

Criminal Justice Act 1972

CHAPTER 71

ARRANGEMENT OF SECTIONS

PART I

POWERS FOR DEALING WITH OFFENDERS

Compensation orders

Section

1. Compensation orders against convicted persons.
2. Appeals in the case of compensation orders.
3. Review of compensation orders.
4. Effect of compensation order on subsequent award of damages in civil proceedings.
5. Priority for sums awarded by compensation orders.

Restitution orders

6. Restitution orders.

Criminal bankruptcy

7. Criminal bankruptcy orders against convicted persons.
8. Appeals in the case of criminal bankruptcy orders.
9. The Official Petitioner.
10. Recovery of assets for benefit of criminal bankrupt's creditors.

Sentences of imprisonment

11. Suspended sentences.
12. Suspended sentence supervision orders.
13. Breach of requirements of suspended sentence supervision order.
14. Restriction on imprisonment of persons who have not previously served prison sentences.

Community service orders

15. Community service orders in respect of convicted persons.
16. Obligations of person subject to community service order.
17. Breach of requirements of community service order.
18. Amendment and revocation of community service orders.
19. Community service rules.

Probation orders

20. Probation orders requiring attendance at day training centre.
21. Penalties for breach of requirements of probation order.

Other powers

Section

- 22. Deferment of sentence.
- 23. Power to deprive offender of property used, or intended for use, for purposes of crime.
- 24. Driving disqualification where vehicle used for purposes of crime.

PART II

JURY SERVICE

- 25. Qualification for jury service.
- 26. Electoral register as basis of juror selection.
- 27. Payments in respect of jury service.

PART III

MISCELLANEOUS PROVISIONS

- 28. Punishment for firearms offences.
- 29. Possession of firearms by persons convicted of crime in Northern Ireland.
- 30. Punishment for unlawful eviction or harassment of tenants.
- 31. Punishment for certain offences of Sunday trading.
- 32. Punishment for use of premises in breach of closing order.
- 33. Extension of definition of "public place" in Public Order Act 1936.
- 34. Power of constable to take drunken offender to treatment centre.
- 35. Release on licence without recommendation of Parole Board.
- 36. Reference to Court of Appeal of point of law following acquittal on indictment.
- 37. Restrictions on imprisonment etc. of persons not legally represented.
- 38. Legal aid for appeals under Part I of Criminal Appeal Act 1968.
- 39. Costs on appeal.
- 40. Power of Crown Court to allow time for payment, or payment by instalments, of costs and compensation.
- 41. Power of magistrates' court to re-open cases to rectify mistakes etc.
- 42. Order for return to borstal institution on re-conviction.
- 43. Release of young persons arrested without warrant.
- 44. Committal for trial of young persons.
- 45. Power to receive evidence in committal proceedings in absence of accused.
- 46. Admissibility of written statements made outside England and Wales.

Section

47. Summary trial of certain offences of arson.
48. Proceedings under Indecency with Children Act 1960.
49. Community service order in lieu of warrant of commitment for failure to pay fine etc.
50. Transfer of fine orders.
51. Execution of process between England and Wales and Scotland.

PART IV

ADMINISTRATIVE PROVISIONS

52. Functions of probation and after-care committees in relation to community service orders.
53. Provision of day training centres, bail hostels, probation hostels etc.
54. Maintenance of persons attending day training centres.
55. Provision of accommodation for probation service.
56. Financial and other provisions as to probation and after-care committees.
57. Membership of probation and after-care committees and delegation of their functions.
58. Amendment of Police (Property) Act 1897.
59. Abolition of duty to re-convey certain prisons to local authorities.
60. Power of entry in connection with acquisition of land for prisons.
61. Grants by Secretary of State for magistrates' courts purposes.
62. Justices' clerks and their staff.

PART V

SUPPLEMENTARY

63. Powers of Parliament of Northern Ireland.
64. Minor and consequential amendments and repeals.
65. Expenses and receipts.
66. Citation, interpretation, commencement and extent.

SCHEDULES:

- Schedule 1—Criminal bankruptcy orders.
- Schedule 2—Ineligibility and disqualification for, and excusal from, jury service.
- Schedule 3—Amendments of enactments relating to costs on appeal.
- Schedule 4—Section to be inserted in the Criminal Appeal (Northern Ireland) Act 1968.
- Schedule 5—Minor and consequential amendments.
- Schedule 6—Repeals.

