

SCHEDULES

SCHEDULE 1

Sections 7 and 9.

CRIMINAL BANKRUPTCY ORDERS

Interpretation

- 1 In this Schedule—
- " the Act of 1914 " means the Bankruptcy Act 1914 ; and
 - " criminal bankruptcy petition " means a bankruptcy petition presented by virtue of paragraph 2 of this Schedule.

Act of bankruptcy

- 2 Subject to the provisions of this Schedule, where a criminal bankruptcy order is made against any person he shall be treated as a debtor who has committed an act of bankruptcy on the date on which the order is made.

Creditors and debts

- 3 (1) A person specified in a criminal bankruptcy order as having suffered loss or damage of any amount shall be treated, for the purposes of any ensuing criminal bankruptcy proceedings, as a creditor for a debt of that amount provable in the bankruptcy of the person against whom the order was made.
- (2) For the purpose of proving any such debt in the proceedings, a copy of the criminal bankruptcy order shall, subject to paragraph 6 of this Schedule, be treated as sufficient evidence of the debt unless it is shown by any party to the proceedings that the amount of the relevant loss or damage is greater or less than the amount specified in the order, or that the loss or damage did not in fact result from any offence specified in the order ; and if it is shown as aforesaid that the amount of the relevant loss or damage is greater than that specified in the order, sub-paragraph (1) of this paragraph shall have effect as if the greater amount had been specified in the order.
- (3) This paragraph is without prejudice to the proof in criminal bankruptcy proceedings of debts other than those made provable by this paragraph.
- (4) Nothing in sub-paragraph (2) of this paragraph shall be construed as entitling any person to contend that the offence or offences specified in a criminal bankruptcy order were not committed by the person against whom the order was made.

Bankruptcy petition

- 4 (1) A criminal bankruptcy petition shall be presented to the High Court, but without prejudice to any power of transferring bankruptcy proceedings to any other court.
- (2) No criminal bankruptcy petition shall be presented by the person who under paragraph 2 of this Schedule is the debtor; and, in relation to such a petition presented

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by a creditor, section 4 of the Act of 1914 shall have effect with the following modifications—

- (a) subsections (1)(a) and (b) and (2) (conditions as to nature of debt) shall not apply to any such debt as is mentioned in paragraph 3 of this Schedule ; and
- (b) subsection (1)(d) (domicile of debtor) shall be omitted.

Bankruptcy proceedings otherwise than by virtue of this Schedule

- 5 Where a criminal bankruptcy order has been made against any person and a bankruptcy petition has been presented in respect of him before the order was made, or is presented in respect of him thereafter otherwise than by virtue of paragraph 2 of this Schedule, the court having jurisdiction in relation to the bankruptcy may, on the application of the Official Petitioner, dismiss the petition, rescind any receiving order made in pursuance thereof or, if that person has been adjudicated bankrupt, annul the adjudication, on such terms, if any, as the court thinks fit

Receiving order

- 6 For the purposes of section 5(2) and (3) of the Act of 1914 (matters to be proved before receiving order is made) the act of bankruptcy which a person is treated by this Schedule as having committed and any such debt as is mentioned in paragraph 3 of this Schedule shall be treated as conclusively proved by the production of a copy of the criminal bankruptcy order in question, and subsections (5) and (6) of that section shall not apply in relation to any such debt.
- 7 Section 12 of the Act of 1914 (power to rescind receiving order to enable bankruptcy proceedings to proceed in Scotland or Northern Ireland) shall not apply to a receiving order made on a criminal bankruptcy petition.

Administration in bankruptcy of deceased offender's estate

- 8 Paragraph 4(1) of this Schedule shall apply to any petition under section 130 of the Act of 1914 (administration in bankruptcy of estate of deceased debtor) which is presented by virtue of any such debt as is mentioned in paragraph 3 of this Schedule as it applies to a criminal bankruptcy petition ; and so much of subsection (4) of that section as enables the creditors to appoint a trustee shall not apply where an order is made under that section on a petition presented as aforesaid.

Functions of Official Petitioner

- 9 (1) The Official Petitioner may present a criminal bankruptcy petition, and a receiving order may be made on that petition.
- (2) Section 4 of the Act of 1914, as modified by paragraph 4(2) of this Schedule, shall apply to a criminal bankruptcy petition presented by the Official Petitioner as it applies to a petition presented by a creditor, but the High Court may allow the petition to be presented later than required by subsection (1)(c) of that section.
- (3) A criminal bankruptcy petition presented by the Official Petitioner shall be served in the manner prescribed by rules made under the Act of 1914.
- (4) Subsections (2), (3) and (7) of section 5 of the Act of 1914 (making of receiving order on, and withdrawal of, creditor's petition) shall apply also in relation to a criminal bankruptcy petition presented by the Official Petitioner but as if any reference to the

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debt of the petitioning creditor were a reference to any such debt as is mentioned in paragraph 3 of this Schedule ; and paragraph 6 of this Schedule shall have effect in relation to the said subsections (2) and (3) where they apply by virtue of this paragraph.

