vision " and</p>

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

Act to be amended.	Amendment.
	<p>from " and to remove " to " for the asylum " shall cease to have effect.</p> <p>In section eleven, for the words " or any other " person authorised in writing in this " behalf by the Secretary of State or such " superintendent," there shall be substituted the words " or any constable ".</p>
The Forfeiture Act, 1870. 33 & 34 Vict. c. 23.	<p>In section two, for the words " or penal " servitude " there shall be substituted the words " preventive detention or corrective " training" and the words " with hard " labour, or " shall cease to have effect.</p>
The Prison Act, 1877. 40 & 41 Vict. c. 21.	<p>In section eleven, the words " and as to the " commercial value of the labour on " shall cease to have effect.</p>
The Summary Jurisdiction Act, 1879. 42 & 43 Vict. c. 49.	<p>In section nine, in subsection (1) for the words " in a proceeding " there shall be substituted the words " in connection with a " proceeding " and in the proviso for the words from " upon ", where it first occurs, to " other " there shall be substituted the words " and any such cancellation or " mitigation may be made subject to such " and at the end of subsection (2) there shall be added the words " or part only of those " sums, or remit, as respects all or any of " those persons, payment of those sums ".</p> <p>In section eleven, in subsection (1) the words " the character and antecedents of the " person charged " shall cease to have effect.</p> <p>In section seventeen, in subsection (1) for the words " on appearing before the court and " before the charge is gone into " there shall be substituted the words " if he " appears in person to answer the charge " and before he pleads to the charge " ; and after the words " and the offence " there shall be inserted the words " (if not indict " able otherwise than by virtue of this " section) " ; and in subsection (2) for the words " before the charge is gone into " there shall be substituted the words " before " the accused pleads to the charge " ; and at the end of the subsection there shall be added the words " and where the " defendant may, if convicted by the court, " be committed to quarter sessions under " section twenty-nine of the Criminal " Justice Act, 1948, if the court,</p>

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

Act to be amended.

Amendment.

[The Criminal Lunatics Act, 1884. 47 & 48
Vict. c. 64.](#)

on obtaining information as to his character and " antecedents, is of opinion that they are " such that greater punishment should be " inflicted than the court has power to " inflict the court shall explain to him " that he may be so committed " ;

Section nineteen shall cease to have effect so far as it relates to a conviction.

In section twenty-seven, in paragraph (2) after the word "defendant" there shall be inserted the words " or the prosecutor ".

In section thirty-one, in paragraph (iv) of subsection (1) for the words " the court " who fix the recognisance to be entered " into or the other security to be given, " under the preceding paragraph or any " other court of summary jurisdiction" there shall be substituted the words " the " court of summary jurisdiction by whom " the decision appealed against was given "or any justice" and the words "on " his complying with the provisions " of the preceding paragraph, if he " has not already done so and" shall cease to have effect ; and paragraph (v) of that subsection shall cease to have effect.

In section two, in subsection (2) for the words " penal servitude or imprisonment " there shall be substituted the words " imprisonment or detention " and in subsection (5) for the words from " shall be exercised ", where they first occur, to the end there shall be substituted the words " may be exercised " by the Prison Commissioners or one of " them ".

In section six, for the words " penal servitude " or imprisonment " there shall be substituted the words " imprisonment or " detention ".

In section seven, for the words " penal servitude or imprisonment " in both places where they occur there shall be substituted the words " imprisonment or detention ".

In section eight, in subsection (2), for the words " penal servitude or imprisonment " there shall be substituted the words " imprisonment or detention " and for the words " council of supervision or other person " having control thereof " there shall