ELIZABETH II



Criminal Justice Act 1972

1972 CHAPTER 71

An Act to make further provision with respect to the administration of criminal justice, the criminal courts and the penal system, and to the methods of dealing with offenders (including the provision of new methods); to amend the law about qualification for jury service, the summoning of jurors and the payment of allowances in respect of jury service; to increase the penalties for certain offences and amend section 21 of the Firearms Act 1968 and section 9 of the Public Order Act 1936; and for purposes connected with those matters.

[26th October 1972]

BE IT ENACTED by the Queen'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

POWERS FOR DEALING WITH OFFENDERS

Compensation orders

1.—(1) Subject to the provisions of this Part of this Act, a court by or before which a person is convicted of an offence, in addition to dealing with him in any other way, may, on application or otherwise, make an order (in this Act referred to as “a compensation order”) requiring him to pay compensation for any personal injury, loss or damage resulting from that offence or any other offence which is taken into consideration by the court in determining sentence.

Compensation orders against convicted persons.

(2) In the case of an offence under the Theft Act 1968, 1968 c. 60. where the property in question is recovered, any damage to the property occurring while it was out of the owner's possession

PART I

shall be treated for the purposes of subsection (1) above as having resulted from the offence, however and by whomsoever the damage was caused.

1968 c. 60.

(3) No compensation order shall be made in respect of loss suffered by the dependants of a person in consequence of his death, and no such order shall be made in respect of injury, loss or damage due to an accident arising out of the presence of a motor vehicle on a road, except such damage as is treated by subsection (2) above as resulting from an offence under the Theft Act 1968.

(4) In determining whether to make a compensation order against any person, and in determining the amount to be paid by any person under such an order, the court shall have regard to his means so far as they appear or are known to the court.

(5) The compensation to be paid under a compensation order made by a magistrates' court in respect of any offence of which the court has convicted the offender shall not exceed £400; and the compensation or total compensation to be paid under a compensation order or compensation orders made by a magistrates' court in respect of any offence or offences taken into consideration in determining sentence shall not exceed the difference (if any) between the amount or total amount which under the foregoing provisions of this subsection is the maximum for the offence or offences of which the offender has been convicted and the amount or total amounts (if any) which are in fact ordered to be paid in respect of that offence or those offences.

1870 c. 23.

1911 c. 27.

1948 c. 58.

1952 c. 55.

1971 c. 48.

(6) Section 4 of the Forfeiture Act 1870, section 4 of the Protection of Animals Act 1911, section 11(2) of the Criminal Justice Act 1948, section 34 of the Magistrates' Courts Act 1952 and section 8 of the Criminal Damage Act 1971 shall cease to have effect.

Appeals
in the case of
compensation
orders.

1968 c. 19.

2.—(1) A compensation order made on conviction on indictment shall be treated for the purposes of sections 30 and 42(1) and (2) of the Criminal Appeal Act 1968 (effect of appeals on orders for the restitution of property) as an order for the restitution of property; and where by reason of the quashing by the Court of Appeal of a person's conviction any such order does not take effect, and on an appeal to the House of Lords the conviction is restored by that House, the House may make any compensation order which could be made on his conviction by the court which convicted him.

(2) A compensation order made by a magistrates' court shall be suspended—

(a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against a decision of a magistrates' court;

(b) where notice of appeal is given within the period so prescribed, until the determination of the appeal.

(3) Where a compensation order has been made against any person in respect of an offence taken into consideration in determining his sentence—

- (a) the order shall cease to have effect if he successfully appeals against his conviction of the offence or, if more than one, all the offences, of which he was convicted in the proceedings in which the order was made ;
- (b) he may appeal against the order as if it were part of the sentence imposed in respect of the offence or, if more than one, any of the offences, of which he was so convicted.

3. At any time before a compensation order has been complied with or fully complied with, the magistrates' court for the time being having functions in relation to the enforcement of the order may, on the application of the person against whom it was made, discharge the order, or reduce the amount which remains to be paid, if it appears to the court—

Review of compensation orders.

- (a) that the injury, loss or damage in respect of which the order was made has been held in civil proceedings to be less than it was taken to be for the purposes of the order ; or
- (b) in the case of an order in respect of the loss of any property, that the property has been recovered by the person in whose favour the order was made.

4.—(1) This section shall have effect where a compensation order has been made in favour of any person in respect of any injury, loss or damage and a claim by him in civil proceedings for damages in respect thereof subsequently falls to be determined.