- 10 (1) The Official Petitioner may present a petition under section 130 of the said Act of 1914 in any case in which a creditor could do so by virtue of this Schedule, and an order may be made under that section on that petition.
- (2) Subsection (2) of the said section 130 shall have effect in relation to a petition presented by the Official Petitioner as if the reference to the petitioner's debt were a reference to any such debt as is mentioned in paragraph 3 of this Schedule.
- 11 (1) In the case of criminal bankruptcy proceedings, the Official Petitioner shall be entitled—
- (a) to attend any meeting of creditors and, before the meeting, to receive any notice or other document required to be sent before such a meeting to any creditor ;
 - (b) to be a member of any committee of inspection appointed under section 20 of the said Act of 1914, but not so as to count towards the number of members mentioned in subsection (2) or (9), or to be subject to removal under subsection (7), of that section ;
 - (c) to be a party to any such proceedings before any court.
- (2) In the case of criminal bankruptcy proceedings the provisions of the Act of 1914 mentioned in sub-paragraph (3) of this paragraph shall have effect as if any reference to a creditor, or to a creditor who has proved or tendered a proof, included a reference to the Official Petitioner.
- (3) The said provisions are sections 10 (appointment of special manager), 14(2) and (4) (debtor's statement of affairs), 15(4) and (8) (public examination of debtor), 16(5), (6) and (8) (compositions and schemes of arrangement), 26(7) (discharge of bankrupt), 37 (relation back of trustee's title), 74(1)(e) (report to creditors of debtor's proposal), 80 (appeal to court against act or decision of trustee) and 130(8) (administration in bankruptcy of deceased debtor's estate).
- (4) Any functions of the Official Petitioner under or by virtue of this Act may be discharged on his behalf by any person acting with his authority.

Effect of appeal against conviction

- 12 (1) Subject to the provisions of this paragraph, the fact that an appeal is pending against any conviction by virtue of which a criminal bankruptcy order was made shall not preclude the taking of any proceedings by virtue of this Schedule in consequence of the making of the order.
- (2) Where a person is adjudged bankrupt in criminal bankruptcy proceedings, no property shall be distributed by his trustee in bankruptcy and no order shall be made by the High Court under section 10 of this Act so long as an appeal is pending against his conviction of any offence by virtue of which the criminal bankruptcy order was made.
- (3) For the purposes of this paragraph an appeal against a conviction is pending—
- (a) in any case until the expiration of the period of twenty-eight days beginning with the date of conviction;

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- (b) if notice of appeal to the Court of Appeal is given during that period and during that period the appellant notifies the official receiver thereof, until the determination of the appeal and thereafter for so long as an appeal to the House of Lords is pending within the meaning of section 8(5) of this Act
- (4) Where in consequence of an appeal a criminal bankruptcy order is rescinded—
 - (a) any bankruptcy petition based on the order shall lapse and any receiving order or adjudication of bankruptcy made in consequence thereof shall cease to have effect, but without prejudice to anything previously done thereunder ;
 - (b) where any such adjudication ceases to have effect, the property of the person who was adjudicated bankrupt shall revert to him for all his estate or interest therein ; and
 - (c) the court which had jurisdiction in relation to the bankruptcy may, on his application or on the application of the official receiver, by order give such directions, if any, as appear to the court to be necessary or desirable in consequence of the foregoing provisions of this paragraph.
- (5) Where in consequence of an appeal a criminal bankruptcy order is amended by the deletion of any amount specified therein as the loss or damage suffered by any person, paragraph 3(1) of this Schedule shall not thereafter apply to that loss or damage but without prejudice to anything done before the amendment takes effect.

Rules

- 13 For the purposes of section 132 of the Act of 1914 (power to make general rules for carrying the objects of that Act into effect) this Schedule shall be deemed to be part of that Act.

SCHEDULE 2

Section 25.

INELIGIBILITY AND DISQUALIFICATION FOR AND EXCUSAL FROM, JURY SERVICE

PART I

PERSONS INELIGIBLE

Group A

The Judiciary

Holders of high judicial office within the meaning of the Appellate Jurisdiction Act 1876.

Circuit judges and Recorders.

Masters of the Supreme Court.

Registrars and assistant registrars of any court.

Metropolitan and other stipendiary magistrates.

Justices of the peace.

The Chairman or President, the Vice-Chairman or Vice-President, and the registrar and assistant registrar of any Tribunal.

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A person who has at any time been a person falling within any description specified above in this Group.

Group B

Others concerned with administration of justice

Barristers and solicitors, whether or not in actual practice as such.

Solicitors' articulated clerks.

Barristers' clerks and their assistants.

Legal executives in the employment of solicitors.

The Director of Public Prosecutions and members of his staff.