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

Act to be amended.	Amendment.
<p>The Local Government Act, 1888. 51 & 52 Vict. c. 41.</p> <p>The Clergy Discipline Act, 1892. 55 & 56 Vict. c. 32.</p> <p>The Criminal Appeal Act, 1907. 7 Edw. 7. c. 23.</p>	<p>be substituted the words " Board of Control ".</p> <p>In section ten, for the words " penal servitude " or imprisonment" there shall be substituted the words " imprisonment or " detention ".</p> <p>In section sixteen, in the definition of " Asylum " for the words " but does not " include a licensed house " there shall be substituted the words " and a licensed " house " and after the word " aforesaid " there shall be inserted the words " or a " licensed house ".</p> <p>In section eighty-three, in subsection (4), for the words " a second court," there shall be substituted the words " any additional " court ".</p> <p>In section one, the words " with hard labour " shall cease to have effect.</p> <p>In section thirteen, at the end of subsection (1) there shall be added the words " except as " otherwise provided by section thirty-eight " or section forty-four of the Criminal " Justice Act, 1948 ".</p> <p>In section fourteen, in subsection (4), after the word " section " there shall be inserted the words " and subsections (1) to (3) of " section thirty-eight of the Criminal " Justice Act, 1948 ".</p> <p>In section seventeen, after the word " bail" there shall be inserted the words " and the " power of the court to give directions " under the proviso to subsection (2) of " section thirty-eight of the Criminal Justice Act, 1948, or to make orders for the " payment of costs under subsection (5) of " that section " ; and after the words " such " power " there shall be inserted the words " under this Act ".</p> <p>In section nineteen, after the word " mercy " in the second place where it occurs, there shall be inserted the words " or of any " representation made by any other " person ".</p> <p>In section one, in paragraph (b) of subsection (1) after the words " Summary Jurisdiction " Acts " there shall be inserted the words " or under subsection (2) of section twenty- " eight of the Criminal Justice Act, 1948 ".</p>
<p>The Costs in Criminal Cases Act, 1908. 8 Edw. 7. c. 15.</p>	<p>In section one, in paragraph (b) of subsection (1) after the words " Summary Jurisdiction " Acts " there shall be inserted the words " or under subsection (2) of section twenty- " eight of the Criminal Justice Act, 1948 ".</p>

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

Act to be amended.	Amendment.
The Licensing (Consolidation) Act, 1910. 10 Edw. 7 & 1 Geo. 5. c. 24.	In section thirty-five, paragraph (2) shall cease to have effect.
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 of 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 " .
The Mental Deficiency Act, 1913. 3 & 4 Geo. 5. c. 28.	In section two, in subsection (1) for the words from " undergoing imprisonment" to " criminal lunatic asylum " there shall be substituted the words " detained (otherwise " than on remand or while awaiting trial " or sentence or under civil process) in a " prison or other institution to which the " Prison Acts, 1865 to 1898, apply, or in a " remand home, or who is detained in a " school approved under section seventy" nine of the Children and Young Persons " Act, 1933, an inebriate reformatory, an " institution for persons of unsound mind " or a Broadmoor institution " .
	In section four, for the words from " criminal " lunatic asylum " to " inebriate reformatory " there shall be substituted the words " or other institution to which the Prison " Acts, 1865 to 1898, apply, or in a remand " home, a school approved under section " seventy-nine of the Children and Young " Persons Act, 1933, an inebriate reformatory or a Broadmoor institution " .
	In section nine, for the words from " under" going imprisonment " to " criminal lunatic " asylum " there shall be substituted the words " detained (otherwise than on remand " or while awaiting trial or sentence or " under civil process) in a prison or other " institution to which the Prison Acts, " 1865 to 1898, apply, or in a remand home, " or who is detained in a school approved " under section seventy-nine of the Children " and Young Persons Act, 1933, an inebriate " reformatory or a Broadmoor institution " .
	In section forty-four, in subsection (2) for the words from " in a prison," to " place "

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Act to be amended.	Amendment.
<p>The Criminal Justice Administration Act, 1914. 4 & 5 Geo. 5. c. 58.</p>	<p>of detention," there shall be substituted the words " in a prison or other institution " to which the Prison Acts, 1865 to 1898, " apply, or in a remand home, inebriate " reformatory or Broadmoor institution ".</p> <p>In section three, in subsection (1) for the words from " a number of days " to the end there shall be substituted the words " such number of days as bears to " the total number of days in the term less " one day the proportion most nearly " approximating to, without exceeding, the " proportion which the part paid bears to " the sum in respect of which the imprisonment is imposed ".</p> <p>In section four, in subsection (1) after the word " prison " there shall be inserted the words " or a detention centre " and after the word " imprisonment " there shall be added the words " or detention ".</p> <p>Section fifteen shall cease to have effect.</p>
<p>The Criminal Justice Act, 1925. 15 & 16 Geo. 5. c. 86.</p>	<p>In section twelve, in subsection (5) for the second and third paragraphs there shall be substituted the following paragraphs—</p> <p style="padding-left: 40px;">“If the accused in answer to the question states that he wishes to give evidence or to call witnesses, or both to give evidence and to call witnesses, the justices shall proceed to take the evidence of the accused if he wishes to give evidence himself, and of any witnesses called by him who know anything relating to the facts and circumstances of the case or anything tending to prove the innocence of the accused.</p> <p style="padding-left: 40px;">Where the accused is represented by counsel or a solicitor, his counsel or solicitor shall be heard on his behalf, either before or after the said evidence is taken, at his discretion, and may, if the accused gives evidence himself and calls witnesses, be heard on his behalf with the leave of the justices both before and after the evidence is taken :</p> <p style="padding-left: 40px;">Provided that where counsel or a solicitor is so heard both before and after the evidence is taken, counsel</p>

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Act to be amended.

The Mental Deficiency Act, 1927. 17 & 18
Geo. 5. c. 33.