Effect of compensation order on subsequent award of damages in civil proceedings.

(2) The damages in the civil proceedings shall be assessed without regard to the order ; but where the whole or part of the amount awarded by the order has been paid, the damages awarded in the civil proceedings shall not exceed the amount (if any) by which, as so assessed, they exceed the amount paid under the order.

(3) Where there is an amount unpaid under the compensation order (whether the whole or part of the amount awarded) and the court awards damages in the civil proceedings, then, unless the person against whom the order was made has ceased to be liable to pay the amount unpaid (whether in consequence of

PART I

an appeal, of his imprisonment for default or otherwise), the court shall direct that the judgment—

- (a) if it is for an amount not exceeding the amount unpaid under the order, shall not be enforced ; or
- (b) if it is for an amount exceeding the amount unpaid under the order, shall not be enforced as to a corresponding amount,

without the leave of the court.

Priority
for sums
awarded by
compensation
orders.
1952 c. 55.

5. For the purposes of section 114 of the Magistrates' Courts Act 1952 (which sets out the manner in which the clerk to a magistrates' court is to apply moneys received by him on account of a sum adjudged to be paid by a summary conviction) the payment of compensation so adjudged to be paid to any person shall, instead of taking second place to the payment of any costs so adjudged to be paid to the prosecutor, take precedence over the payment of such costs.

Restitution orders

Restitution
orders.
1968 c. 60.

6.—(1) The following provisions of this section shall have effect with respect to section 28 of the Theft Act 1968 (which enables orders for restitution and certain other orders to be made in relation to stolen property).

(2) The powers conferred by—

- (a) subsection (1)(c) of the said section 28 (payment to owner of stolen goods out of money taken from the offender on his apprehension) ; and
- (b) subsection (3) of that section (payment to purchaser of, and lender on the security of, stolen goods out of money so taken),

shall be exercisable without any application being made in that behalf or on the application of any person appearing to the court to be interested in the property concerned.

(3) The powers conferred by the said section 28 shall be exercisable not only where a person is convicted of an offence with reference to the theft of the goods in question but also where, on the conviction of a person of any other offence, the court takes an offence with reference to the theft of those goods into consideration in determining sentence.

(4) Where an order is made under the said section 28 against any person in respect of an offence taken into consideration in determining his sentence—

- (a) the order shall cease to have effect if he successfully appeals against his conviction of the offence or, if more than one, all the offences, of which he was convicted in the proceedings in which the order was made ;

- (b) he may appeal against the order as if it were part of the sentence imposed in respect of the offence or, if more than one, any of the offences, of which he was so convicted.

(5) Any order under the said section 28 made by a magistrates' court shall be suspended—

- (a) in any case until the expiration of the period for the time being prescribed by law for the giving of notice of appeal against a decision of a magistrates' court ;
- (b) where notice of appeal is given within the period so prescribed, until the determination of the appeal ;

but this subsection shall not apply where the order is made under section 28(1)(a) or (b) and the court so directs, being of the opinion that the title to the goods to be restored or, as the case may be, delivered or transferred under the order is not in dispute.

Criminal bankruptcy

7.—(1) Where a person is convicted of an offence before the Crown Court and it appears to the court that—

Criminal
bankruptcy
orders against
convicted
persons.

- (a) as a result of the offence, or of that offence taken together with any other relevant offence or offences, loss or damage (not attributable to personal injury) has been suffered by one or more persons whose identity is known to the court ; and
- (b) the amount, or aggregate amount, of the loss or damage exceeds £15,000,

the court may, in addition to dealing with the offender in any other way (but not if it makes a compensation order against him), make a criminal bankruptcy order against him in respect of the offence or, as the case may be, that offence and the other relevant offence or offences.

(2) In subsection (1) of this section "other relevant offence or offences" means an offence or offences of which the person in question is convicted in the same proceedings or which the court takes into consideration in determining his sentence.

(3) A criminal bankruptcy order shall specify—

- (a) the amount of the loss or damage appearing to the court to have resulted from the offence or, if more than one, each of the offences ;
- (b) the person or persons appearing to the court to have suffered that loss or damage ;

PART I

- (c) the amount of that loss or damage which it appears to the court that that person, or each of those persons, has suffered ; and
- (d) the date which is to be the operative date for the purposes of section 10 below, being the date appearing to the court making the order to be the earliest date on which the offence or, if more than one, the earliest of the offences, was committed.

