



Criminal Justice Act 1925

1925 CHAPTER 86

PART IV

MISCELLANEOUS AND GENERAL

44 Power of arrest under warrant

Any warrant lawfully issued by a justice for apprehending any person charged with any offence may be executed by any constable at any time notwithstanding that the warrant is not in his possession at that time, but the warrant shall, on the demand of the person apprehended, be shown to him as soon as practicable after his arrest.

45 Power to release on bail before charge is accepted

The section substituted by section twenty-two of the Criminal Justice Administration Act, 1914, for section thirty-eight of the Summary Jurisdiction Act, 1879, shall have effect as though the following subsection were added thereto :

“(2) If, on a person being so taken into custody as aforesaid, it appears to the superintendent, inspector or other officer aforesaid that the enquiry into the case cannot be completed forthwith, he may discharge the said person on his entering into a recognizance, with or without sureties for a reasonable amount, to appear at such police station and at such time as is named in the recognizance, unless he previously receives notice in writing from the officer of police in charge of that police station that his attendance is not required, and any such recognizance may be enforced as if it were a recognizance conditioned for the appearance of the said person before the court of summary jurisdiction for the place in which the police station named in the recognizance is situate.”

46 Amendments as to detention in Borstal institutions

- (1) Section ten of the Criminal Justice Administration Act, 1914 (which empowers a court of summary jurisdiction in certain cases to commit an offender to prison until the next quarter sessions, and empowers the court of quarter sessions to sentence the offender

Status: This is the original version (as it was originally enacted).

to detention in a Borstal institution) shall have effect as though for the words " the next quarter sessions " there were substituted the words " the next assizes or quarter sessions, whichever appears to the court to be more convenient, " and as though for the words " court of quarter sessions " wherever they occur in that section there were substituted the words " court of assize or court of quarter sessions, as the case may be. "

- (2) Where any person is, under the law for the time being in force, sentenced by any court in the Isle of Man or the Channel Islands to detention in a Borstal institution, he may, if the Secretary of State by order so directs, be removed to and detained in a Borstal institution in England, and if so detained shall, subject as hereinafter provided, be liable to be dealt with in every respect in the same manner as if he had been sentenced under the Prevention of Crime Act, 1908, by a court in England to detention in such an institution:

Provided that—

- (a) if any person who by virtue of this section has been removed from the Isle of Man or the Channel Islands and is undergoing detention in a Borstal institution is released on licence, he may be placed under the supervision or authority of a society or person in the Isle of Man or the Channel Islands, as the case may be; and
- (b) where a licence granted to any such person under the said Act is revoked, he may, if in the Isle of Man or the Channel Islands, without warrant be apprehended therein and removed therefrom to England for the purpose of being taken to the institution, and where any such licence is forfeited the provisions of subsection (5) of section live of the said Act shall apply as if references therein to a court of summary jurisdiction included a reference to any court exercising corresponding jurisdiction in the Isle of Man or the Channel Islands.

47 Abolition of presumption of coercion of married woman by husband

Any presumption of law that an offence committed by a wife in the presence of her husband is committed under the coercion of the husband is hereby abolished, but on a charge against a wife for any offence other than treason or murder it shall be a good defence to prove that the offence was committed in the presence of, and under the coercion of, the husband.

48 Amendment of Schedule 1. of Children Act, 1908

For the purpose of removing doubts, it is hereby declared that the expression " any other offence involving " bodily injury to a child or young person " in the First Schedule to the Children Act, 1908, includes the following offences, that is to say, the murder or manslaughter of a child or young person and infanticide.

49 Short title, interpretation, extent, repeal and commencement

- (1) This Act may be cited as the Criminal Justice Act, 1925.

- (2) In this Act, unless the context otherwise requires—

The expression " examining justices " means the justices before whom a charge is made against any person for an indictable offence, and references to examining justices include a reference to a single examining justice:

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The expression " quarter sessions " includes quarter sessions held by adjournment and intermediate general sessions.

- (3) This Act shall not extend to Scotland or Northern Ireland, and references therein to warrants issued shall not be construed as including warrants issued elsewhere than in England or Wales.
- (4) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent specified, in the third column of that Schedule.
- (5) This Act, except Part I. thereof, shall come into operation on the first day of June, nineteen hundred and twenty-six, and Part I. of this Act shall come into operation on the first day of July, nineteen hundred and twenty-six.