Amendment.

or the solicitor for the prosecution shall be entitled to be heard in reply.”

In section twenty-four, in subsection (1) after the word " prosecutor " there shall be inserted the words " or by or on behalf of " the accused" and the words " the " character and antecedents of the accused" shall cease to have effect; and in subsection (2) after the words " if tried by a " jury " there shall be inserted the words " and, shall explain to him that he may, if " convicted by the court, be committed to " quarter sessions under section twenty" nine of the Criminal Justice Act, 1948, " if the court, on obtaining information as " to his character and antecedents, is of " opinion that they are such that greater " punishment should be inflicted than the " court has power to inflict ".

In the Second Schedule, in paragraph 11, after the words " section eighteen " there shall be inserted the words " section twenty " (where the amount of the money or the " value of the property in respect of which " the offence is committed does not exceed " twenty pounds) ".

In section five, for paragraphs (a) and (b) there shall be substituted the following paragraphs :—

- “(a) If the place in which he is being detained under the order of the court is a prison, a remand centre or a remand home, he shall continue to be detained therein.
- (b) If the place in which he is being so detained is not a prison, remand centre or remand home, he shall be removed therefrom—
 - (i) if he appears to be under seventeen years of age, to a remand home, or if in the opinion of the Secretary of State it is inexpedient that he should be removed to a remand home, then to such

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

Act to be amended.	Amendment.
<p>The Local Government (Clerks) Act, 1931. 21 & 22 Geo. 5. c. 45.</p> <p>The Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12.</p>	<p style="text-align: center;">other place as the Secretary of State may by order direct;</p> <p>(ii) if he appears to be not less than seventeen but under twenty-one years of age and the court by which he was dealt with under the said section eight has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, to a remand centre ;</p> <p>(iii) in any other case, to a prison.”</p> <p>In section three, in subsection (3), for the words " a second court " there shall be substituted the words " additional courts " .</p> <p>In section forty-eight, for subsection (2) there shall be substituted the following subsection—</p> <p>“(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 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.”</p> <p>and in subsection (3) the words from " and " where " to the end shall cease to have effect.</p> <p>In section fifty-four, for the words " fine, " damages or costs " there shall be substituted the words " sum of money or for " failing to do or abstain from doing any "act or thing required to be done or left " undone " ; and for the words " this Act " there shall be</p>

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Act to be amended.

Amendment.

substituted the words " section seventeen of the Criminal " Justice Act, 1948 ".'

In section fifty-eight, in paragraph (a) of the proviso the words " undergoing detention in a Borstal Institution or was " shall cease to have effect and at the end of the proviso there shall be added the following paragraph :—

“(c) in the case of a person who was undergoing detention in a Borstal institution, than the end of the period for which he would have been liable to be detained therein”.

In section fifty-nine after the word " enactment," there shall be inserted the words " whether passed before or after the " commencement of this Act ".

In section seventy, in proviso (a) to subsection (2) for the words " conditions of a recognisance " there shall be substituted the words " requirements of a supervision order " or probation order or the conditions of a " recognisance ".

In section seventy-seven, after subsection (2), there shall be inserted the following subsection :—

“(2A) The council of a county or county borough may contribute, towards the expenditure incurred by any society or person in establishing, enlarging or improving an institution for the purpose of its being used, in accordance with an arrangement with the council, as a remand home for that county or county borough, such sums, and subject to such conditions, as the council think fit ; and subsection (5) of section seventy-seven of the Criminal Justice Act, 1948, shall apply to any sums so paid as it applies to the payments referred to in that subsection”.

In section seventy-eight, for subsection (3) there shall be substituted the following subsection :—

“(3) The Secretary of State shall cause remand homes to be inspected and

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

Act to be amended.	Amendment.
	<p>may make rules for their inspection, regulation and management, and for the classification, treatment, employment, discipline and control of persons detained in custody therein, and for the visitation of such persons from time to time by persons appointed in accordance with the rules.”</p> <p>In section eighty-two, in subsection (1) for the words " and may (any other Act to the " contrary notwithstanding) be brought " there shall be substituted the words " and " brought back to his school; and (not" withstanding any enactment regulating " the time within which and the court " before which proceedings may be brought) " any such person may, whether or not he " is brought back, be brought, with the " authority of the Secretary of State, at " any time ".</p> <p>In section ninety, in subsection (6) for the words " conditions of a recognisance " there shall be substituted the words " requirements of a supervision order or probation " order or the conditions of a recognisance ".</p> <p>In section two, in subsection (1) after the word " offence " there shall be inserted the words " or sentenced for an offence ", and after the word " convicted ", where that word occurs for the second and third time, there shall be inserted the words " or sentenced ", and in paragraph (a) of subsection (5), after the word " convicted " there shall be inserted the words " or sentenced as the " case may be ".</p> <p>In section seven, in subsection (5) for the words " a second " there shall be substituted the words " an additional ".</p> <p>In the proviso to section four, for the word " two " there shall be substituted the word " four ".</p> <p>In section twenty-one, in subsection (1) after the words " penal servitude " there shall be inserted the words " preventive detention or corrective training ", in subsection (2) for paragraph (a) there shall be substituted the following paragraph—</p>
<p>The Summary Jurisdiction (Appeals) Act, 1933. 23 & 24 Geo. 5. c. 38.</p>	
<p>The Money Payments (Justices Procedure) Act, 1935. 25 & 26 Geo. 5. c. 46.</p>	
<p>The Firearms Act, 1937. 1 Edw. 8. & Geo. 6. c. 12.</p>	

