

“ remuneration received therefrom does not exceed one pound
“ a week.”

16. Anything required or authorised under Part II. of the principal Act to be done by, to or before the Board of Trade may be done by, to or before the President or a Secretary or Assistant Secretary of the Board or any person authorised in that behalf by the President of the Board.

Power of President, &c., to act for Board of Trade.

17.—(1) So much of the Seventh Schedule of the principal Act as prohibits workmen from receiving within any period of twelve months unemployment benefit for more than fifteen or such other number of weeks as may be prescribed shall have effect as if for the reference to any period of twelve months there were substituted a reference to an insurance year.

Amendment of Seventh Schedule of principal Act.

(2) A workman in respect of whom no contributions have been paid before the passing of this Act shall not be entitled under proviso (a) to the fourth paragraph in the Seventh Schedule of the principal Act to any addition to the number of contributions which he has actually paid.

18.—(1) This Act may be cited as the National Insurance (Part II. Amendment) Act, 1914, and shall be construed as one with Part II. of the principal Act; and the National Insurance Acts, 1911 and 1913, and this Act may be cited together as the National Insurance Acts, 1911 to 1914.

Short title and construction.

(2) For the purposes of this Act the expression “insurance year” means such period of not less than fifty-two nor more than fifty-three weeks as may be prescribed.

CHAPTER 58.

An Act to diminish the number of cases committed to prison, to amend the Law with respect to the treatment and punishment of young offenders, and otherwise to improve the Administration of Criminal Justice.

[10th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Fines, Fees, &c.

1.—(1) A warrant committing a person to prison in respect of non-payment of a sum adjudged to be paid by a conviction of a court of summary jurisdiction shall not be issued forthwith unless the court which passed the sentence is satisfied that he

Obligation to allow time for payment of fines

is possessed of sufficient means to enable him to pay the sum forthwith, or unless, upon being asked by the court whether he desires that time should be allowed for payment, he does not express any such desire, or fails to satisfy the court that he has a fixed abode within its jurisdiction, or unless the court for any other special reason expressly directs that no time shall be allowed.

(2) Where any such person desires to be allowed time for payment the court in deciding what time shall be allowed shall consider any representation made by him, but the time allowed shall not be less than seven clear days:

Provided that if before the expiration of the time allowed the person convicted surrenders himself to any court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, and states that he prefers immediate committal to awaiting the expiration of the time allowed, that court may if it thinks fit forthwith issue a warrant committing him to prison.

(3) Where a person so allowed time for payment as aforesaid appears to the court to be not less than sixteen nor more than twenty-one years of age, the court may, if it thinks fit, and subject to any rules made under this Act, order that he be placed under the supervision of such person as may be appointed by the court until the sum adjudged to be paid is paid, and in such case before issuing a warrant committing the offender to prison in respect of non-payment of the sum a court of summary jurisdiction shall consider any report as to the conduct and means of the offender, which may be made by the person under whose supervision the offender has been placed.

(4) In all cases where time is not allowed for payment, the reasons of the court for the immediate committal shall be stated in the warrant of commitment.

Allowance of
further time.

2. Where time has been allowed for the payment of a sum adjudged to be paid by a conviction or order of a court of summary jurisdiction, further time may, subject to any rules made under this Act, on an application by or on behalf of the offender, be allowed by a court of summary jurisdiction having jurisdiction to issue a warrant of commitment in respect of the non-payment of such sum as aforesaid, or such court may, subject as aforesaid, direct payment by instalments of the sum so adjudged to be paid.

Reduction of
imprisonment
on part pay-
ment of sums
adjudged to be
paid.

3.—(1) Where a term of imprisonment is imposed by a court of summary jurisdiction in respect of the non-payment of any sum of money adjudged to be paid by a conviction or order of that or any other court of summary jurisdiction, that term shall, on payment of a part of such sum to any person authorised to receive it, be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days in the term as the sum paid bears to the sum adjudged to be paid :

Provided that, in reckoning the number of days by which any term of imprisonment would be reduced under this section, the first day of imprisonment shall not be taken into account, and that, in reckoning the sum which will secure the reduction of a term of imprisonment, fractions of a penny shall be omitted.

(2) Provision may be made by rules under section twenty-nine of the Summary Jurisdiction Act, 1879, as to the application of sums paid under this section and for determining the persons authorised to receive such payments and the conditions under which such payments may be made. 42 & 43 Vict.
c. 49.

4.—(1) Where a person has been adjudged to pay a sum by a conviction of a court of summary jurisdiction, or in proceedings in any such court for enforcing an order in any matter of bastardy, or an order under which weekly sums are made payable towards the maintenance of a wife, the court may order him to be searched and any money found on him on apprehension, or when so searched, or which may be found on him when taken to prison in default of payment of the sum so adjudged to be paid, may, unless the court otherwise directs, be applied towards the payment of the sum so adjudged to be paid, and the surplus, if any, shall be returned to him. Provisions for
enforcement of
payment of
fines, &c.

Provided that the money shall not be so applied if the court is satisfied that the money does not belong to the person on whom it was found, or that the loss of the money will be more injurious to his family than his imprisonment.

(2) Where a warrant of distress is issued by a court of summary jurisdiction it shall authorise the person charged with the execution thereof to take any money as well as any goods of the person against whom the distress is levied, and any money so taken shall be treated as if it were the proceeds of sale of goods taken under the warrant, and the provisions of the Summary Jurisdiction Acts shall apply accordingly.

5.—(1) A court of summary jurisdiction in fixing the amount of any fine to be imposed on an offender shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court; and where a fine is imposed the payment of the court fees and police fees payable in the case up to and including conviction shall not be taken into consideration in fixing the amount of the fine or be imposed in addition to the fine, but the amount of the fine, or of such part thereof as may be paid or recovered, shall be applied as follows:— Payment and
allocation of
fines and fees.

(a) in the first place in the repayment to the informant or complainant of any court or police fees paid by him;

(b) in the second place in the payment of any court fees not already paid by the informant or complainant which may be payable under the table of fees set out in the First Schedule to this Act;

- (c) in the third place in the payment of any police fees not already paid by the informant or complainant; and
- (d) the balance (if any) remaining after the aforesaid payments have been made shall be paid to the fund or person to which the fine is directed to be paid by the enactments relating to the offence in respect of which the fine was imposed, or, if there is no such fund or person, then to the fund into which the court fees are paid.

(2) In this section the expression "police fees" means all duly authorised fees payable to any constable in the execution of his duty.

Uniform scale
of court fees
as respects all
courts of
summary
jurisdiction,

6.—(1) The table of court fees set out in Part I. of the First Schedule to this Act shall have effect in all courts of summary jurisdiction, and shall be substituted for any table of fees in force at the commencement of this Act in any court of summary jurisdiction, and references in any enactment to any fees for which fees in the said table are so substituted shall be construed as references to the fees so substituted.

(2) Notwithstanding any provisions in any other general or local Act or in any rules made under any such Act enabling fees to be charged by clerks to justices, the fees set out in Part I. of that schedule, and no other fees, may be charged by clerks to justices:

Provided that nothing in this section shall affect the fees chargeable in metropolitan police courts or the police courts of the City of London, or in respect of the matters specified in Part II. of that schedule.

(3) The Secretary of State may, in the event of new or additional duties being imposed on courts of summary jurisdiction or clerks to justices, or for other sufficient reason, by order make such variations in the said table of fees as may seem to him to be proper, and upon such order coming into operation the table shall have effect subject to the variations made by the order:

Provided that before any such order is made a draft of the proposed order shall be laid before each House of Parliament for a period of not less than thirty days during which the House is sitting, and if either of those Houses before the expiration of those thirty days presents an address to His Majesty against the draft order or any part thereof no further proceedings shall be taken thereon, without prejudice to the making of a new draft order.

Probation.

7.—(1) If a society is formed or is already in existence having as its object or amongst its objects the care and control of persons under the age of twenty-one whilst on probation

Power to re-
cognise and
subsidise
societies for

under the Probation of Offenders Act, 1907, or of persons whilst placed out on licence from a reformatory or industrial school or Borstal institution, or under supervision after the determination of the period of their detention in such a school or institution, or under supervision in pursuance of this Act, or some one or more of such objects the society may apply to the Secretary of State for recognition, and the Secretary of State, if he approves of the constitution of the society and is satisfied as to the means adopted by the society for securing such objects as aforesaid, may grant his recognition to the society.

care of youthful offenders on probation, &c.
7 Edw. 7. c. 17.