Officers employed under the Lord Chancellor and concerned wholly or mainly with the day-to-day administration of the legal system or any part of it.

Officers and staff of any court, if their work is wholly or mainly concerned with the day-to-day administration of the court.

Coroners, deputy coroners and assistant coroners.

Justices' clerks and their assistants.

Clerks and other officers appointed under section 15 of the Administration of Justice Act 1964 (Inner London magistrates courts administration).

Active Elder Brethren of the Corporation of Trinity House of Deptford Strond.

A shorthandwriter in any court.

Governors, chaplains, medical officers and other officers of penal establishments ; members of boards of visitors for penal establishments.

(" Penal establishment " for this purpose means any prison, remand centre, detention centre or borstal institution.)

The warden or a member of the staff of a probation home, probation hostel or bail hostel (as defined in section 53 of this Act).

Probation officers and persons appointed to assist them.

Members of the Parole Board ; members of local review committees established under the Criminal Justice Act 1967.

A member of any police force (including a person on central service under section 43 of the Police Act 1964); special constables; a member of any constabulary maintained under statute; a person employed in any capacity by virtue of which he has the powers and privileges of a constable.

A member of a police authority within the meaning of the Police Act 1964 ; a member of any body (corporate or other) with responsibility for appointing members of a constabulary maintained under statute.

Inspectors of Constabulary appointed by Her Majesty ; assistant inspectors of constabulary appointed by the Secretary of State.

Civilians employed for police purposes by a police authority ; members of the metropolitan civil staffs within the meaning of section 15 of the Superannuation (Miscellaneous Provisions) Act 1967 (persons employed under the Commissioner of Police of the Metropolis, Inner London justices' clerks, etc.).

A person in charge of, or employed in, any forensic science laboratory.

A person who at any time within the last ten years has been a person falling within any description specified above in this Group.

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Group C

The clergy, etc.

A man in holy orders; a regular minister of any religious denomination.

A vowed member of any religious order (whether of men or of women) living in a monastery, convent or other religious community.

Group D

The mentally ill

*(Expressions used in this Group are to be construed
in accordance with the Mental Health Act 1959)*

A person who suffers or has suffered from mental illness, subnormality, severe subnormality or psychopathic disorder and on account of that condition either—

- (a) is resident in a hospital or other similar institution ; or
- (b) regularly attends for treatment by a medical practitioner.

A person who, under Part VIII of the Mental Health Act 1959, has been determined by a judge to be incapable, by reason of mental disorder, of managing and administering his property and affairs.

A person for the time being in guardianship under section 33 of the Mental Health Act 1959.

PART II

PERSONS DISQUALIFIED

A person who has at any time been sentenced in the United Kingdom, the Channel Islands or the Isle of Man—

- (a) to imprisonment for life or for a term of five years or more ; or
- (b) to be detained during Her Majesty's pleasure or during the pleasure of the Governor of Northern Ireland.

A person who at any time in the last ten years has, in the United Kingdom or the Channel Islands or the Isle of Man—

- (a) served any part of a sentence of imprisonment or detention, being a sentence for a term of three months or more ; or
- (b) been detained in a borstal institution.

PART III

PERSONS EXCUSABLE AS OF RIGHT

Parliament

Peers and peeresses entitled to receive writs of summons to attend the House of Lords.

Members of the House of Commons.

Officers of the House of Lords.

Officers of the House of Commons.

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The Forces

Full-time serving members of—

any of Her Majesty's naval, military or air forces,
the Women's Royal Naval Service,
Queen Alexandra's Royal Naval Nursing Service, or
any Voluntary Aid Detachment serving with the Royal Navy.

(A person excusable under this head shall be under no obligation to attend in pursuance of a summons for jury service if his commanding officer certifies to the officer issuing the summons that it would be prejudicial to the efficiency of the service if the person were required to be absent from duty.)

Medical and other similar professions

The following, if actually practising their profession and registered (including provisionally or temporarily registered), enrolled or certified under the enactments relating to that profession—

medical practitioners,
dentists,
nurses,
midwives,
veterinary surgeons and veterinary practitioners,
pharmaceutical chemists.

SCHEDULE 3

Section 39.

AMENDMENTS OF ENACTMENTS RELATING TO COSTS ON APPEAL

The Criminal Appeal Act 1968

In the Criminal Appeal Act 1968—

- (1) In section 24 (award of costs on determination of appeal to Court of Appeal) substitute the following for subsection (2)—
 - “(2) The Court of Appeal may, on determining an appeal or application for leave to appeal, make an order for costs in favour of the prosecutor.
 - (3) An order for costs under this section in favour of any person is for the payment to him out of central funds of such sums as appear to the court to be reasonably sufficient to compensate him for any expenses properly incurred by him in the appeal or application (including any proceedings preliminary or incidental thereto) or in any court below.”
- (2) In section 28 (supplementary provisions about costs), in subsection (2) for " the appellant's " substitute " a person's ".
- (3) In section 31 (powers of Court of Appeal which are exercisable by single judge), in subsection (2)(g) for " section " substitute " section 24 or ".
- (4) For section 39 (award of costs on appeal, or application for leave to appeal, to House of Lords) substitute—

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“39 Costs out of central funds.