(4) A criminal bankruptcy order may be made against two or more offenders in respect of the same loss or damage.

(5) Schedule 1 to this Act shall have effect in relation to criminal bankruptcy orders and the operation of the enactments relating to bankruptcy in a case where such an order has been made.

(6) The Secretary of State may by order made by statutory instrument direct that subsection (1) of this section shall be amended by substituting, for the amount specified in that subsection as originally enacted or as previously amended under this subsection, such amount as may be specified in the order ; and any order under this subsection may be revoked by a subsequent order and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this Act “criminal bankruptcy proceedings” means proceedings pursuant to a criminal bankruptcy petition or a petition under section 130 of the Bankruptcy Act 1914 presented by virtue of Schedule 1 to this Act.

1914 c. 59.

Appeals
in the case of
criminal
bankruptcy
orders.

8.—(1) No appeal shall lie against the making of a criminal bankruptcy order.

(2) Where a person successfully appeals to the Court of Appeal against his conviction of an offence by virtue of which such an order was made, the Court of Appeal—

(a) shall rescind the order unless—

(i) he was convicted in the same proceedings of another offence of which he remains convicted ; and

(ii) a criminal bankruptcy order could have been made without reference to loss or damage caused by the offence in respect of which the conviction is quashed ;

(b) where by virtue of paragraph (a) above the court does not rescind the order, shall amend it by striking out so much of it as relates to loss or damage caused by the offence in respect of which the conviction is quashed.

(3) Where on an appeal by a person against his conviction of an offence by virtue of which a criminal bankruptcy order was made the Court of Appeal substitutes a verdict of guilty of another offence, the court shall—

- (a) rescind the order if a criminal bankruptcy order could not have been made against that person if he had originally been convicted of that other offence ;
- (b) in any other case, amend the order so far as may be required in consequence of the substitution of a verdict of guilty of the other offence.

(4) Where the Court of Appeal rescinds or amends a criminal bankruptcy order, the rescission or amendment shall not take effect—

- (a) in any case until the expiration of the time for applying for leave to appeal to the House of Lords against the Court of Appeal's decision on the appeal against conviction (disregarding any extension of time which may be granted under section 34 of the Criminal Appeal Act 1968) c. 19.
- (b) if an application for leave to appeal is made within that time, so long as an appeal to the House of Lords is pending ; and
- (c) if on such an appeal the conviction is restored by that House.

(5) For the purposes of this section an appeal to the House of Lords shall be treated as pending until any application for leave to appeal is disposed of and, if leave to appeal is granted, until the appeal is disposed of ; and for the purposes of this subsection an application for leave to appeal shall be treated as disposed of at the expiration of the time within which it may be made if it is not made within that time.

9.—(1) For the purpose of discharging the functions mentioned in subsection (2) of this section, in relation to cases in which a criminal bankruptcy order is made, there shall be an officer known as the Official Petitioner ; and the Director of Public Prosecutions shall, by virtue of his office, be the Official Petitioner. The Official
Petitioner.

(2) The functions of the Official Petitioner shall be—

- (a) to consider whether, in any such case as aforesaid, it is in the public interest that he should himself present a bankruptcy petition ;
- (b) to present a bankruptcy petition in any such case in which he determines that it is in the public interest that he should do so ;

PART I

- (c) to make payments, in such cases as he may determine, towards expenses incurred by other persons in connection with bankruptcy proceedings instituted by virtue of the making of a criminal bankruptcy order ;
- (d) to exercise, so far as he considers it to be in the public interest to do so, any of the powers conferred on him by Schedule 1 to this Act.

(3) Neither the Official Petitioner nor any person acting under his authority shall be liable to any action or proceeding in respect of anything done or omitted in the discharge, or purported discharge, of the functions of the Official Petitioner under or by virtue of this Act.

(4) Any expenses of the Official Petitioner shall be defrayed out of moneys provided by Parliament.

Recovery of assets for benefit of criminal bankrupt's creditors. 1914 c. 59.

10.—(1) Where a person is adjudged bankrupt in criminal bankruptcy proceedings, the official receiver (and not a person appointed under section 19 of the Bankruptcy Act 1914) shall in the bankruptcy be trustee of the property of the bankrupt ; and the following provisions of this section shall apply with respect to dispositions of property or any interest in property, made by the bankrupt, on or after the operative date, either by way of gift or for an under-value.