(2) Where a probation order is made by a court of summary jurisdiction in respect of a person who appears to the court to be under the age of twenty-one, the court may appoint any person provided by a recognised society to act as probation officer in the case.

(3) Where a probation officer provided by a recognised society has been appointed to act in any case and it is subsequently found by the society expedient that some other officer provided by the society should be substituted for the officer originally appointed, the society may, subject to the approval of the court, appoint such other officer to act, and thereupon the probation order shall have effect as if such substituted officer had originally been appointed to act as probation officer.

(4) There may be paid to a recognised society out of moneys provided by Parliament towards the expenses incurred by the society such sums on such conditions as the Secretary of State, with the approval of the Treasury, may recommend.

8. For subsection (2) of section two of the Probation of Offenders Act, 1907, which specifies the additional conditions which may be inserted in a recognisance under that Act, the following subsection shall be substituted:—

Conditions of probation.

“(2) A recognisance under this Act may contain such additional conditions with respect to residence, abstention from intoxicating liquor, and any other matters, as the court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences.”

9. The following section shall be substituted for section five of the Probation of Offenders Act, 1907, which relates to the power of varying the conditions of recognisances:—

Variation of terms and conditions of probation.

“The court before which any person is bound by a recognisance under this Act to appear for conviction and sentence or for sentence—

“(a) may at any time if it appears to it, upon the application of the probation officer, that it is expedient that the terms or conditions of the recognisance should be varied, summon the person bound by the recognisance to appear before it, and, if he fails to show cause why such variation should not be made,

vary the terms of the recognisance by extending or diminishing the duration thereof (so, however, that it shall not exceed three years from the date of the original order), or by altering the conditions thereof, or by inserting additional conditions; or

- (b) may on application being made by the probation officer, and on being satisfied that the conduct of the person bound by the recognisance has been such as to make it unnecessary that he any longer be under supervision, discharge the recognisance."

Committals to Borstal Institutions.

Power to send
youthful de-
linquents to
Borstal institu-
tions.

10.—(1) Where a person is summarily convicted of any offence for which the court has power to impose a sentence of imprisonment for one month or upwards without the option of a fine, and—

- (a) it appears to the court that the offender is not less than sixteen nor more than twenty-one years of age; and
- (b) it is proved that the offender has previously been convicted of any offence or, that having been previously discharged on probation, he failed to observe a condition of his recognizance; and
- (c) it appears to the court that by reason of the offender's criminal habits or tendencies, or association with persons of bad character, it is expedient that he should be subject to detention for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime,

it shall be lawful for the court, in lieu of passing sentence, to commit the offender to prison until the next quarter sessions, and the court of quarter sessions shall inquire into the circumstances of the case, and, if it appears to the court that the offender is of such age as aforesaid and that for any such reason as aforesaid it is expedient that the offender should be subject to such detention as aforesaid, shall pass such sentence of detention in a Borstal institution as is authorised by Part I. of the Prevention of Crime Act, 1908, as amended by this Act; otherwise the court shall deal with the case in any way in which the court of summary jurisdiction might have dealt with it.

8 Edw. 7. c. 79

(2) A court of summary jurisdiction or court of quarter sessions, before dealing with any case under this section, shall consider any report or representations which may be made to it by or on behalf of the Prison Commissioners as to the suitability of the offender for such detention as aforesaid, and a court of summary jurisdiction shall, where necessary, adjourn the case for the purpose of giving an opportunity for such a report or representations being made.

(3) Where a person is committed to prison under this section his treatment in prison shall, so far as practicable, be similar to that in Borstal institutions, or he may, if the Secretary of State so directs, be transferred to a Borstal institution.

(4) The Costs in Criminal Cases Act, 1908, shall apply in 8 Edw. 7. c. 15 the case of a person committed to prison by a court of summary jurisdiction under this section as if that person were committed for trial for an indictable offence.

(5) A person sentenced by a court of quarter sessions under this section to detention in a Borstal institution may appeal against the sentence to the Court of Criminal Appeal as if he had been convicted on indictment, and the provisions of the Criminal Appeal Act, 1907, shall apply accordingly.

7 Edw. 7 c. 23

(6) This section shall come into operation on the first day of September nineteen hundred and fifteen.

11.—(1) The term for which a person or youthful offender may be sentenced to detention in a Borstal institution under section one or section two of the Prevention of Crime Act, 1908, shall not be less than two years, and accordingly "two years" shall be substituted for "one year" in subsection (1) of section one and in section two respectively of that Act.

Amendment and application of Part I of the Prevention of Crime Act, 1908

(2) The period for which a person sentenced to detention in a Borstal institution is on the expiration of the term of his sentence to remain under the supervision of the Prison Commissioners shall be one year, and accordingly "one year" shall be substituted for "six months" in subsection (1) of section six of the same Act.

(3) The maximum period for which a person so under the supervision of the Prison Commissioners may on recall to a Borstal institution be detained in such an institution shall be one year, and he may be so detained notwithstanding that the period of supervision has expired, and accordingly "one year" shall be substituted for "three months" in subsection (2) of section six of that Act.

(4) The provisions of Part I. of the Prevention of Crime Act, 1908, as so amended, shall apply to persons sentenced to detention in a Borstal institution under this Act in like manner as they apply to persons sentenced under that Part of that Act.

New Powers of dealing with Offenders.

12. Where a court of summary jurisdiction has power to pass a sentence of imprisonment, the court, in lieu of passing a sentence of imprisonment, may order that the offender be detained within the precincts of the court, or at any police station, till such hour, not later than eight in the evening on the day on which he is convicted, as the court may direct:

Power to order detention for one day in precincts of the court.

Provided that a court of summary jurisdiction shall, before making an order of detention under this section, take into consideration the distance between the place of detention and the offender's abode (if his abode is known to, or ascertainable by, the court), and shall not make any such order of detention under this section as will deprive the offender of a reasonable opportunity of returning to his abode on the day on which such order of detention is made.

Substitution of
police custody
for imprison-
ment in case
of short
sentences.

13.—(1) No person shall be sentenced to imprisonment by a court of summary jurisdiction for a period of less than five days.

(2) Where a person is liable to be sentenced to imprisonment by a court of summary jurisdiction, the court may, if any suitable places provided and certified in manner hereinafter appearing are available for the purpose, order the person to be detained therein for such period not exceeding four days as the court thinks fit, and the order shall be delivered with the offender to the person in charge of the place where the offender is to be detained, and shall be a sufficient authority for his detention in that place in accordance with the tenour thereof.

40 & 41 Vict.
c. 21.

(3) The expenses of the maintenance of persons detained under this section shall be defrayed in like manner as the expenses of the maintenance of prisoners in prisons to which the Prison Act, 1877, applies.

(4) The Secretary of State may, on the application of any police authority, certify any police cells, bridewells, or other similar places provided by the authority to be suitable places for the detention of persons sentenced to detention under this section, and may make regulations for the inspection of places so provided, the treatment of persons detained therein, and generally for carrying this section into effect:

Provided that no place so certified shall be used for the detention of females unless provision is made for their supervision by female officers.

53 & 54 Vict.
c. 45.

(5) For the purposes of this section the expression "police authority," with respect to the City of London, means the Commissioner of City Police, and with respect to other places has the same meaning as in the Police Act, 1890.

Provisions as
to malicious
damage to
property.

14.—(1) If any person wilfully or maliciously commits any damage to any real or personal property whatsoever, either of a public or private nature, and the amount of the damage does not, in the opinion of the court, exceed twenty pounds, he shall be liable on summary conviction—

(a) if the amount of the damage, in the opinion of the court, exceeds five pounds, to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds; and

- (b) if the amount of the damage is, in the opinion of the court, five pounds or less, to imprisonment for a term not exceeding two months or to a fine not exceeding five pounds ;

and in either case to the payment of such further amount as appears to the court reasonable compensation for the damage so committed which last-mentioned amount shall be paid to the party aggrieved :

Provided that this provision shall not apply where the alleged offender acted under a fair and reasonable supposition that he had a right to do the act complained of.

(2) So much of section fifty-one of the Malicious Damage Act, 1861, as limits the cases which may be dealt with under that section to cases where the damage, injury or spoil exceeds five pounds, shall be repealed but a court of summary jurisdiction shall not commit any person for trial for an offence under that section unless it is of opinion that the damage, injury or spoil exceeds five pounds. 24 & 25 Vict. c. 97.