- (1) The Court of Appeal on dismissing an application for leave to appeal to the House of Lords, and that House on determining an appeal or application for leave to appeal, may make an order for costs in favour of the defendant or the prosecutor.
- (2) An order for costs under this section in favour of any person is for the payment to him out of central funds of such sums as appear to the Court of Appeal or the House of Lords (as the case may be) reasonably sufficient to compensate him for any expenses properly incurred by him in the case being—
 - (a) where the order is made (whether by the Court of Appeal or by the House of Lords) on the dismissal of an application for leave to appeal, any expenses of the application, and
 - (b) where the order is made by the House of Lords on the determination of an appeal, any expenses of the appeal (including any application for leave to appeal) or incurred in any court below.”
- (5) In section 41 (general provisions as to costs under Part II of the Act), in subsection (2), for " the defendant's " substitute " a person's " and for " his application " substitute " an application " .
- (6) In section 44 (powers of Court of Appeal under Part II which are exercisable by single judge), after paragraph (c) insert—

“(d) to make an order for costs under section 39”.
- (7) In Schedule 2, paragraph 3 (costs where retrial results in acquittal), for the words " section 1 of the Costs in Criminal Cases Act 1952 " substitute " section 47 of the Courts Act 1971 " and for " 39(2) " substitute " 39 " .

The Courts Act 1971

In section 49 of the Courts Act 1971 (costs on appeal to Divisional Court and further appeal to House of Lords) for subsection (3) substitute the following—

“(3) The House of Lords on determining an appeal from a decision of a Divisional Court of the Queen's Bench Division in a criminal cause or matter may make an order for costs in favour of the accused or the prosecutor; and an order under this subsection is for the payment to that person out of central funds of such sums as appear to the House reasonably sufficient to compensate him for any expenses properly incurred by him in the appeal to the House (including any application for leave to appeal), or in any court below.”)

and in subsection (4), for " the accused's " substitute " a person's ").

SCHEDULE 4

Section 63(3).

SECTION TO BE INSERTED IN THE **CRIMINAL APPEAL (NORTHERN IRELAND) ACT 1968 (C. 21)****“48A Reference to Court of Criminal Appeal of point of law following acquittal on indictment.**

- (1) Where a person tried on indictment has been acquitted (whether in respect of the whole or part of the indictment) the Attorney General may, if he desires the opinion of the Court of Criminal Appeal on a point of law which has arisen in the case, refer that point to the Court, and the Court shall, in accordance with this section, consider the point and give their opinion on it.
- (2) For the purpose of their consideration of a point referred to them under this section, the Court of Criminal Appeal shall hear argument—
 - (a) by, or by counsel on behalf of, the Attorney General; and
 - (b) if the acquitted person desires to present any argument to the Court, by counsel on his behalf or, with the leave of the Court, by the acquitted person himself.
- (3) Where the Court have given their opinion on a point referred to them under this section, the Court may, of their own motion or in pursuance of an application in that behalf, refer the point to the House of Lords if it appears to the Court that the point ought to be considered by that House.
- (4) If a point is referred to the House of Lords under subsection (3) of this section, the House shall consider the point and give their opinion on it accordingly; and section 38(1) of this Act shall apply also in relation to any proceedings of the House under this section.
- (5) Where on a point being referred to the Court under this section or further referred to the House of Lords the acquitted person appears by counsel for the purpose of presenting any argument to the Court or the House, he shall be entitled to his costs, that is to say to the payment out of moneys appropriated from the Exchequer of Northern Ireland of such sums as are reasonably sufficient to compensate him for his expenses properly incurred for the purpose of being represented on the reference or further reference; and any amount recoverable under this subsection shall be ascertained as soon as practicable by the Registrar or, as the case may be, such officer as may be prescribed by order of the House of Lords.
- (6) A reference under this section shall not affect the trial in relation to which the reference is made or any acquittal in that trial.
- (7) In this section " the Attorney-General" means the Attorney-General for Northern Ireland.”

SCHEDULE 5

Section 64(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Petty Sessions (Ireland) Act 1851

In the Petty Sessions (Ireland) Act 1851—

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- (a) in sections 27 and 29 for the words " county inspector" (wherever occurring) there shall be substituted the words " chief superintendent of police "; and
- (b) in section 44, for the words from "' county inspector' shall " to " rank of county inspector " there shall be substituted the words "' chief superintendent of police' means an officer of the Royal Ulster Constabulary having the rank of chief superintendent ".