(2) On the application of the official receiver (in his capacity as trustee) the High Court may make orders requiring—

- (a) the donee under any such disposition ; or
- (b) subject to the following subsection, any other person who by virtue of any subsequent disposition acquired (whether or not from the original donee) the whole or any part of the property or any interest therein,

to transfer the whole or any part of the property, or such interest as the order may specify, to the trustee, or to make such payments to the trustee as the court thinks just with a view to making available to the creditors the full value of the property or interest disposed of by the bankrupt (including any increase in its value since the disposition was made).

(3) No order shall be made by virtue of subsection (2)(b) above against a person appearing to the court to have given full value for anything taken by him under a relevant disposition or to claim (directly or indirectly) through a person who gave full value.

(4) An order of the High Court under this section requiring a person to transfer any property or interest may include such consequential directions for giving effect to the order, and be made on such terms (including in particular terms allowing the person to retain or recover consideration given by him for any

relevant disposition) as the court thinks just in all the circumstances. PART I

(5) In this section "disposition" includes any conveyance or assurance of property of any description and "disponee" shall be construed accordingly.

(6) Nothing in this section is to be taken to prejudice any provision of the Bankruptcy Act 1914.

1914 c. 59.

Sentences of imprisonment

11.—(1) Subsection (3) of section 39 of the Criminal Justice Act 1967 (which in general requires a court which passes a sentence of imprisonment for a term of not more than six months to suspend the sentence) shall cease to have effect. Suspended sentences.
1967 c. 80.

(2) In the following provisions of the said Act of 1967, that is to say—

(a) section 39(1) (which provides that a court which passes a sentence of imprisonment for a term of not more than two years may suspend it for a period of not less than one year or more than three years);

(b) section 40(1)(c) (which enables a court in certain cases to vary the original period of suspension by substituting a period expiring not later than three years from the date of the variation),

for the words "three years" there shall be substituted the words "two years".

(3) An offender shall not be dealt with by means of a sentence of imprisonment suspended under section 39 of the said Act of 1967 unless the case appears to the court to be one in which a sentence of imprisonment would have been appropriate in the absence of any power to suspend such a sentence.

12.—(1) Where a court sentences an offender for a single offence to imprisonment for a term of more than six months and makes an order suspending the sentence under section 39(1) of the Criminal Justice Act 1967, the court may make a suspended sentence supervision order (in this Act referred to as "a supervision order") placing the offender under the supervision of a supervising officer for a period specified in the order not exceeding the period which under the said section 39(1) is the operational period in relation to the suspended sentence. Suspended sentence supervision orders.

(2) The Secretary of State may by order—

(a) direct that subsection (1) above be amended by substituting, for the number of months specified in the subsection as originally enacted or as previously amended under this paragraph, such other number (not more than six) as the order may specify; or

PART I

- (b) make in that subsection the repeals necessary to enable a court to exercise the powers of the subsection in the case of any suspended sentence, whatever the length of the term.

Orders under this subsection shall be made by statutory instrument subject to annulment by resolution of either House of Parliament; and an order under paragraph (a) may be revoked by a subsequent order under paragraph (a) or (b).

(3) A supervision order shall specify the petty sessions area in which the offender resides or will reside; and the supervising officer shall be a probation officer appointed for or assigned to that area.

(4) An offender in respect of whom a supervision order is in force shall keep in touch with the supervising officer in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address.

(5) The court by which a supervision order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy to the offender and the supervising officer; and the court shall, except where it is itself a magistrates' court acting for the petty sessions area specified in the order, send to the clerk to the justices for the petty sessions area specified in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to that court in exercising its functions in relation to the order.

(6) If a magistrates' court acting for the petty sessions area specified in a supervision order is satisfied that the offender proposes to change, or has changed, his residence from that petty sessions area to another petty sessions area, the court may, and if application in that behalf is made by the supervising officer shall, amend the order by substituting the other petty sessions area for the area specified therein, and references in this Act to the area specified in a supervision order shall be construed accordingly.

(7) Where a supervision order is amended by a court under subsection (6) of this section the court shall send to the clerk to the justices for the area which is specified in the order in consequence of the amendment a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in exercising its functions in relation to the order.

(8) A supervision order shall cease to have effect if before the end of the period specified in it—

- (a) a court orders under section 40 of the said Act of 1967 that a suspended sentence passed in the proceedings in which the order was made shall have effect; or
- (b) the order is discharged or replaced under the subsequent provisions of this section.