(3) Except so far as otherwise provided in the last foregoing subsection, nothing in this section shall be construed as preventing a court of summary jurisdiction from committing a person for trial for an offence notwithstanding that the offence is an offence which the court has power to deal with summarily under this section.

15.—(1) “Twenty pounds” shall be substituted for “forty shillings” wherever those words occur in the second column of the First Schedule to the Summary Jurisdiction Act, 1879, or in the second column of the Schedule to the Summary Jurisdiction Act, 1899, in which columns are set forth the indictable offences for which an adult may, with his consent, be dealt with summarily. Extension of powers to deal with cases summarily. 62 & 63 Vict. c. 22.

In section twelve of the Summary Jurisdiction Act, 1879, after the words “not exceeding twenty pounds” there shall be inserted the following words “or, if the value of the property which was the subject of the offence, in the opinion of the court before which the charge is brought, exceeds forty shillings, to be imprisoned with or without hard labour for any term not exceeding six months or to pay a fine not exceeding fifty pounds.”

(2) Section fourteen of the same Act (which imposes certain restrictions on the power to deal summarily with adults charged with indictable offences) is hereby repealed.

(3) Where a child is charged before a court of summary jurisdiction with a felony, and the court, in pursuance of the power conferred by section ten of the same Act, as amended by any subsequent enactment, deals with the case summarily, the court may, notwithstanding anything in that section, inflict a fine not exceeding forty shillings as a punishment.

Imprisonment.

Hard labour
and classifica-
tion of
prisoners.

16.—(1) Where imprisonment is imposed by any court in respect of the non-payment of any sum adjudged by that or any other court to be paid the imprisonment shall be without hard labour.

Where a person convicted by or before any court of an offence is sentenced to imprisonment without the option of a fine, the imprisonment may, in the discretion of the court, be either with or without hard labour, notwithstanding that the offence is an offence at common law or that the statute under which the sentence is passed does not authorise the imposition of hard labour or requires the imposition of hard labour.

61 & 62 Vict.
c. 41.

(2) If no direction is given by a court in pursuance of the powers conferred by section six of the Prison Act, 1898, as to the division in which an offender is to be placed, the offender shall, subject to the provisions of that section, be treated as an offender of the third division unless the visiting committee consider the case suitable for treatment in the second division, and direct that the offender be so treated.

Subsection (2) of that section shall be amended by the insertion after the words “without hard labour” of the words “or committed to prison for non-payment of a fine.”

(3) A court or visiting committee shall not direct an offender to be treated as an offender of the second division if his character and antecedents are such that he is likely to exercise a bad influence on first offenders.

(4) The provisions of subsections (1) and (2) of section six of the Prison Act, 1898, as amended by this section, which relate to the classification of offenders sentenced to imprisonment for offences, shall apply to cases where the person is sentenced to imprisonment for failing to do or to abstain from doing any act or thing required to be done or left undone.

(5) Subsection (3) of the same section (which requires that certain prisoners shall be placed in a separate division and treated under special rules and shall not be placed in association with criminal prisoners nor be compelled to wear prison dress unless their own clothing is unfit for use), shall extend to persons committed to prison for contempt of court, and accordingly the words “or for contempt of court” shall be inserted in that subsection after the words “hard labour.”

Commitment
and removal of
prisoners.

17. There shall be substituted for sections twenty-four, twenty-five, twenty-six, and twenty-seven of the Prison Act, 1877, the following provisions :—

(1) The Secretary of State may from time to time by any general or special rule under the Prison Acts, 1865 to 1902, appropriate, either wholly or partially, particular prisons within his jurisdiction to particular classes of prisoners :

- (2) A prisoner sentenced to imprisonment or committed to prison on remand, or pending trial, or otherwise, may be lawfully confined in any prison to which the Prison Acts, 1865 to 1902, apply :
- (3) Prisoners shall be committed to such prisons as the Secretary of State may from time to time direct ; and may on the like direction be removed therefrom during the term of their imprisonment to any other prison :
- (4) Where a prisoner is discharged from a prison situate beyond the limits of the county, borough, or place in which he was arrested, the cost of his return to the place in which he was at the time of his arrest or to the place where he was convicted, whichever is the nearest, shall be paid out of moneys provided by Parliament on account of prisons :
- (5) A prisoner shall not in any case be liable to pay the costs of his conveyance to prison :
- (6) The Secretary of State, on being satisfied that a prisoner is suffering from disease and cannot be properly treated in the prison, or that he should undergo and desires to undergo a surgical operation which cannot properly be performed in the prison, may order that the prisoner be taken to a hospital or other suitable place for the purpose of treatment or the operation, and while absent from the prison in pursuance of such an order the prisoner shall be deemed to be in legal custody.

18. Where a sentence of imprisonment is passed on any person by a court of summary jurisdiction, the court may order that the sentence shall commence at the expiration of any other term of imprisonment to which that person has been previously sentenced, so however that where two or more sentences passed by a court of summary jurisdiction are ordered to run consecutively the aggregate term of imprisonment shall not exceed six months, unless such sentences included at least two sentences for indictable offences dealt with summarily by consent or on a plea of guilty, in which case the aggregate term of imprisonment shall not exceed twelve months.

Consecutive sentences of imprisonment.

Bail and Remand.

19. Where a person is remanded on bail the recognisance may be conditioned for his appearance at every time and place to which during the course of the proceedings the hearing may be from time to time adjourned, without prejudice, however, to the power of the court to vary the order at any subsequent hearing.

Continuous bail.

Powers of
remand.

20.—(1) A court of summary jurisdiction, on being satisfied that a person accused of any offence who has been remanded is by reason of illness or accident unable at the expiration of the period for which he was remanded to appear personally before the court, may, in the absence of the accused person, order him to be further remanded for such time as may be deemed reasonable.

11 & 12 Vict.
c. 42.

(2) The period for which a court of summary jurisdiction may remand on bail a person accused of an indictable offence may, if that person and the prosecutor consent, exceed eight days, and accordingly in section twenty-one of the Indictable Offences Act, 1848, after the words “not exceeding” where they first occur in that section, there shall be inserted the words “unless the person remanded and the prosecutor consent.”

Endorsement
on warrants as
to release on
bail

21.—(1) A justice on issuing a warrant for the arrest of any person may, if he thinks fit, by endorsement on the warrant, direct that the person named in the warrant be on arrest released on his entering into such a recognisance, with or without sureties, for his appearance as may be specified in the endorsement, and the endorsement shall fix the amounts in which the principal and sureties (if any) are to be bound.

(2) Where such an endorsement is made, the officer in charge of any police station to which on arrest the person named in the warrant is brought shall discharge him upon his entering into a recognisance, with or without sureties approved by that officer, in accordance with the endorsement, conditioned for his appearance before the court and at the time and place named in the recognisance.

Release on bail
of a person
arrested with-
out warrant.
42 & 43 Vict
c. 49.

22. For section thirty-eight of the Summary Jurisdiction Act, 1879, the following section shall be substituted:—

“On a person being taken into custody for an offence without a warrant, a superintendent or inspector of police, or other officer of police of equal or superior rank, or in charge of any police station, may in any case, and shall, if it will not be practicable to bring such person before a court of summary jurisdiction within twenty-four hours after he was so taken into custody, inquire into the case, and, unless the offence appears to such superintendent, inspector, or officer to be of a serious nature, discharge the person upon his entering into a recognisance with or without sureties for a reasonable amount to appear before some court of summary jurisdiction at the time and place named in the recognisance, but where such person is retained in custody he shall be brought before a court of summary jurisdiction as soon as practicable.”

Notice of right
to apply for
bail.

23. Where a court of summary jurisdiction commits a person charged with any misdemeanour for trial and does not admit him to bail the court shall inform the person accused of his right to apply for bail to a judge of the High Court of Justice.

24. For removing doubts it is hereby declared that where as a condition of the release of any person he is required to enter into a recognisance with sureties, the recognisances of the sureties may be taken separately and either before or after the recognisances of the principal, and if so taken the recognisances of the principal and sureties shall be as binding as if they had been taken together and at the same time.

Declaration of law as to mode of entering into recognisance

Miscellaneous and General.