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

Act to be amended.	Amendment.
<p>The Dogs Amendment Act, 1938. 1 & 2 Geo. 6. c. 21.</p>	<p>“(a) is the holder of a licence issued under section fifty-six or fifty-seven of the Criminal Justice Act, 1948, or the Second or Third Schedule to that Act, or section fifty-three of the Children and Young Persons Act, 1933 ; or”</p> <p>and in paragraph (b) the words " is subject " to the supervision of the police, or " shall cease to have effect and after the word " firearm " there shall be inserted the words " or is subject to a probation order containing a requirement that he shall not " possess, use or carry a firearm " .</p>
<p>The Children and Young Persons Act, 1938. 1 & 2 Geo. 6. c. 40.</p>	<p>In section twenty-five, in subsection (1) for the words " penal servitude " there shall be substituted the words " preventive detention, corrective training ", the words "to be subject to police supervision or" shall cease to have effect, and after the word " firearm " in the first place where it occurs there shall be inserted the words " or is subject to a probation order containing a requirement that he shall not " possess, use or carry a firearm " .</p> <p>In section one, in subsection (2) after the word " after " there shall be inserted the words " the expiration of fourteen days from the " date of the order, or, if within that period " the appellant has given notice of appeal, " until after " and the words from " or until " the appeal can no longer be prosecuted " under the Summary Jurisdiction Acts, " as the case may be " shall cease to have effect.</p> <p>For section four there shall be substituted the following section :—</p> <p>“4 (1) A supervision order (that is to say an order made under section sixty-two, section sixty-three, section sixty-four or section eighty-four of the principal Act as amended by this Act, placing a child or young person under the supervision of a probation officer or of some other person appointed for the purpose by the court) may contain such provisions as the court, having regard to the</p>

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

Act to be amended.

Amendment.

particular circumstances of the case, considers necessary for effecting the purpose of the order :

Provided that no such order shall include a requirement as to the residence of the person to whom it relates, or as to treatment for his mental condition, except in accordance with section seventy-four of the Criminal Justice Act, 1948.

- (2) Where an application for the discharge or amendment of a supervision order is duly made in relation to any person by the person under whose supervision he has been placed by such an order, the applicant may, for the purpose of the application, bring before the ' court the person who is the subject of the application, whether or not that person has attained the age of seventeen years.
- (3) The court by which a supervision order is made may by order direct that the powers which, by section seventy-four of the Criminal Justice Act, 1948, are conferred on that court with respect to the discharge, amendment and review of the order may be exercised by any juvenile court acting for the petty sessional division or place in which the person to whom the order relates may for the time being reside.”

In section six, at the end of subsection (3) there shall be added the words :—

“Provided that this subsection shall not apply in relation to the removal of a child or young person under this section who returns to the remand home or place of safety on the day on which he is so removed.”

The National Service Act, 1947. 10 & 11
 Geo. 6. c. 31.

In the First Schedule, in paragraph 1 after the words " preventive detention " there shall be inserted the words " corrective " training " and for the words " Borstal "institution" there shall be substituted the words ' " detention centre, or was or " would if he had not been

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

Act to be amended.	Amendment.
The Police Pensions Act, 1948. 11 & 12 Geo. 6. c. 24.	unlawfully at " large have been detained in a Borstal " institution ". In section four, in subsection (1), after the words " penal servitude" there shall be inserted the words " preventive detention " or corrective training ".

TENTH SCHEDULE

Sections 81, 82, 83.

ENACTMENTS REPEALED.

PART I

REPEALS EXTENDING TO ENGLAND ONLY.