(9) A supervision order may be discharged, on the application of the supervising officer or the offender, by the magistrates' court acting for the petty sessions area specified in the order except that, where the order was made by the Crown Court and includes a direction to that effect, the power conferred by this subsection shall be exercisable by the Crown Court and not by a magistrates' court.

(10) Where under paragraph (c) of subsection (1) of section 40 of the said Act of 1967 a court varies the operational period of a suspended sentence, or under paragraph (d) of that subsection makes no order with respect to such a sentence, the court may make a supervision order in respect of the offender—

- (a) in place of any such order made when the suspended sentence was passed; or
- (b) if the court which passed the sentence could have made such an order but did not do so; or
- (c) if that court had not the power to make such an order but would have had the power with subsection (1) of this section in force as it is at the time when the offender is dealt with under section 40(1).

(11) On making a supervision order the court shall in ordinary language explain its effect to the offender.

(12) In this section "suspended sentence" and "operational period" have the same meaning as in Part II of the said Act of 1967.

13.—(1) If at any time while a supervision order is in force in respect of an offender it appears on information to a justice of the peace acting for the petty sessions area specified in the order that the offender has failed to comply with any of the requirements of section 12(4) of this Act, the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.

Breach of requirements of suspended sentence supervision order.

(2) Any summons or warrant issued under this section shall direct the offender to appear or be brought before a magistrates' court acting for the petty sessions area specified in the supervision order.

PART I

(3) If it is proved to the satisfaction of the court before which an offender appears or is brought under this section that he has failed without reasonable excuse to comply with any of the requirements aforesaid the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding £50.

(4) A fine imposed under this section shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.

Restriction on imprisonment of persons who have not previously served prison sentences.

14.—(1) A court shall not pass sentence of imprisonment on a person who has attained the age of twenty-one and has not previously been sentenced to imprisonment unless the court is of opinion that no other method of dealing with him is appropriate; and for the purpose of determining whether any other method of dealing with any such person is appropriate the court shall obtain and consider information about the circumstances, and shall take into account any information before the court which is relevant to his character and his physical and mental condition.

(2) Where a magistrates' court sentences to imprisonment any such person as is mentioned in subsection (1) of this section, the court shall state the reason for its opinion that no other method of dealing with him is appropriate, and cause that reason to be specified in the warrant of commitment and to be entered in the register.

(3) In this section—

“previously sentenced to imprisonment” means previously sentenced to imprisonment by a court in any part of the United Kingdom, but for the purposes of this definition a sentence of imprisonment which has been suspended and which has not taken effect under section 40 of the Criminal Justice Act 1967 or under section 19 of the Treatment of Offenders Act (Northern Ireland) 1968 shall be disregarded;

“the register” has the same meaning as in the Magistrates' Courts Act 1952;

and for the purposes of this section, the age of a person shall be deemed to be that which it appears to the court to be after considering any available evidence.

(4) Subsection (1) of this section does not affect the power of a court to pass sentence on any person for an offence the sentence for which is fixed by law.

(5) The First Offenders Act 1958 shall cease to have effect.

1967 c. 80.

1968 c. 29.
(N.I.)

1952 c. 55.

1958 c. 31.

Community service orders

PART I

15.—(1) Where a person who has attained the age of seventeen is convicted of an offence punishable with imprisonment, the court by or before which he is convicted may, instead of dealing with him in any other way (but subject to subsection (2) of this section), make an order (in this Act referred to as “a community service order”) requiring him to perform unpaid work in accordance with the subsequent provisions of this Act for such number of hours (being in the aggregate not less than forty nor more than two hundred and forty) as may be specified in the order.

Community service orders in respect of convicted persons.

(2) A court shall not make a community service order in respect of any offender unless the offender consents and the court—

(a) has been notified by the Secretary of State that arrangements exist for persons who reside in the petty sessions area in which the offender resides or will reside to perform work under such orders ; and

(b) is satisfied—

(i) after considering a report by a probation officer about the offender and his circumstances and, if the court thinks it necessary, hearing a probation officer, that the offender is a suitable person to perform work under such an order ; and

(ii) that provision can be made under the arrangements for him to do so.

(3) Where a court makes community service orders in respect of two or more offences of which the offender has been convicted by or before the court, the court may direct that the hours of work specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders, but so that the total number of hours which are not concurrent shall not exceed the maximum in subsection (1) of this section.