25.—(1) The following provision shall be substituted for subsection (3) of section twenty-one of the Summary Jurisdiction Act, 1879 :—

Manner of enforcing payment of sums adjudged to be paid.

“Where a sum is adjudged to be paid by a conviction of a court of summary jurisdiction, or in the case of a sum not a civil debt by an order of such court, and on default of payment of such sum a warrant of distress is authorised to be issued, the court may, in any case in which it appears expedient to do so, instead of issuing a warrant of distress, issue a warrant of commitment :

Provided that where time is not allowed for the payment of such sum, a warrant of commitment shall not be issued in the first instance unless it appears to the court that the offender has no goods or insufficient goods to satisfy the money payable or that the levy of distress will be more injurious to him or his family than imprisonment.”

(2) Where a sum is adjudged to be paid by a conviction or order of a court of summary jurisdiction, and, by the statute authorising such conviction or order, a mode of enforcing the payment thereof is provided which does not authorise the issue of a warrant of distress for the purpose, a warrant of distress may nevertheless be issued in like manner in all respects and with the like consequences as if no mode of enforcing the payment were provided in such statute.

26.—(1) An order under subsection (2) of section four of the Penal Servitude Act, 1891, remitting any of the requirements of sections five and eight of the Prevention of Crimes Act, 1871, in the case of any holder of a licence or person subject to the supervision of the police, may be made conditional on the observance of such conditions as may be specified in the order, and if the Secretary of State is satisfied that any condition imposed by the order has been contravened he may cancel the order.

Provisions with respect to holders of licences and persons under police supervision.
54 & 55 Vict. c. 69.
34 & 35 Vict. c. 112.

(2) Where His Majesty has been pleased to revoke the licence granted to any convict under the Penal Servitude Acts, 1853 to 1891, the convict shall thereupon be liable to be arrested without warrant by any constable and brought before a court of summary jurisdiction, and the court on being satisfied that he is the convict named in the licence and that the licence has been

revoked, shall commit him to prison and forthwith send notice to the Secretary of State.

Power to issue warrants of arrest in certain cases.

27. It is hereby declared that where at common law or under any Act, whether passed before or after the commencement of this Act, there is power to arrest a person without warrant, a warrant for his arrest may be issued.

Provisions as to evidence.

28.—(1) The record or extract by which a conviction may be proved under section eighteen of the Prevention of Crimes Act, 1871, may in the case of a summary conviction consist of a copy of the minute or memorandum of the conviction entered in the register required to be kept under section twenty-two of the Summary Jurisdiction Act, 1879, purporting to be signed by the clerk of the court by whom the register is kept.

8 Edw 7. c. 67.

(2) The provisions of section thirty of the Children Act, 1908 (which enables the evidence of a child of tender years to be received though not given on oath), shall apply to proceedings against persons for offences not mentioned in that section, in like manner as they apply in respect of proceedings against persons for offences mentioned in that section.

(3) The wife or husband of a person charged with bigamy may be called as a witness either for the prosecution or defence and without the consent of the person charged.

(4) In any proceedings before a court of summary jurisdiction to enforce the payment of a sum of money adjudged by that or any other court of summary jurisdiction to be paid by one person to another person, then—

(a) if the person to whom the sum is ordered to be paid was an officer of a court of summary jurisdiction, the production of a certificate purporting to be signed by that officer that the sum has not been paid to him; and

(b) in any other case the production of a statutory declaration to a like effect purporting to be made by the person to whom the sum is ordered to be paid;

shall be evidence of the facts therein stated, unless the court requires such officer or other person to be called as a witness.

Power of justices to order production of documents.
11 & 12 Vict.
c. 42.
11 & 12 Vict.
c. 43.

29. The provisions of section sixteen of the Indictable Offences Act, 1848, section seven of the Summary Jurisdiction Act, 1848, and section thirty-six of the Summary Jurisdiction Act, 1879, enabling a justice to issue a summons to any witness to attend to give evidence before a court of summary jurisdiction, shall be deemed to include the power to summon and require a witness to produce to such court books, plans, papers, documents, articles, goods, and things likely to be material evidence on the hearing of any charge, information, or complaint, and the provisions of those sections relating to the neglect or refusal of a witness, without just excuse, to attend to give evidence, or to be sworn, or to give evidence, shall apply accordingly.

30.—(1) Where a court of summary jurisdiction orders money to be paid periodically by one person to another, the court may, if it thinks fit, order that the payment shall be made through an officer of the court or any other person or officer specified in the order. Periodical payments ordered by courts of summary jurisdiction.

(2) Where a court of summary jurisdiction has either before or after the commencement of this Act ordered money to be paid periodically by one person to another, the court which made the order, or any other court of summary jurisdiction for the same petty sessional division, may, if it thinks fit, order that the payment shall be made through an officer of the court or any other person or officer specified in the order.

(3) Any order made either before or after the commencement of this Act by a court of summary jurisdiction for the periodical payment of money may, upon cause being shown upon fresh evidence to the satisfaction of the court, be revoked, revived, or varied by a subsequent order.

(4) Where a court of summary jurisdiction makes an order for the periodical payment of money through an officer of the court or other person or officer specified in the order, the authority having the control of the fund out of which the salary of the clerk of that court is paid may pay to that officer or person out of that fund, in manner provided by rules made by the Secretary of State, a sum not exceeding five pounds per centum on the money actually paid through him in pursuance of the order, as remuneration to him in respect of the work done and expenses incurred by him in respect of the order.

(5) Nothing in this section shall prejudice or affect the powers and duties of courts of summary jurisdiction under the Affiliation Orders Act, 1914.

4 & 5 Geo. 5.
c. 6.

31. A court of summary jurisdiction to which an application is made for an order for the periodical payment of money, or for the variation, revocation, revival, or enforcement of such an order, may make an order for the payment by the applicant or the defendant, or both of them, of the costs of the court and such reasonable costs of either of the parties as the court thinks fit. Costs.

32.—(1) It is hereby declared that, notwithstanding anything in section fifty-four of the Summary Jurisdiction Act, 1879, the provisions of section eleven of the Summary Jurisdiction Act, 1848 (which relate to the time within which summary proceedings are to be taken), do not apply to proceedings for enforcing the payment of sums adjudged to be paid by an order in any matter of bastardy or by an order enforceable as an order of affiliation. Recovery of arrears on bastardy orders, &c.

(2) Proceedings for the enforcement of an order in any matter of bastardy or of an order enforceable as an order of affiliation may be taken at any time after the expiration of fourteen clear days from the making of the order, and accordingly

35 & 36 Vict
c. 65.

in section four of the Bastardy Laws Amendment Act, 1872, "after the expiration of fourteen clear days" shall be substituted for "after the expiration of one calendar month."

(3) Where in any proceedings for the enforcement of an order in any matter of bastardy or of an order enforceable as an order of affiliation the court commits the defendant to prison then, unless the court otherwise directs, no arrears shall accrue under the order during the time that the defendant is in prison.

Amendment of
the law with
respect to the
recovery of
rates.

33. The provisions of the Summary Jurisdiction Acts relating to the backing of warrants, and of section forty-one of the Summary Jurisdiction Act, 1879, relating to the proof of service of documents and of the handwriting and seal on documents, shall apply to proceedings in respect of the non-payment of any rate.

Appointment
and remunera-
tion of and
accounting by
justices' clerks.

34.—(1) Clerks to justices shall continue to be appointed as heretofore, but no appointment made after the commencement of this Act shall be valid unless and until it is confirmed by the Secretary of State, and the Secretary of State shall, before confirming any such appointment, take into consideration any representations that may be made to him, in the case of the appointment of a clerk to borough justices by the council of the borough, and in the case of the appointment of a clerk to county justices by the standing joint committee of the county.

(2) Notwithstanding the provisions of any other general or local Act to the contrary, the salaries of clerks to justices shall be fixed and may from time to time be varied—

- (a) in the case of a clerk to borough justices, by the justices of the borough; and
- (b) in the case of a clerk to county justices, by the standing joint committee of the county:

Provided that—

- (i) in the case of the salary of a clerk to borough justices, the council of the borough; and
- (ii) in the case of the salary of a clerk to county justices, the county justices for whom the clerk acts; and
- (iii) in either case where the proposal is for a reduction of salary, the clerk to the justices

may appeal to the Secretary of State against the decision of the justices or standing joint committee, as the case may be, and the amount of the salary shall thereupon be determined by the Secretary of State.