The Theatrical Employers Registration Act 1925

In section 6(2) of the Theatrical Employers Registration Act 1925 for the words " until seven days after it is made, or if an appeal has been entered " there shall be substituted the words " until the expiration of the period within which notice of appeal to the Crown Court may be given against the order, or if notice of appeal is given ".

The Children and Young Persons Act 1933

In section 55(1) of the Children and Young Persons Act 1933 for the words " a fine, damages or costs may be imposed ", " the imposition of a fine, damages or costs " and " the fine, damages or costs awarded " there shall be substituted respectively the words " a fine or costs may be imposed or a compensation order may be made under section 1 of the Criminal Justice Act 1972 " , " the imposition of a fine or costs or the making of such an order" and " the fine, compensation or costs awarded ".

The Incitement to Disaffection Act 1934

In section 2(4) of the Incitement to Disaffection Act 1934 for the words from " and subject as aforesaid" onwards there shall be substituted the words " and, in relation to property which has come into the possession of the police under this section, the Police (Property) Act 1897 (which makes provision with respect to the disposal of property in the possession of the police) shall have effect subject to the foregoing provisions of this subsection and to the provisions of this Act conferring powers on courts dealing with offences ".

The Dogs Amendment Act 1938

In section 1(2) of the Dogs Amendment Act 1938 for the words " fourteen days from the date of the order " there shall be substituted the words " the period within which notice of appeal to the Crown Court may be given against the order ".

The Criminal Justice Act 1948

In section 3(3) of the Criminal Justice Act 1948 for the words " subsection (2) of section eleven of this Act" there shall be substituted the words " section 1 of the Criminal Justice Act 1972 ".

In section 4(1) of the said Act for the words " for such period not extending beyond twelve months from the date of the order as may be specified therein" there shall be substituted the words " during the whole of the probation period or such part as may be specified in the order ".

In Schedule 1 to the said Act, in paragraph 3, after the words " sections three and four of this Act" there shall be inserted the words " or of section 20 of the Criminal Justice Act 1972 ".

In Schedule 5 to the said Act, in paragraph 3(6) (duty of case committees to review work of probation officers), the words "in individual cases " shall be omitted.

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The Reserve and Auxiliary Forces (Training) Act 1951

In section 6(5) of the Reserve and Auxiliary Forces (Training) Act 1951 for the words from " and subject as aforesaid " onwards there shall be substituted the words " and, in relation to property which has come into the possession of the police under this section, the Police (Property) Act 1897 (which makes provision with respect to the disposal of property in the possession of the police) shall have effect subject to the foregoing provisions of this subsection and to the provisions of this section conferring powers on courts dealing with offences ".

The Costs in Criminal Cases Act 1952

In section 14 of the Costs in Criminal Cases Act 1952 for subsection (4) there shall be substituted—

“(4) This Act shall apply to proceedings under section 13, 17 or 18 of the Criminal Justice Act 1972 (suspended sentence supervision orders and community service orders) as if the offender had been tried in those proceedings for the offence in respect of which the order was made.”.

In section 17 of the said Act (interpretation), the definition of " prosecutor " in subsection (1), and subsection (4), shall be omitted.

The Magistrates' Courts Act 1952

In section 7(3) of the Magistrates' Courts Act 1952 (power of magistrates to grant bail to a person committed in custody to await trial), for the words "the first sitting of the court before which he is to be tried ", there shall be substituted the words " his first appearance before the Crown Court ".

In section 114(1) of the said Act of 1952 for paragraphs (a) and (b) there shall be substituted—

- “(a) in the first place in payment of any compensation adjudged by the conviction to be paid to any person ;
- (b) in the second place in payment of any costs so adjudged to be paid to the prosecutor ;”.

The Prevention of Fraud (Investments) Act 1958

For subsection (11) of section 14 of the Prevention of Fraud (Investments) Act 1958 there shall be substituted—

“(11) In relation to property which has come into the possession of the police in consequence of a seizure under this section, the Police (Property) Act 1897 (which makes provision with respect to the disposal of property in the possession of the police) shall have effect subject to the provisions of the last two preceding subsections.”.

The Criminal Justice Act 1961

In section 12(4) of the Criminal Justice Act 1961 for the words " the court shall" there shall be substituted the words " then, unless the court proposes to deal with him otherwise than by making an order under this section, the court shall " and after the words " in custody " there shall be inserted the words " or on bail ".