Session and Chapter	Short Title.	Extent of Repeal.
11 Will. 3. c. 12.	An Act to Punish Governors of Plantations in this Kingdom for Crimes by them committed in the Plantations.	The words " in his Majesties Court of Kings Bench " and the words from " or before such commissioners" to "same county ".
42 Geo. 3. c. 85.	The Criminal Jurisdiction Act, 1802.	In section one, the words " in his Majesty's Court of King's Bench " ; the words from " found, in which information " to " Middlesex " ; and the words " at the discretion of his Majesty's Court of King's Bench ".
3 Geo. 4. c. 114.	The Hard Labour Act, 1822.	The whole Act.
5 Geo. 4. c. 83.	The Vagrancy Act, 1824.	In section five, the words from " and every such offender " to the end. In section ten, the words from " and to order further " to the end.
5 Geo. 4. c. 84.	The Transportation Act, 1824.	The whole Act.
6 Geo. 4. c. 50.	The Juries Act, 1825.	In section twenty-nine, the words from " and no person " to the end.
7 & 8 Geo. 4. c. 28.	The Criminal Law Act, 1827.	In section ten, the words from " and where " to the end.

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

Session and Chapter	Short Title.	Extent of Repeal.
11 Geo. 4. & 1 Will. 4. c. 39.	The Transportation Act, 1830.	The whole Act.
11 Geo. 4. & 1 Will. 4. c. 70.	The Law Terms Act, 1830.	Section thirty-three.
3 & 4 Will. 4. c. 99.	The Fines Act, 1833.	Section twenty-nine.
4 & 5 Will. 4. c. 67.	The Transportation Act, 1834.	The whole Act.
1 & 2 Vict. c. 82.	The Parkhurst Prison Act, 1838.	The whole Act.
2 & 3 Vict. c. 56.	The Prisons Act, 1839.	The whole Act.
3 & 4 Vict. c. 61.	The Beerhouse Act, 1840.	In section seven, the words "of felony or "
5 & 6 Vict. c. 29.	The Pentonville Prison Act, 1842.	The whole Act.
5 & 6 Vict. c. 61.	The South Australia Act, 1842.	The whole Act.
5 & 6 Vict. c. 98.	The Prison Act, 1842.	Section twelve.
6 & 7 Vict. c. 7.	The Transportation Act, 1843.	The whole Act.
10 & 11 Vict. c. 67.	The Transportation Act, 1847.	The whole Act.
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act, 1848.	In section twenty-one, the words "or to imprison him and keep him to hard labour "
13 & 14 Vict. c. 39.	The Convict Prisons Act, 1850.	The whole Act.
14 & 15 Vict. c. 100.	The Criminal Procedure Act, 1851.	Section twenty-nine.
16 & 17 Vict. c. 99.	The Penal Servitude Act, 1853.	The whole Act.
16 & 17 Vict. c. 121.	The Convict Prisons Act, 1853.	The whole Act.
19 & 20 Vict. c. 54.	The Grand Juries Act, 1856.	The whole Act.
20 & 21 Vict. c. 3.	The Penal Servitude Act, 1857.	The whole Act, except sections two and six.
23 & 24 Vict. c. 27.	The Refreshment Houses Act, 1860.	In section twenty-two, the words " of felony or "
23 & 24 Vict. c. 75.	The Criminal Lunatic Asylums Act, 1860.	In section four, the words from " any such persons" to " council of supervision " and the words from " and to

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Session and Chapter	Short Title.	Extent of Repeal.
24 & 25 Vict. c. 96.	The Larceny Act, 1861.	remove " to " for the asylum " Sections five, six, fourteen and fifteen. In sections twelve, thirteen and sixteen, the words from " with or without hard labour " to the end. Sections one hundred and eight and one hundred and nineteen.
24 & 25 Vict. c. 97.	The Malicious Damage Act, 1861.	In sections one to ten, fourteen to twenty-one, twenty-three, twenty-six to thirty-three, thirty-five, forty-two to forty-eight and fifty, the words " and, if a male under the age of sixteen years, with or without whipping" wherever those words occur. In sections twenty-two and fifty-four, the words from " with or without hard labour " to the end. In section thirty-nine, the words from " with or without hard labour " to " whipping."
24 & 25 Vict. c. 100.	The Offences Against the Person Act, 1861.	Sections sixty-six and seventy-five. In section five, the words " or to pay " to the end of the section. In sections sixteen, twenty-eight to thirty, thirty-two and fifty-six, the words " and, if a male under the age of sixteen years, with or without whipping " wherever those words occur. In section sixty-four, the words from " with or without hard labour " to the end. Section seventy.
26 & 27 Vict. c. 44.	The Garrotters Act, 1863.	The whole Act.