(3) If the justices for any petty sessional division make representations to the standing joint committee of the county with a view to the variation of the salary of their clerk, the standing joint committee shall at a meeting of which special notice has been given take into consideration the question of varying the salary.

(4) The authority by whom the salary of a clerk is fixed may allow him such special remuneration in addition to his salary as they may, subject to the approval of the Secretary of State, determine, in respect of any duties which were not taken into account in fixing his salary.

(5) Nothing in the foregoing provisions of this section shall apply to clerks at metropolitan police courts nor to the clerks to the justices of the city of London nor to the clerk to any stipendiary magistrate other than a stipendiary magistrate appointed under the Municipal Corporations Act, 1882.

45 & 46 Vict.
c. 50.

(6) If any clerk to justices fails without sufficient reason to account for or pay over any sum within one month from the time when he was required to account for or pay over the sum under section six of the Justices' Clerks Act, 1877, he shall be deemed to have wilfully omitted to account for or pay over that sum within the meaning of that section, but no person shall sue for a sum recoverable under that section, as amended by this section, except the person or authority to whom the account or payment is required to be made.

40 & 41 Vict.
c. 43.

35. For the removing of doubts it is hereby declared that the enactments mentioned in the Third Schedule to this Act (which relate to divers forms of blackmail) apply to cases where the person is dead—

Punishment
for accusation,
&c. of dead
person with
intent to
extort.

- (a) who is accused, or whom it is proposed to accuse; or
- (b) upon whom any libel is published, or is threatened to be published; or
- (c) touching whom it is threatened to print or publish, or it is proposed to abstain from printing or publishing, or it is offered to prevent the printing or publishing of, any matter or thing;

and accordingly the words "(whether living or dead)" shall be inserted after the word "person" in those enactments as indicated in the third column of that schedule.

36.—(1) No person shall be sentenced to be whipped more than once for the same offence.

Corporal
punishment.

(2) No person shall be sentenced to be whipped otherwise than under a statutory enactment.

37.—(1) Any person aggrieved by any conviction of a court of summary jurisdiction in respect of any offence, who did not plead guilty or admit the truth of the information, may appeal from the conviction in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions.

Right of ap-
peal from
decision of
court of
summary
jurisdiction.

(2) An appeal shall lie to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts from any order made by a court of summary jurisdiction under the enactments relating to bastardy, or from any refusal by a court of summary jurisdiction to make such an order, or from the

revocation, revival, or variation by a court of summary jurisdiction of such an order.

One justice to be competent to exercise certain powers in respect of charges of drunkenness

38. Notwithstanding any enactment to the contrary, it shall be sufficient for a court of summary jurisdiction to consist of one justice only when hearing, trying, adjudging, and determining a charge or information against any person of having been found drunk in any highway or other public place, whether a building or not, or on any licensed premises, under section twelve of the Licensing Act, 1872.

35 & 36 Vict. c. 94.

Convictions on indictments

39.—(1) Where a prisoner is arraigned on an indictment for any offence, and can lawfully be convicted on such indictment of some other offence not charged in such indictment, he may plead not guilty of the offence charged in the indictment, but guilty of such other offence.

(2) If on the trial of any indictment for larceny it is proved that the defendant took any chattel, money, or valuable security in question in any such manner as would amount in law to obtaining it by false pretences with intent to defraud, the jury may acquit the defendant of larceny and find him guilty of obtaining the chattel, money, or valuable security by false pretences, and thereupon he shall be liable to be punished accordingly.

Rules.

40.—(1) The power of the Lord Chancellor to make rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to the making of rules—

- (a) for regulating the manner in which convictions and orders of courts of summary jurisdiction are to be drawn up, and in such cases as may be provided for by the rules, the transmission of such convictions and orders and any other documents therewith to the clerk of the peace and the filing of them by him, and
- (b) for annulling, altering, or adding to the forms contained in the schedule to the Indictable Offences Act, 1848, and
- (c) for regulating the procedure of courts of summary jurisdiction under this Act, and the procedure in any legal proceedings which under any Act, whether general or local, and whether passed before or after the commencement of this Act (other than the Summary Jurisdiction Acts), are to be taken before any police or stipendiary magistrate or other court of summary jurisdiction.

44 & 45 Vict. c. 24.

(2) His Majesty may, by Order in Council, make rules extending the operation of the Summary Jurisdiction (Process) Act, 1881, as amended by any subsequent enactment (which relates to the service and execution in Scotland of process issued by courts of summary jurisdiction in England, and in England of process issued by courts of summary jurisdiction and sheriff courts in Scotland, and to the jurisdiction of courts in England

and Scotland respectively in bastardy proceedings), so as to make the provisions of that Act, subject to the necessary adaptations, applicable as between any one part of the British Islands and any other part of the British Islands in like manner as it applies as between England and Scotland.

This subsection shall extend to the Isle of Man and the Channel Islands, and the Royal Courts of the Channel Islands shall register the same accordingly.

41. For the purposes of this Act, unless the context otherwise requires,— Definitions

- (1) The expression "sentenced to imprisonment" shall include cases where imprisonment is imposed by a court on any person either with or without the option of a fine, or in respect of the non-payment of any sum of money, or for failing to do or abstaining from doing any act or thing required to be done or left undone, and the expression "sentence of imprisonment" shall be construed accordingly.
- (2) The expressions "fine," "sum adjudged to be paid by a conviction," and "sum adjudged to be paid by an order," have the same meanings as in the Summary Jurisdiction Act, 1879.

42. This Act in its application to Scotland shall be subject to the following modifications:— Application to
Scotland.

- (1) The Secretary for Scotland shall be substituted for the Secretary of State; the Prison Commissioners for Scotland shall be substituted for the Prison Commissioners; the Prisons (Scotland) Act, 1877, shall be substituted for the Prison Act, 1877; the Police (Scotland) Act, 1890, shall be substituted for the Police Act, 1890; an institution established in Scotland under Part I. of the Prevention of Crime Act, 1908, shall be substituted for a Borstal institution: a reference to a sum of money adjudged to be paid shall be deemed to be a reference to a penalty as defined in section two of the Summary Jurisdiction (Scotland) Act, 1908: 40 & 41 Vict
c 53.
53 & 54 Vict.
c. 67.
8 Edw 7 c 65.
- (2) Section one of this Act shall not apply and in lieu thereof the following provisions shall be substituted:—

"(a) On conviction of any person by a court of summary jurisdiction the court shall allow time for the payment of any sum adjudged to be paid by such person in respect of such conviction, unless it is satisfied that he is possessed of sufficient means to enable him to pay the sum forthwith, or unless, upon being asked by the court

whether he desires that time should be allowed for payment, he does not express any such desire, or fails to satisfy the court that he has a fixed abode within its jurisdiction, or unless the court for any other special reason is satisfied that no time should be allowed ;

(b) Where any such person desires to be allowed time for payment, the court, in deciding what time shall be allowed, shall consider any representation made by him, but the time allowed shall not be less than seven clear days :

Provided that, if before the expiration of the time allowed the person convicted surrenders himself to the court and states that he prefers immediate imprisonment to awaiting the expiration of the time allowed, the court may authorise the clerk of court to issue forthwith an extract of the finding and sentence in the form of the Second Schedule to this Act, and the provisions of the Summary Jurisdiction (Scotland) Act, 1908, shall apply to such extract as if it were one of the forms included in Schedule E. to that Act ;

8 Edw. 7. c 65.

(c) Where a person so allowed time for payment as aforesaid appears to the court to be not less than sixteen nor more than twenty-one years of age, the court may, if it thinks fit and subject to any rules made under this Act, order that he be placed under the supervision of such person as may be appointed by the court until the sum adjudged to be paid is paid, and, in such case, before issuing an extract of the conviction and sentence, the clerk of court shall again lay the complaint before the court and the court shall consider any report as to the conduct and means of the offender which may be made by the person under whose supervision the offender has been placed ;

(d) In all cases where time is not allowed for payment the reasons of the court for not so allowing a time shall be stated in the finding and sentence " :

(3) Section two of this Act shall not apply, and in lieu thereof the following provisions shall be substituted :—

“ Where time has been allowed for payment of a sum adjudged to be paid by any person in respect of his conviction by a court of summary jurisdiction, the court may, subject to any rules made under this Act, on an application by or on

behalf of such person, and after giving the prosecutor an opportunity of being heard, allow further time for the payment of such sum” :