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The Criminal Justice Act 1967

In the Criminal Justice Act 1967—

- (a) in section 18(7) for the words from "inform him" to the end of the subsection there shall be substituted the words—
 - “(a) in a case of committal, inform him that he may apply to a judge of the High Court, or to the Crown Court, to be admitted to bail, and
 - (b) in any other case, inform him that he may apply to a judge of the High Court for that purpose.”
- (b) in section 53, after subsection (2), there shall be inserted—
 - “(2A) Where an application under this section is made by the probation officer, it may be heard in the absence of the probationer if the officer produces to the court a statement by him that he understands the effect of an order under this section and consents to the application being made.”;
- (c) in section 60(2) the words "between conviction and sentence" shall be omitted ;
- (d) in section 67(1), after the words "probation order" there shall be inserted the words "a community service order";
- (e) after subsection (8) of section 73 there shall be inserted—
 - “(8A) Where a person makes an application to a magistrates' court under section 3 of the Criminal Justice Act 1972 (review of compensation orders) the court may order that he shall be given legal aid for the purpose of the proceedings before the court.”;
- (f) in the definition of "dealt with" in section 74(12) after "1948" there shall be inserted the words "under section 13, 17 or 18(1) or (2) of the Criminal Justice Act 1972";
- (g) in the definition of "committed for sentence" in section 84(1) after "1959" there shall be inserted the words "section 17 or 18(2) of the Criminal Justice Act 1972".

The Criminal Appeal Act 1968

In section 10(3) of the Criminal Appeal Act 1968, after paragraph (c) there shall be inserted—

- “or
- (d) where the court makes in respect of him an order under section 12 of the Criminal Justice Act 1961 (return to borstal institution on re-conviction).”

The Theft Act 1968

For subsections (1) to (3) of section 28 of the Theft Act 1968 there shall be substituted—

- “(1) Where goods have been stolen, and either a person is convicted of any offence with reference to the theft (whether or not the stealing is the gist of his offence) or a person is convicted of any other offence but such an offence as aforesaid is taken into consideration in determining his sentence, the court by or before which the offender is convicted may on the conviction exercise any of the following powers—
- (a) the court may order anyone having possession or control of the goods to restore them to any person entitled to recover them from him ; or
 - (b) on the application of a person entitled to recover from the person convicted any other goods directly or indirectly representing the first-mentioned goods (as being the proceeds of any disposal or realisation of the whole or part of them

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- or of goods so representing them), the court may order those other goods to be delivered or transferred to the applicant; or
- (c) the court may order that a sum not exceeding the value of the first-mentioned goods shall be paid, out of any money of the person convicted which was taken out of his possession on his apprehension, to any person who, if those goods were in the possession of the person convicted, would be entitled to recover them from him.
- (2) Where under subsection (1) above the court has power on a person's conviction to make an order against him both under paragraph (b) and under paragraph (c) with reference to the stealing of the same goods, the court may make orders under both paragraphs provided that the person in whose favour the orders are made does not thereby recover more than the value of those goods.
- (3) Where under subsection (1) above the court on a person's conviction makes an order under paragraph (a) for the restoration of any goods, and it appears to the court that the person convicted has sold the goods to a person acting in good faith, or has borrowed money on the security of them from a person so acting, the court may order that there shall be paid to the purchaser or lender, out of any money of the person convicted which was taken out of his possession on his apprehension, a sum not exceeding the amount paid for the purchase by the purchaser or, as the case may be, the amount owed to the lender in respect of the loan.”

The Children and Young Persons Act 1969

For paragraph (a) of section 3(6) of the Children and Young Persons Act 1969 there shall be substituted—

- “(a) section 1 of the Criminal Justice Act 1972 (which relates to compensation for personal injury and loss of or damage to property) shall apply as if the finding were a finding of guilty of the offence and as if the maximum amount which could be ordered to be paid under that section in respect of that offence were £100 ;”.

In section 6(1) of the said Act of 1969 for the words "the court shall, if it is of opinion that there is sufficient evidence to put the accused on trial, commit him for trial" there shall be substituted the words " the court shall commit the accused for trial if either it is of opinion that there is sufficient evidence to put him on trial or it has power under section 1 of the Criminal Justice Act 1967 so to commit him without consideration of the evidence ".

In section 7(8) of the said Act of 1969 for the words from " decides to deal with the case " to the end of the subsection there shall be substituted the words " is of the opinion that the case is one which can properly be dealt with by means of—

- (a) an order discharging him absolutely or conditionally ; or
(b) an order for the payment of a fine ; or
(c) an order requiring his parent or guardian to enter into a recognisance to take proper care of him and exercise proper control over him,

with or without any other order that the court has power to make when absolutely or conditionally discharging an offender.”.

The Administration of Justice Act 1970

In Part I of Schedule 9 to the Administration of Justice Act 1970—

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- (a) at the end of paragraph 9 there shall be added the words " or under section 14(4) of the said Act of 1952 (proceedings relating to suspended sentence supervision orders and community service orders). "; and
- (b) for paragraphs 9A, 10 and 11 there shall be substituted—
 - “10 Where under section 1 of the Criminal Justice Act 1972 a court orders the payment of compensation.”.