(4) A community service order shall specify the petty sessions area in which the offender resides or will reside ; and the functions conferred by the subsequent provisions of this Act on the relevant officer shall be discharged by a probation officer appointed for or assigned to that area, or by a person appointed for the purposes of those provisions by the probation and after-care committee for that area.

(5) The court by which a community service order is made shall forthwith give copies of the order to a probation officer assigned to the court and he shall give a copy to the offender and to the relevant officer ; and the court shall, except where it is itself a magistrates’ court acting for the petty sessions area specified in the order, send to the clerk to the justices for the

PART I

petty sessions area specified in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to that court in exercising its functions in relation to the order.

(6) The Secretary of State may by order direct that subsection (1) of this section shall be amended by substituting, for the maximum number of hours specified in that subsection as originally enacted or as previously amended under this subsection, such number of hours as may be specified in the order; but no such order shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament.

(7) The power to make orders under subsection (6) of this section shall be exercisable by statutory instrument and includes power to revoke a previous order under that subsection.

(8) Nothing in subsection (1) of this section shall be construed as preventing a court which makes a community service order in respect of any offence from making an order for costs against, or imposing any disqualification on, the offender or from making in respect of the offence an order under the foregoing provisions of this Act, under section 23 or 24 thereof, or under section 28 of the Theft Act 1968.

1968 c. 60.

(9) Before making a community service order the court shall in ordinary language explain to the offender—

- (a) the purpose and effect of the order (and in particular the requirements of the order as specified in section 16 of this Act);
- (b) the consequences which may follow under section 17 if he fails to comply with any of those requirements; and
- (c) that the court has under section 18 the power to review the order on the application either of the offender or of a probation officer.

Obligations
of person
subject to
community
service order.

16.—(1) An offender in respect of whom a community service order is in force shall—

- (a) report to the relevant officer and subsequently from time to time notify him of any change of address; and
- (b) perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.

(2) Subject to section 18 of this Act, the work required to be performed under a community service order shall be performed during the period of twelve months beginning with the date of the order.

(3) The instructions given by a relevant officer under this section shall, so far as practicable, be such as to avoid any conflict with the offender's religious beliefs and any interference with the times, if any, at which he normally works or attends a school or other educational establishment.

17.—(1) If at any time while a community service order is in force in respect of an offender it appears on information to a justice of the peace acting for the petty sessions area specified in the order that the offender has failed to comply with any of the requirements of section 16 of this Act (including any failure satisfactorily to perform the work which he has been instructed to do), the justice may issue a summons requiring the offender to appear at the place and time specified therein, or may, if the information is in writing and on oath, issue a warrant for his arrest.

Breach of requirements of community service order.

(2) Any summons or warrant issued under this section shall direct the offender to appear or be brought before a magistrates' court acting for the petty sessions area specified in the community service order.

(3) If it is proved to the satisfaction of the court before which an offender appears or is brought under this section that he has failed without reasonable excuse to comply with any of the requirements aforesaid, the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding £50 or may—

- (a) if the community service order was made by a magistrates' court, revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;
- (b) if the order was made by the Crown Court, commit him to custody or release him on bail until he can be brought or appear before the Crown Court.

(4) Where a magistrates' court deals with the case as provided in subsection (3)(b) of this section—

- (a) the court shall send to the Crown Court a certificate signed by a justice of the peace certifying that the offender has failed to comply with the requirements aforesaid in the respect specified in the certificate, together with such other particulars of the case as may be desirable, and a certificate purporting to be so signed shall be admissible before the Crown Court as evidence of the failure; and

PART I

(b) where the offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court that he has failed to comply with any of the requirements aforesaid, that court may either—

(i) without prejudice to the continuance of the order, impose on him a fine not exceeding £50; or

(ii) revoke the order and deal with him, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.

(5) A person sentenced under subsection (3)(a) of this section for an offence may appeal to the Crown Court against the sentence.

(6) In proceedings before the Crown Court under this section any question whether the offender has failed to comply with the requirements aforesaid shall be determined by the court and not by the verdict of a jury.

(7) A fine imposed under this section shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.

Amendment
and revocation
of community
service orders.