- (4) Section three of this Act shall not apply :
- (5) Subsection (1) of section four of this Act shall apply as if references to proceedings for enforcing bastardy or maintenance orders were omitted therefrom. Subsection (2) of section four of this Act shall not apply :
- (6) Section five of this Act shall not apply. Provided that in Scotland a court of summary jurisdiction in fixing the amount of any fine to be imposed on any offender shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court :
- (7) Section six of this Act shall not apply :
- (8) Section ten of this Act shall not apply : Provided that in Scotland from and after such date as may be prescribed by the Secretary for Scotland section one of the Prevention of Crime Act, 1908, shall be construed as if after the words “penal servitude or imprisonment” there were inserted the words “or “ is convicted by the sheriff summarily of an “ offence for which he is liable to be sentenced to “ imprisonment” :
- (9) Section thirteen of this Act shall apply with the substitution of the expression “an extract of the finding and sentence” for the expression “the order” :
- (10) Sections fourteen to twenty-five, both inclusive, subsections (1), (2), and (4) of section twenty-eight, sections twenty-nine to forty, both inclusive, and subsection (2) of section forty-one of this Act, shall not apply :
- (11) Provision may be made by rules under the Prisons (Scotland) Act, 1877, for enabling a prisoner sentenced to imprisonment, whether by one sentence or cumulative sentences, for a period prescribed by the rules, to earn by special industry and good conduct a remission of a portion of his imprisonment, and on his discharge his sentence shall be deemed to have expired :
- (12) It shall be lawful for the High Court of Justiciary by Act of Adjournal to make rules for regulating the procedure under this Act.

43.—(1) The provisions of sections one to four inclusive, sections seven to twelve inclusive, sections sixteen to twenty-one inclusive, section twenty-four, subsection (2) of section twenty-five, sections twenty-six and twenty-seven, subsections (2) and (4) of section twenty-eight, sections thirty-five, thirty-six, and Application to
Ireland.

thirty-nine, and subsection (1) of section forty-one of this Act shall apply to Ireland, subject to the following modifications, namely:—

- (a) references to the Lord Lieutenant shall be substituted for references to the Secretary of State, and references to the General Prisons Board for Ireland shall be substituted for references to the Prison Commissioners;
- (b) a reference to the Prisons (Ireland) Acts, 1826 to 1907, shall be substituted for any reference to the Prison Acts, 1865 to 1902, and a reference to sections thirty-six, thirty-seven, thirty-eight, and thirty-nine of the General Prisons (Ireland) Act, 1877, shall be substituted for the reference to sections twenty-four, twenty-five, twenty-six, and twenty-seven of the Prison Act, 1877.
- (c) references to the Court of Criminal Appeal, the Criminal Appeal Act, 1907, and the Costs in Criminal Cases Act, 1908, and the provision of section two of this Act relative to payment by instalments, shall not apply; and
- (d) subsection (2) of section twenty of this Act shall apply as respects the police district of Dublin metropolis only, and a reference to section twenty-one of the Indictable Offences (Ireland) Act, 1849, shall be substituted for the reference therein to section twenty-one of the Indictable Offences Act, 1848.

(2) A court of summary jurisdiction, in fixing the amount of any fine to be imposed on an offender, shall take into consideration, amongst other things, the means of the offender so far as they appear or are known to the court.

(3) Proceedings for the recovery in a summary manner of a penalty for an offence under the Births and Deaths Registration Act (Ireland), 1880, may be commenced at any time within three years after the commission of the offence.

(4) Where upon summary conviction an offender is adjudged to pay a penalty exceeding five pounds, the offender in case of non-payment thereof may without any warrant of distress be committed to prison for any term not exceeding the period for which he might be committed to prison in default of distress: Provided that where time is not allowed for the payment of the penalty a warrant of commitment shall not be issued in the first instance unless it appears to the court that the offender has no goods or insufficient goods to satisfy the penalty, or that the levy of distress would be more injurious to him or his family than imprisonment.

(5) So much of section three of the Fines Act (Ireland), 1851, as requires that a warrant for the execution of an order of a

40 & 41 Vict.
c. 49.

12 & 13 Vict.
c. 69.

43 & 44 Vict.
c. 13.

14 & 15 Vict.
c. 90.

divisional justice of the police district of Dublin metropolis for the imposition or levy of a penal sum shall be issued within one week from the making of the order, shall cease to have effect.

(6) Upon any information or complaint laid or made before a divisional justice of the police district of Dublin metropolis of an offence punishable on summary conviction, if the person charged resides within the limits of that district, the justice shall, notwithstanding that the offence has been or is alleged to have been committed outside those limits, have all the like powers, jurisdiction, and authority as he has upon an information or complaint laid or made of a similar offence committed or alleged to have been committed within those limits.

(7) So much of section twenty-two of the Petty Sessions (Ireland) Act, 1851, as relates to the liability of persons aiding, abetting, counselling, or procuring the commission of offences punishable on summary conviction shall, as amended by any subsequent enactment, extend to the police district of Dublin metropolis; and every person who aids, abets, counsels, or procures the commission of any such offence may be proceeded against and convicted in that district in any case where the principal offender may be convicted in that district, or where the offence of aiding, abetting, counselling, or procuring was committed in that district. 14 & 15 Vict.
c. 93.

(8) Section three (which relates to boards of visitors for convict prisons), section six (which relates to divisions of prisoners), section eleven (which relates to orders for production of prisoners), and, so far as respects sentences of imprisonment passed after the commencement of this Act, section twelve (which relates to calculation of term of sentence) of the Prison Act, 1898, shall, as amended by this Act, extend to Ireland subject to the following modifications, namely :—

- (a) references to the Lord Lieutenant shall be substituted for references to the Secretary of State ;
- (b) references to rules made by the General Prisons Board for Ireland with the approval of the Lord Lieutenant and Privy Council under the General Prisons (Ireland) Act, 1877, shall be substituted for any references to prison rules or special prison rules ;
- (c) a reference to section forty-nine of the General Prisons (Ireland) Act, 1877, shall be substituted for the reference to sections forty and forty-one of the Prison Act, 1877, and references to provisions of the Prison Act, 1865, or the Criminal Procedure Act, 1853, shall not apply.

28 & 29 Vict.
c. 126.
16 & 17 Vict.
c. 30.

(9) For removing doubts it is declared that in section twenty-four of the General Prisons (Ireland) Act, 1877, and section three of the Prisons (Ireland) Amendment Act, 1884 47 & 48 Vict.
c. 36.

(which relate to visiting committees of prisons), the expressions "grand jury" and "grand juries" respectively, include, in the case of the county of Dublin, a grand jury of that county impanelled at a commission of oyer and terminer and general gaol delivery.

(10) The Lord Chancellor may make rules for the purposes of this Act regulating the procedure to be followed, and prescribing the forms to be used in summary proceedings and regulating and prescribing any other matter or thing which for the purposes aforesaid requires to be regulated or prescribed, and adapting to the requirements of this Act any forms relating to summary proceedings prescribed by or in pursuance of any other Act, and all rules so made shall be laid as soon as may be before both Houses of Parliament.

7 Will. 4. &
1 Vict. c. 25.
14 & 15 Vict.
c. 92.
14 & 15 Vict
c. 93.

(11) An appeal under section twenty-seven of the Dublin Police Act, 1837, section twenty-three of the Summary Jurisdiction (Ireland) Act, 1851, or section twenty-four of the Petty Sessions (Ireland) Act, 1851, against a conviction of a court of summary jurisdiction in respect of an offence shall lie whatever may be the amount of the fine or the term of the imprisonment imposed.

(12) Where a person convicted of an offence by a court of summary jurisdiction is committed to prison by the court under section ten of this Act without sentence he may appeal under the Summary Jurisdiction Acts against the conviction, and the provisions of those Acts with respect to appeals shall apply accordingly.

(13) Upon any information, summons, or complaint laid or made before a court of summary jurisdiction in Ireland wherein the defendant is called upon to show cause why such defendant should not be bound over to keep the peace or be of good behaviour, the defendant shall be entitled to call witnesses and tender evidence at the hearing of the information, summons, or complaint.

(14) Save as provided in this section, the foregoing provisions of this Act shall not extend to Ireland.

Short title,
commence-
ment, and
repeal.

44.—(1) This Act may be cited as the Criminal Justice Administration Act, 1914, and shall, save as otherwise expressly provided, come into operation on the first day of December nineteen hundred and fourteen.