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Session and Chapter	Short Title.	Extent of Repeal.
27 & 28 Vict. c. 47.	The Penal Servitude Act, 1864.	The whole Act.
28 & 29 Vict. c. 126.	The Prison Act, 1865.	Section forty-four.
33 & 34 Vict. c. 23.	The Forfeiture Act, 1870.	In section two, the words " with hard labour, or " . Sections six to thirty.
34 & 35 Vict. c. 112.	The Prevention of Crimes Act, 1871.	Sections three to five and eight. In section seventeen, paragraph (4) of the proviso.
35 & 36 Vict. c. 52.	The Middlesex Grand Juries Act, 1872.	The whole Act.
39 & 40 Vict. c. 42.	The Convict Prisons Returns Act, 1876.	The whole Act.
40 & 41 Vict. c. 21.	The Prison Act, 1877.	In section nine, the words " and enforcement of hard labour " . In section eleven, the words " and as to the commercial value of the labour on " . Sections thirteen, fourteen, thirty-nine and forty.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	In section four, the words " impose the same without hard labour and " and the words " or do either of such acts " . In section ten, in subsection (2) the words from " and when the child is a male " to the end. In section eleven, in subsection (1), the words " the character and antecedents of the person charged " . In section thirty-one, in subsection (1), paragraphs (iii) and (v), and in paragraph (iv) the words " on his complying with the provisions of the preceding paragraph, if he has not already done so and " .

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Session and Chapter	Short Title.	Extent of Repeal.
42 & 43 Vict. c. 55.	The Prevention of Crime Act, 1879.	The whole Act.
54 & 55 Vict. c. 69.	The Penal Servitude Act, 1891.	Sections two to six And ten.
55 & 56 Vict. c. 32.	The Clergy Discipline Act, 1892.	In section one, the words " with hard labour " .
60 & 61 Vict. c. 18.	The Juries Detention Act, 1897.	The whole Act.
61 & 62 Vict. c. 41.	The Prison Act, 1898.	Sections one to six. In section seven, the words ' " local and convict " . Sections eight and eleven. Subsection (1) of section fourteen.
6 Edw. 7. c. 55	The Public Trustee Act, 1906.	Paragraph (e) of subsection (1) of section two.
7 Edw. 7. c. 17.	The Probation of Offenders Act, 1907.	The whole Act.
7 Edw. 7. c. 23.	The Criminal Appeal Act, 1907.	In section seven, the words " or corporal punishment " . In section fourteen, subsections (1), (3) and (5). In section twenty, in subsection (2) the words from " but shall not apply" to the end of the subsection.
8 Edw. 7. c. 59.	The Prevention of Crime Act, 1908.	The whole Act.
10 Edw. 7 & 1 Geo. 5. c. 24.	The Licensing (Consolidation) Act, 1910.	In section thirty-five, paragraph (2).
1 & 2 Geo. 5. c. 28.	The Official Secrets Act, 1911.	In section ten, in subsection (2) the words . " in the High Court " and the words " or the Central Criminal Court " .
3 & 4 Geo. 5. c. 27.	The Forgery Act, 1913.	In section twelve, subsection (1) and in paragraph (b) of subsection (2) the words " penal servitude or " .
3 & 4 Geo. 5. c. 28.	The Mental Deficiency Act, 1913.	The proviso to subsection (2) of section twenty-five.

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Session and Chapter	Short Title.	Extent of Repeal.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Sections seven to eleven, fifteen and sixteen, paragraph (b) of section seventeen, sections twenty-six and thirty-six and subsection (1) of section thirty-seven.
5 & 6 Geo. 5. c. 90.	The Indictments Act, 1915.	In section four, the words " and the person accused shall have the same right of challenging jurors " .
6 & 7 Geo. 5. c. 31.	The Police, Factories, &c. (Miscellaneous Provisions) Act, 1916.	Section twelve.
6 & 7 Geo. 5. c. 50.	The Larceny Act, 1916	<p>In section two, the words from "and the offender" to the end.</p> <p>Paragraph (c) of section sixteen.</p> <p>In section seventeen, the words from " and in the case of a clerk " to the end.</p> <p>In section twenty-three, in subsection (1) the words from "and, in addition" to the end.</p> <p>In section twenty-nine, in subsection (1) the words from " and, if a male under the age of sixteen years " to the end.</p> <p>In section thirty-three, paragraph (c) of subsection (1).</p> <p>In section thirty-four, the words from " and, if a male under the age of sixteen years " to the end.</p> <p>In section thirty-seven, subsections (3), (4) and (6) and in paragraph (b) of subsection (5) the words " penal servitude or " .</p>
10 & 11 Geo. 5. c. 23.	The War Pensions Act, 1920.	Subsection (1) of section seven.
11 & 12 Geo. 5. c. 39.	The Admiralty Pensions Act, 1921.	Subsection (1) of section two.