The Courts Act 1971

In the Courts Act 1971, the following amendments shall be made—

- (a) in section 31(4), for the words " recorded in the juror's book " there shall be substituted the words " shown in the electoral register ";
- (b) in section 33(1), for the words from " and who " to the end of the subsection there shall be substituted the words " to be summoned (without any written notice) for jury service up to the number needed (after allowing for any who may not be qualified under section 25(1) of the Criminal Justice Act 1972, and for refusals and challenges) to make up a full jury ";
- (c) in section 34(2), for the words from " notwithstanding" onwards there shall be substituted the words " excuse him from so attending (whether or not he is a person entitled to be excused under section 25(2) of the Criminal Justice Act 1972) ";
- (d) in section 40(2)(b), for the words " included in the relevant juror's book or jury list " there shall be substituted the words " qualified in accordance with section 25(1) of the Criminal Justice Act 1972 ";
- (e) in Schedule 4—
 - in paragraph 3, for sub-paragraph (2) there shall be substituted the following sub-paragraph—
 - “(2) In section 29 of the Juries Act 1825 for the words " any of the courts herein-before mentioned " substitute " the Crown Court " ;”
 - at the end of paragraph 6, there shall be inserted the words " or in consequence of section 25 of the Criminal Justice Act 1972 ".

The Immigration Act 1971

In section 6(3)(b) of the Immigration Act 1971 for the words " first offenders " there shall be substituted the words " persons who have not previously been sentenced to imprisonment ".

The Road Traffic Act 1972

In section 105(2) of the Road Traffic Act 1972 after the words " for the purpose of endorsement " there shall be inserted the words " (or its production to comply with section 24(3) of the Criminal Justice Act 1972 in the case of disqualification under that section) ".

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

SCHEDULE 6

Section 64(2).

REPEALS

PART I

JURIES

Chapter	Short Title	Extent of Repeal
31 Geo. 3. c. 32.	The Roman Catholic Relief Act 1791.	In section 8 the words " from serving upon any jury or "
6 Geo. 4. c. 50.	The Juries Act 1825.	Sections 1, 27 and 50.
33 & 34 Vict. c. 77.	The Junes Act 1870.	Sections 4, 5, 7 to 10, 25 and the Schedule.
53 & 54 Vict. c. 21.	The Inland Revenue Regulation Act 1890.	In section 8, the words " or on any jury or inquest whatsoever "
53 & 54 Vict. c. cexliii.	The London Council (General Powers) Act 1890.	Section 26.
7 Edw. 7. c. cxl.	The City of London (Union of Parishes) Act 1907.	Section 26.
9 & 10 Geo. 5. c. 71.	The Sex Disqualification (Removal) Act 1919.	In section 1 the words " and a person shall not be exempted by sex or marriage from the liability to serve as a juror " In section 4(2) the words from " and any enactment relating to juries " onwards.
9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act 1919.	Section 8.
12 & 13 Geo. 5. c. 11.	The Juries Act 1922.	The whole Act.
19 & 20 Geo. 5. c. 17.	The Local Government Act 1929.	Section 79(1).
11 & 12 Geo. 6. c. 65.	The Representation of the People Act 1948.	In Schedule 10, Part II, paragraph 7(2).
12, 13 & 14 Geo. 6. c. 86.	The Electoral Registers Act 1949.	Section 3(1). Schedule 2.
14 & 15 Geo. 6. c. 53.	The Midwives Act 1951.	Section 22.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.	The Customs and Excise Act 1952.	In section 2(1) the words " or on any jury whatsoever "
1 & 2 Eliz. 2. c. 50.	The Auxiliary Forces Act 1953.	In section 39(3) the words " and shall be exempt from

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Chapter	Short Title	Extent of Repeal
		<p>serving on any jury and the proviso.</p> <p>Section 144(5).</p>
2 & 3 Eliz. 2. c. 70.	The Mines and Quarries Act 1954.	
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	Section 183.
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	Section 183.
5 & 6 Eliz. 2. c. 28.	The Dentists Act 1957.	In section 32, in subsection (1), the words " serving on all juries and inquests whatsoever and from "; subsection (2).
9 & 10 Eliz. 2. c. 34.	The Factories Act 1961.	Section 145(5).
10 & 11 Eliz. 2. c. xlii.	The British Transport Commission Act 1962.	Section 43(2).
1964 c. 42.	The Administration of Justice Act 1964.	Section 21. Schedule 3 paragraph 13.
1964 c. 48.	The Police Act 1964.	In Schedule 9, the entry relating to the Juries Act 1870.
1965 c. 16.	The Airports Authority Act 1965.	Section 10(5).
1966 c. 36.	The Veterinary Surgeons Act 1966.	Section 24(1).
1967 c. 80.	The Criminal Justice Act 1967.	Sections 14 to 16.
1968 c. xxxii.	The Port of London Act 1968.	Section 154(4). In Schedule 2, Part I, paragraph 14.
1970 c. 9.	The Taxes Management Act 1970.	Section 5(2).
1971 c. 23.	The Courts Act 1971.	In section 31, in subsection (3), the words from " and in section 1" onwards; and subsection (7). Section 33(3). In Schedule 4, paragraphs 1 and 2. In Schedule 8, paragraphs 11 and 50.