(2) The enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

SCHEDULES.

FIRST SCHEDULE.

Sections 5, 6

PART I.

TABLE OF COURT FEES TO BE TAKEN BY CLERKS TO JUSTICES OF THE PEACE.

INDICTABLE OFFENCES :—

£ s. d.

For the performance of all the several duties in every case committed for trial to the assizes or sessions, without regard to the number of prisoners included in the same charge - - - - - 1 5 0

(This fee does not cover taking recognizances or giving notice to the accused and his sureties when admitted to bail; nor attending to take the deposition of a witness prevented by sickness or otherwise from appearing in court; nor supplying a copy of depositions. In cases of dismissal the separate fees for information, &c., are chargeable.)

For the performance of all the several duties (including commitment) in respect of any indictable offence dealt with summarily without regard to the number of persons charged in each case, and whether there is a conviction or not - - - - - 0 15 0

SUMMARY ADJUDICATIONS :—

For the performance of all the several duties up to and including conviction in respect of any charge for an offence (other than an indictable offence) punishable on summary conviction - - - - - 0 4 0

ELEMENTARY EDUCATION ACTS :—

Proceedings under the Acts, in each case, including summons, order, and conviction - - - - - 0 4 0
Distress warrants (if any) - - - - - 0 1 0
Committal (if any) - - - - - 0 1 0

For services not covered by the foregoing fees the following fees may be charged :—

APPOINTMENT :—

Of parochial or other officers (except constables), to contain the names of all the persons appointed at the same time to the same office in the parish, hamlet, or place, including notice and oath when necessary - - - - - 0 5 0
Of any constable (other than special) - - - - - 0 1 0
Of valuer, arbitrator, &c. - - - - - 0 10 0
Of special constables, if less than 28, for each person, to include notice, oath, and certificate - - - - - 0 1 0
If more than 28 are appointed on one occasion, for attending to summons, swear in, and make out appointments, and the business thereof, for each day - - - - - 2 2 0

ARMY ACT, 1881 (44 & 45 VICT. c. 58) :—	£	s.	d.
Attestation of recruit (section 80 (4) (d))	-	0	1 0
Descriptive return in relation to deserter (section 154 (6))	-	0	2 0
Certificate of civil conviction or acquittal (section 164)	-	0	3 0
Warrant to provide carriages (section 112)	-	0	1 0

ATTENDANCE :—

On a justice, to view deserted premises in order to affix notice or to give possession thereof, to view a highway, bridge, or nuisance, or to take an examination elsewhere than in court	-	0	6 8
If required to go more than one mile from the place of holding petty sessions, for each mile after the first (one way)	-	0	1 0

CASE FOR THE OPINION OF SUPERIOR COURT (20 & 21 VICT. c. 43, SECTION 3) :—

Drawing case and copy, when the case does not exceed five folios of 90 words	-	0	10 0
For every additional folio beyond five	-	0	1 0
Taking recognizance as required by the Act	-	0	5 0
Every enlargement or renewal thereof	-	0	2 6
For certificate of refusal of case	-	0	2 0

CERTIFICATE :—

Every certificate not otherwise charged	-	0	2 0
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CERTIORARI :—

Return to and filing	-	0	13 4
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CIVIL DEBT (not including Rates) :—

Summons and copy	-	0	1 6
Complaint	-	0	1 0
Order and copy	-	0	3 0
Oath (each witness)	-	0	1 0
Judgment summons and copy, including hearing	-	0	3 0
Warrant of distress	-	0	2 0
Commitment. (See Warrant.)			

COMPLAINT :—

Every complaint not otherwise charged	-	0	1 0
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CONVICTION :—

Every conviction, including returning same to the court (to include all persons convicted on the same charge, except in cases where all persons convicted on the same charge cannot be included in the same conviction)	-	0	2 6
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COPY :—

Of depositions for prosecutor on the trial, per folio of 90 words	-	0	0 4
Of depositions for prisoner, under 11 & 12 Vict. c. 42. s. 27, per folio of 90 words, not exceeding	-	0	0 1½
Of any other document, per folio of 72 words	-	0	0 4

DUPLICATE :—

For the duplicate of any document	-	-	-	One-half the original fee.
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EXAMINATION. (See Information.)

EXHIBIT :—	£	s.	d.
Each document annexed to or referred to in any affidavit or declaration and marked - - -	0	1	0
EXPLOSIVES ACT, 1875 (38 VICT. c. 17) :—			
Store licence (s. 15), not exceeding - - -	0	5	0
Store licence, renewal (s. 18), not exceeding - - -	0	1	0
Registering premises (s. 21), not exceeding - - -	0	1	0
Registering premises, renewal, not exceeding - - -	0	1	0
Small firework factory (s. 49) licence, not exceeding - - -	0	5	0
Small firework factory (s. 49) licence, renewal, not exceeding - - -	0	1	0
EXTRADITION ACT, 1873 (36 & 37 VICT. c. 60. s. 5) :—			
For taking a deposition in pursuance of an order made by the Secretary of State - - -	1	1	0
Each subsequent deposition taken in pursuance of the same order - - -	0	5	0
HEARING :—			
When no conviction or order is made - - -	0	1	0
INFORMATION :—			
Each information or examination (including oath) - - -	0	1	0
JURY LISTS :—			
For forwarding lists with schedule to the clerk of the peace (25 & 26 Vict. c. 107. s. 9) - - -	0	2	6
Revision fee to be fixed by the local authority subject to approval of Secretary of State.			
LICENCES :—			
For every licence, consent, or authority not otherwise provided for, to include registration when necessary - - -	0	5	0
LIST :—			
Every list not otherwise provided for which it is the duty of the clerk to the justices to make or transmit - - -	0	2	6
NOTICE :—			
Every notice not otherwise provided for - - -	0	1	0
OATH :—			
Every oath, affirmation, or solemn declaration not otherwise charged - - -	0	1	0
<i>(Vide note at end of table.)</i>			
ORDER :—			
Order, certificate, or record of proceedings in case of deserted premises, or relating to a highway, bridge, or nuisance, or for protecting separate property of a married woman - - -	0	5	0
Order as to the settlement, removal, or maintenance of a pauper or lunatic, or in case of fraudulent removal of goods - - -	0	5	0
Order for payment of allowance to special constables (one order to include all the constables appointed) - - -	0	2	0
Every order or minute thereof not otherwise charged - - -	0	3	0
Order as to the affiliation of a bastard or under the Summary Jurisdiction (Married Women) Act, 1895 - - -	0	2	0
Variation, revocation, or revival of order - - -	0	1	0
PRECEPT :—			
Every precept - - -	0	1	6

RATE :—				£	s.	d.
Amending a rate, each name	-	-	-	-	0	1 0
Taxing costs and order thereon	-	-	-	-	0	3 0
Order on appeal	-	-	-	-	0	5 0
Order for adjourning appeal, if required	-	-	-	-	0	1 0
Allowance of rate	-	-	-	-	0	2 0
Enforcement of any poor, general district, or other rate, to include complaint, summons, and all other proceedings for which separate fees are not provided hereunder	-	-	-	-	0	2 0
Order	-	-	-	-	0	2 0
Warrant of distress	-	-	-	-	0	2 0
Judgment summons (including hearing)	-	-	-	-	0	2 6
Summons (if any) in poor rate cases to show cause why defaulter should not be committed	-	-	-	-	0	2 0
Commitment	-	-	-	-	0	2 0
If more than one rate is included in the summons, for each rate after the first	-	-	-	-	0	0 6
When the form of warrant provided for by 12 & 13 Vict. c. 14. s. 3 is used, for each name inserted in the schedule over and above eight	-	-	-	-	0	0 3
RECOGNIZANCE :—						
Every recognizance	-	-	-	-	0	2 6
Notice to each person bound	-	-	-	-	0	0 6

SUMMONS:—

Every summons (to include all the names included in the same charge or intended to be summoned as witnesses in the same case for the prosecution or defence if applied for at the same time)	-	-	-	-	0	1 0
Every copy	-	-	-	-	0	0 6
Backing summons for service from outside jurisdiction	-	-	-	-	0	1 0

WARRANT:—

Every warrant of distress when not otherwise provided for	0	2	0
To commit after conviction or order in which the conviction or order is set forth	-	0	2 0
Every other warrant	-	0	1 0
Return to warrant or endorsing warrant, including oath	-	0	1 0
Backing warrant for execution from outside jurisdiction	-	0	1 0

NOTE.—Nothing herein contained shall be construed to authorise the demand of any fee for re-swearing any person to any examination, or for any oath, affirmation, or declaration to obtain pay, pension, or allowance from government or friendly society, or charitable fund, or for any declaration relating to lost duplicates of articles pledged where the amount advanced on such articles does not exceed 20s., or in any other case where an Act of Parliament directs that no fee shall be taken.