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Session and Chapter	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 20.	The Law of Property Act, 1925.	In section seven, paragraph (a) of subsection (3).
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Sections one to ten. In section twelve, in subsection (5) the word " forthwith," in the first place where that word occurs, the words " after the conclusion of the evidence of the accused " and the words " either forthwith or, if a speech is to be made by counsel or solicitor on behalf of the accused after the conclusion of that speech ". In section twenty-four, in subsection (1) the words " the character and antecedents of the accused ". Sections twenty-five and forty-six.
16 & 17 Geo. 5. c. 13.	The Criminal Justice (Amendment) Act, 1926.	The whole Act.
16 & 17 Geo. 5. c. 58.	The Penal Servitude Act, 1926.	The whole Act.
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	Section thirty-three. In section forty-eight, in subsection (3) the words from " and where " to the end. Section fifty-two. In section fifty-three, in subsection (2) the words " notwithstanding anything in the other provisions of this Act ". In section fifty-eight, in proviso (a), the words " undergoing detention in a Borstal Institution, or was ". In section fifty-nine, the proviso to subsection (1).

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Session and Chapter	Short Title.	Extent of Repeal.
23 & 24 Geo. 5. c. 36.	The Administration of Justice (Miscellaneous Provisions) Act, 1933.	<p>In section sixty-six, subsection (3)</p> <p>In section eighty-two, in subsection (1), the words from "and that court " , to the end.</p> <p>So much of the Third Schedule as amends the Probation of Offenders Act, 1907.</p> <p>In the Fourth Schedule, in paragraph 8, the words from " and that court " to the end.</p> <p>In section one, in subsection (1) the words "Subject to the provisions of this section " ; and subsection (4).</p> <p>In the Second Schedule, in paragraph 4, the words " in the case of any bill of indictment preferred under this Act " .</p>
23 & 24 Geo. 5. c. 38.	The Summary Jurisdiction (Appeals) Act, 1933.	<p>In section two, subsection (9).</p> <p>In section three, in subsection (1), the words " so soon as an appellant has complied with the provisions of paragraph (iii) of subsection (1) of section thirty-one of the Summary Jurisdiction Act, 1879, with respect to entering into a recognisance or giving other security " and the words " and the recognisance, if any, and a statement as to any other security given by the appellant " and in subsection (2) the word " separate " .</p>
26 Geo. 5. & 1 Edw. 8. c. 16.	The Coinage Offences Act, 1936.	<p>In section twelve, in subsection (1), the words " penal servitude or " .</p>
1 Edw. 8. & 1 Geo. 6. c. 12.	The Firearms Act, 1937.	<p>In section twenty-one, in para-graph (6) of</p>

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Session and Chapter	Short Title.	Extent of Repeal.
1 Edw. 8. & 1 Geo. 6. c. 58.	The Summary Pro-cedure (Domestic Proceedings) Act, 1937.	subsection (2) the words " is subject to the supervision of the police or " In section twenty-five, in sub-section (1), the words "to be subject to police supervision or " Section seven.
1 & 2 Geo. 6. c. 21.	The Dogs Amendment Act, 1938.	In section one, the words " or until the appeal can no longer be prosecuted under the Summary Jurisdiction Acts, as the case may be "
1 & 2 Geo. 6. c. 63.	The Administration of Justice (Miscellaneous Provisions) Act, 1938.	In section eleven, in subsection (1) the words from "and (b) any indictment " to the end of the subsection ; and in subsection (2) the words from "and with respect" to the end of the subsection.
7 & 8 Geo. 6. c. 31.	The Education Act, 1944.	In section one hundred and twenty, in subsection (2) the words " subsection (3) of section fifty-two and "
10 & 11 Geo. 6. c. 38.	The Probation Officers (Superannuation) Act, 1947.	In section two, the words from " Part I " to the words " first column of" in the second place where they occur. Part I of the Schedule.

PART II

REPEALS EXTENDING TO SCOTLAND.

Session and Chapter.	Short Title.	Extent of Repeal.
1 Geo. 4. c. 57.	The Whipping Act, 1820.	The whole Act.
5 & 6 Vict. c. 51.	The Treason Act, 1842.	In section two the words from " and during the period of such imprisonment" to the end.
23 & 24 Vict. c. 105.	The Prisons (Scotland) Act, 1860.	Section seventy-four.

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Session and Chapter.	Short Title.	Extent of Repeal.
25 & 26 Vict. c. 18.	The Whipping Act, 1862.	The whole Act.
48 & 49 Vict. c. 69.	The Criminal Law Amendment Act, 1885.	In section four, the words from " Provided that in the case of an offender " to "in manner in that Act mentioned ".
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Section five hundred and fourteen.
2 & 3 Geo. 5. c. 20.	The Criminal Law-Amendment Act, 1912.	Section three. In section seven, in subsection (5) the words from " and, in the case of a second or subsequent conviction " to the end.