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PART II

OTHER REPEALS

Chapter	Short Title	Extent of Repeal
33 & 34 Vict. c. 23.	The Forfeiture Act 1870.	Section 4.
8 Edw. 7. c. 65.	The Summary Jurisdiction (Scotland) Act 1908.	In section 77(4) the words " forty-four " .
1 & 2 Geo. 5. c. 27.	The Protection of Animals Act 1911.	Section 4.
16 & 17 Geo. 5. c. 60.	The Legitimacy Act 1926.	In the Schedule, in paragraph 6 the words from " and any sum " onwards.
11 & 12 Geo. 6. c. 58.	The Criminal Justice Act 1948.	Section 11(2). Section 14(2). In section 77(3), the proviso. In section 80(6) the word " damages " . In Schedule 1, in paragraph (b) of the proviso to paragraph 3, the words " or to submit to treatment for his mental condition " . In Schedule 5, in paragraph 2(1)(a), the words from " and, if the order so provides" onwards; paragraph 3(4); and in paragraph 3(6) the words " in individual cases " .
12, 13 & 14 Geo. 6. c. 101.	The Justices of the Peace Act 1949.	In section 27, in subsection (5) the words " and any question whether expenditure was properly incurred shall also be so determined"; and subsections (10)(a) and (11). Section 28.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 48.	The Costs in Criminal Cases Act 1952.	In section 17, in subsection (1) the definition of " prosecutor " and subsection (4).
16 & 17 Geo. 6. & 1 Eliz. 2. c. 52.	The Prison Act 1952.	Section 38 except as provided in section 59 of this Act.
15 & 16 Geo. 6. c. 55.	The Magistrates' Courts Act 1952.	Section 34.

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

Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 20.	The Births and Deaths Registration Act 1953.	Section 38(2).
2 & 3 Eliz. 2. c. 70.	The Mines and Quarries Act 1954.	Section 167.
3 & 4 Eliz. 2. c. 18.	The Army Act 1955.	Section 221.
3 & 4 Eliz. 2. c. 19.	The Air Force Act 1955.	Section 219.
5 & 6 Eliz. 2. c. 53.	The Naval Discipline Act 1957.	Section 100(3).
6 & 7 Eliz. 2. c. 31.	The First Offenders Act 1958.	The whole Act.
7 & 8 Eliz. 2. c. 22.	The County Courts Act 1959.	Section 181.
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	Section 247(1).
9 & 10 Eliz. 2. c. 15.	The Post Office Act 1961.	Section 24(2).
9 & 10 Eliz. 2. c. 34.	The Factories Act 1961.	In section 164(6) the words from the beginning to " Exchequer; and ".
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	Section 8(4).
1963 c. 39.	The Criminal Justice (Scotland) Act 1963.	In Schedule 5 the amendment of the First Offenders Act 1958.
1964 c. 42.	The Administration of Justice Act 1964.	Section 22(2)(a). In Schedule 3, paragraph 19(4) and in paragraph 20(7) the words from " and in section 27(2) " onwards.
1965 c. 24.	The Severn Bridge Tolls Act 1965.	Section 20(4).
1967 c. 10.	The Forestry Act 1967.	Section 46(6).
1967 c. 58.	The Criminal Law Act 1967.	In Schedule 2, paragraph 9.
1967 c. 76.	The Road Traffic Regulation Act 1967.	Section 94(1).
1967 c. 80.	The Criminal Justice Act 1967.	Section 39(3) to (6). In section 47(10) the words "and as being Exchequer moneys " In section 54(5) the words from "and the maximum fine " onwards.

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Chapter	Short Title	Extent of Repeal
1967 c. 83.	The Sea Fisheries (Shellfish) Act 1967.	In section 60(2), the words " between conviction and sentence ". Section 19(3).
1968 c. 27.	The Firearms Act 1968.	In Schedule 6, in column 4 of Part I, in the entries relating to sections 16, 17(1) and (2) and 18(1), the words "in England or Wales ".
1968 c. 60.	The Theft Act 1968.	Section 26(4).
1969 c. 54.	The Children and Young Persons Act 1969.	In Schedule 5, paragraph 1.
1970 c. 31.	The Administration of Justice Act 1970.	Section 50(a). In Schedule 9, in paragraph 12, the word " damages ".
1971 c. 10.	The Vehicles (Excise) Act 1971.	Section 35(1).
1971 c. 23.	The Courts Act 1971.	Section 53(2)(b). In Schedule 8 paragraph 43(2) and, in paragraph 48(a), the reference to section 73(5).
1971 c. 48.	The Criminal Damage Act 1971.	Section 7(1). Section 8.
1971 c. 77.	The Immigration Act 1971.	In Schedule 2, in paragraph 23(3) the words " and as being Exchequer moneys ", and the same words in paragraph 31(4).
1972 c. 20.	The Road Traffic Act 1972.	Section 185(1).