PART II.

MATTERS TO WHICH PART I. DOES NOT APPLY.

1. Matters in respect of which fees are authorised to be charged by the Licensing (Consolidation) Act, 1910 (10 Edw. 7 and 1 Geo. 5, c. 24).
2. Billiard licences, under section ten of the Gaming Act, 1844 (8 & 9 Vict. c. 109).

3. Theatre licences, under section six of the Theatres Act, 1843 (6 & 7 Vict. c. 68).

4. The registration of music and dancing licences under section fifty-one of the Public Health Act, 1890 (53 & 54 Vict. c. 59).

5. Licences under the Cinematograph Act, 1909 (9 Edw. 7. c. 30).

6. Assessment appeals under the Valuation Metropolitan Act, 1869 (32 & 33 Vict. c. 67).

7. Formal investigations into shipping casualties under section four hundred and seventy-nine of the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60).

8. Appeals from pilotage authority under section twenty-eight of the Pilotage Act, 1913 (2 & 3 Geo. 5. c. 31).

SECOND SCHEDULE.

Section 42.

Sentence £ , fine payable within days or days' imprisonment. In respect of which sentence the accused, having surrendered himself to the court and stated that he prefers immediate imprisonment to waiting the expiration of the time allowed, warrant is hereby granted to officers of law to convey the accused to the prison of [place] and for the detention of the accused therein until such fine is paid, but not exceeding days from the date of imprisonment.

THIRD SCHEDULE.

Section 35.

AMENDMENT OF ENACTMENTS RELATING TO BLACKMAIL.

Session and Chapter.	Short Title.	Amendment of Enactment by insertion of words "(whether living or dead)."
6 & 7 Vict. c. 96. s. 3.	The Libel Act, 1843 -	After the words "any libel upon any other person," and "any matter or thing touching any other person."
24 & 25 Vict. c. 96. s. 46.	The Larceny Act, 1861	After the words "to accuse any other person."
s. 47.	- - - -	After the words "or any other person."
s. 48.	- - - -	After the words "accuse any person."

Section 44.

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal
3 Jas. 1. c. 10	An Acte for the rating and levying of the charges for conveying Malefactors and Offenders to the Gaole.	The whole Act so far as unrepealed.
15 Geo. 2. c. 24.	The Justices Commitment Act, 1741.	The whole Act.
26 Geo. 2. c. 14.	The Justices' Clerks' Fees Act, 1753.	The whole Act.
27 Geo. 2. c. 3.	The Offenders (Conveyance) Act, 1754.	The whole Act so far as unrepealed.
27 Geo. 2. c. 16.	The Justices' Clerks' Fees (Middlesex) Act, 1754.	Section four.
54 Geo 3 c. 170	The Poor Relief Act, 1814.	Section twelve from "and if sufficient distress" to the end of the section.
7 Geo. 4. c. 74.	The Prisons (Ireland) Act, 1826.	In section six, the words "hereinafter enumerated," and from "provision shall be made," to "vagrants," section one hundred and nine.
1 & 2 Will. 4. c. 44.	The Tumultuous Risings (Ireland) Act, 1831.	In sections two, three, four, five and six, the words "twice or thrice."
5 & 6 Will. 4. c. 50.	The Highway Act, 1835	Section one hundred and ten, so far as it relates to clerks to justices.
5 & 6 Vict. c. 28.	The Capital Punishment (Ireland) Act, 1842.	In section eight, the words "twice or thrice."
5 & 6 Vict. c. 51.	The Treason Act, 1842	In section two, the words "as often and" and "not exceeding thrice."

Session and Chapter.	Title or Short Title.	Extent of Repeal.
11 & 12 Vict. c. 42.	The Indictable Offences Act, 1848.	Section twenty-six from "Provided nevertheless" to the end of the section.
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act, 1848.	In section fourteen the words from "and the conviction or order shall afterwards be drawn up" to "quarter sessions of the peace." Section twenty-one the words "and conveying of a defendant to prison." Section twenty-three from "and also the costs" to "think fit so to order." Section twenty-five from "and it shall be lawful" to the end of the section.
13 & 14 Vict. c. 101.	The Poor Law Amendment Act, 1850.	In section seven the words "by the justices of the peace at their respective general quarter sessions."
14 & 15 Vict. c. 55.	The Criminal Justice Administration Act, 1851.	Section nine, except so far as that section relates to clerks of the peace.
14 & 15 Vict. c. 93.	The Petty Sessions (Ireland) Act, 1851.	In section twenty-two, paragraph (6).
20 & 21 Vict. c. 43.	The Summary Jurisdiction Act, 1857.	In section three the words from "which fees" to "section thirty," and Schedule A.
24 & 25 Vict. c. 97.	The Malicious Damage Act, 1861.	In section fifty-one the words "the damage, injury, or spoil being to an amount exceeding five pounds" and sections fifty-two and fifty-three, so far as those words and sections relate to England.
26 & 27 Vict. c. 44.	The Garroters Act, 1863.	In section one, the words "twice or thrice."
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section two hundred and forty-six and the table of fees therein referred to, so far as the same relate to England.

Session and Chapter.	Title or Short Title	Extent of Repeal.
39 & 40 Vict. c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876	Section thirty-two
40 & 41 Vict. c. 21.	The Prison Act, 1877 -	Sections twenty-four, twenty-five, twenty-six, twenty-seven, and forty-one, and in section fifty-seven the words "in respect of his conveyance to prison or otherwise."
40 & 41 Viet. c. 43.	The Justices' Clerks Act, 1877.	Section eight.
40 & 41 Vict. c. 49.	The General Prisons (Ireland) Act, 1877.	Sections thirty-six, thirty-seven, thirty-eight, thirty-nine, and forty-eight, in section three, the words "in respect of his conveyance to prison or otherwise," in section twelve, from "no rule" to the end of the section.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	Section five from "And such imprisonment" to the end of the section. Section fourteen. Section eighteen. Subsections (3) and (4) of section twenty-one. Subsection (2) of section twenty-two from "but nothing in this section" to the end of that subsection. Paragraph (6) of section twenty-seven
61 & 62 Vict. c. 41.	The Prison Act, 1898 -	Subsection (4) of section six and section nine
4 Edw. 7. c. 15.	The Prevention of Cruelty to Children Act, 1904.	Section fifteen.
7 Edw. 7. c. 17.	The Probation of Offenders Act, 1907.	Subsection (2) of section two, and section five.
8 Edw. 7. c. 59.	The Prevention of Crimes Act, 1908.	In subsection (2) of section six from "and at latest within three months" to the end of that subsection.

Session and Chapter.	Title or Short Title	Extent of Repeal.
8 Edw. 7. c. 67.	The Children Act, 1908	In section thirty the words “under this Part of this Act “or for any of the offences “mentioned in the First “Schedule to this Act, the “child in respect of whom the “offence is charged to have “been committed or” and the word “other” where it first occurs in the same section.

CHAPTER 59.

An Act to consolidate the Law relating to Bankruptcy.
[10th August 1914.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

PART I.

PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

Acts of Bankruptcy.

1.—(1) A debtor commits an act of bankruptcy in each of the following cases :— Acts of bankruptcy.

- (a) If in England or elsewhere he makes a conveyance or assignment of his property to a trustee or trustees for the benefit of his creditors generally ;
- (b) If in England or elsewhere he makes a fraudulent conveyance, gift, delivery, or transfer of his property, or of any part thereof ;
- (c) If in England or elsewhere he makes any conveyance or transfer of his property or any part thereof, or creates any charge thereon, which would under this or any other Act be void as a fraudulent preference if he were adjudged bankrupt ;
- (d) If with intent to defeat or delay his creditors he does any of the following things, namely, departs out of England, or being out of England remains out of England, or departs from his dwelling-house, or otherwise absents himself, or begins to keep house ;
- (e) If execution against him has been levied by seizure of his goods under process in an action in any court, or