PART III

REPEALS EXTENDING TO SCOTLAND AND NORTHERN IRELAND.

Session and Chapter.	Short Title.	Extent of Repeal.
20 Hen. 6. c. 9	Recital of Magna Charta relating to Trial by Peers ; Noble ladies to be tried as-Peers of the Realm are tried.	The whole Act.
31 Hen. 8. c. 10	An Act for the placing of the Lords in the Parliament.	Section nine.
33 Hen. 8. c. 12	An Act for Murder and Malicious Bloodshed within the Court.	Section seven.
35 Hen. 8. c. 2	An Act concerning the Trial of Treasons committed out of the King's Majesty's Dominions.	Section two.
2 & 3 Edw. 6. c. 1.	An Act for the uniformity of service and administration of the Sacraments throughout the Realm.	Section ten.
1 Eliz. c. 1	An Act for restoring to the Crown the ancient Jurisdiction over the State Ecclesiastical and Spiritual and abolishing all foreign power repugnant to the same.	Section eighteen.

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Session and Chapter.	Short Title.	Extent of Repeal.
1 Eliz. c. 2.	An Act for the Uniformity of Common Prayer and Divine Service in the Church, and the administration of the Sacraments.	Section nine.
2 Eliz. c. 1.	An Act of the Parliament of Ireland restoring to the Crown the ancient Jurisdiction over the State Ecclesiastical and Spiritual, and abolishing all foreign power repugnant to the same.	In section fifteen, the words from " And if it shall happen " to the end of the section.
2 Eliz. c. 2	An Act of the Parliament of Ireland for the Uniformity of Common Prayer and Service in the Church, and the administration of the Sacraments.	Section nine.
13 Chas. 2. Stat. 1. c. 1.	An Act for the Safety and Preservation of His Majesty's Person and Government against Treasonable and Seditious practices and attempts.	In section seven, the words " that no peer of this realm shall be tried for any offence against this Act but by his peers, and further ".
1707 Anne c. 7.	An Act of the Parliament of Scotland ratifying and approving the Treaty of Union of the two Kingdoms of Scotland and England.	So far as it ratifies, approves and confirms the following words in Article XXIII of the Treaty of Union, that is to say, the words from "and particularly the right of sitting upon the trials of peers " to " at such trials as any other peers of Great Britain " ; the words " and shall be tried as peers of Great Britain " ; and the words " and particularly the right of sitting upon the trials of peers ".
6 Anne c. 11	The Union with Scotland Act, 1706.	Section four, so far as it ratifies, approves and confirms the following words in Article XXIII of the Treaty of Union, that is to say, the words from " and 'particularly the right of sitting upon the trials of peers "to " at such trials as any other peers of Great Britain

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Session and Chapter.	Short Title.	Extent of Repeal.
6 Anne c. 78	The Scottish Representative Peers Act, 1707.	"; the words " and shall be tried as peers of Great Britain " ; and the words " and particularly the right of sitting upon the trials of peers ". Section twelve.
33 Geo. 3. c. 45.	An Act of the Parliament of Ireland for the trial of Treason committed out of the King's dominions.	Section two.
39 & 40 Geo. 3. c. 67.	The Union with Ireland Act, 1800.	Section one, so far as it ratifies, confirms and approves the following words in Article IV of the Articles of Union, that is to say, in the fourth paragraph, the words from " and that he shall be liable " to "charged"; and in the last paragraph the words from " and the lords " to " respectively on the part of Great Britain " ; the words " and particularly the right of sitting on the trial of peers " ; the words " be sued and tried as peers, except as aforesaid, and shall" ; and the words " and the right of sitting 1 on the trial of peers ".
40 Geo. 3. c. 38.	An Act of the Parliament of Ireland for the Union of Great Britain and Ireland.	Section one, so far as it ratifies, confirms and approves the following words in Article IV of the Articles of Union, that is to say, in the fourth paragraph, the words from " and that he shall be liable" to " charged " ; and in the last paragraph the words from " and the lords " to " respectively on the part of Great Britain " ; the words " and particularly the right of sitting on the trial of peers " ; the words " be sued and tried as peers, except as aforesaid, and shall" ; and the words "

Session and Chapter.	Short Title.	Extent of Repeal.
6 Geo. 4. c. 66.	The Trial of Peers (Scotland) Act, 1825.	and the right of sitting on the trial of peers ". The whole Act.
4 & 5 Vict. c. 22.	The Felony Act, 1841.	The whole Act.
25 & 26 Vict. c. 65.	The Jurisdiction in Homicides Act. 1862.	Section nineteen.
20 & 21 Geo. 5. c. 45.	The Criminal Appeal (Northern Ireland) Act, 1930.	In section nineteen, in subsection (2), the words from " but shall not apply " to the end of the subsection.