18.—(1) Where a community service order is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to a magistrates' court acting for the petty sessions area specified in the order that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made, the court may—

(a) extend, in relation to the order, the period of twelve months specified in section 16(2) of this Act; or

(b) if the order was made by a magistrates' court, revoke the order or revoke it and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.

(2) Where a community service order made by the Crown Court is in force in respect of any offender and, on the application of the offender or the relevant officer, it appears to a magistrates' court acting for the petty sessions area specified in the order that, having regard to circumstances which have arisen since the order was made, it is in the interests of justice that the order should be revoked or that the offender should be dealt with in some other manner for the offence in respect of which the order was made, the court may commit him to custody or release him on bail until he can be brought or appear before the Crown Court.

(3) Where a magistrates' court deals with the case as provided in subsection (2) of this section—

- (a) the court shall send to the Crown Court such particulars of the case as may be desirable ; and
- (b) where the offender is brought or appears before the Crown Court and it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may revoke the order or revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.

(4) A person sentenced under subsection (1)(b) of this section for an offence may appeal to the Crown Court against the sentence.

(5) If a magistrates' court acting for the petty sessions area specified in a community service order is satisfied that the offender proposes to change, or has changed, his residence from that petty sessions area to another petty sessions area and—

- (a) the court has been notified that arrangements exist for persons who reside in that other area to perform work under community service orders ; and
- (b) it appears to the court that provision can be made under the arrangements for him to perform work under the order,

the court may, and if application in that behalf is made by the relevant officer shall, amend the order by substituting the other petty sessions area for the area specified therein, and references in this Act to the area specified in a community service order shall be construed accordingly.

(6) Where a community service order is amended by a court under subsection (5) of this section the court shall send to the clerk to the justices for the area which is specified in the order in consequence of the amendment a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in exercising its functions in relation to the order.

(7) Where a magistrates' court proposes to exercise its powers under subsection (1) or (2) of this section otherwise than on the application of the offender it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

PART I
Community
service rules.

19.—(1) The Secretary of State may make rules for regulating the performance of work under community service orders and the arrangements made under the subsequent provisions of this Act for persons to perform such work.

(2) Without prejudice to the generality of subsection (1) of this section, rules under this section may in particular—

- (a) limit the number of hours' work to be done by a person under such an order on any one day ;
- (b) make provision as to the reckoning of time worked under such orders ;
- (c) make provision for the payment of travelling and other expenses in connection with the performance of work under such orders ;
- (d) provide for records to be kept of the work done by any person under such an order.

(3) The power to make rules under this section shall be exercisable by statutory instrument, and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Probation orders

Probation
orders
requiring
attendance
at day
training
centre.

20.—(1) Where a court makes a probation order in the case of an offender it may, subject to the provisions of this section, include in the order a requirement that he shall during the probation period attend at a day training centre specified in the order.

(2) A court shall not include such a requirement as aforesaid in a probation order unless—

- (a) it has been notified by the Secretary of State that a day training centre exists for persons of the offender's class or description who reside in the petty sessions area in which he resides or will reside ; and
- (b) it is satisfied that arrangements can be made for his attendance at that centre ;

and no such requirement shall be included in a probation order which includes a requirement under section 4 of the Criminal Justice Act 1948 (treatment of offender for mental condition).

1948 c. 58.

(3) Section 3(5) of the said Act of 1948 (which provides that a court which proposes to make a probation order shall explain its requirements to the offender and shall not make the order unless the offender expresses his willingness to comply with the requirements) shall apply also in relation to any requirement proposed to be included in a probation order by virtue of this section.

(4) A requirement included in a probation order by virtue of this section shall operate to require the probationer—

- (a) in accordance with instructions given by the probation officer responsible for his supervision, to attend on not more than sixty days at the centre specified in the order ;
- (b) while attending there to comply with instructions given by, or under the authority of, the person in charge of the centre.

(5) The Secretary of State may make rules for regulating the training given at day training centres and the provision and carrying on of such centres under the subsequent provisions of this Act ; and, without prejudice to the generality of the foregoing provision, such rules may in particular—

- (a) regulate the hours of attendance, and the reckoning of days of attendance, at such centres ;
- (b) provide for the keeping of records of such attendance ;
- (c) provide that no person shall be appointed to be in charge of such a centre unless the Secretary of State has consented to his appointment.

(6) The power to make rules under this section shall be exercisable by statutory instrument, and any statutory instrument containing such rules shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) References in this section to attendance at a day training centre include references to attendance elsewhere than at the centre for the purpose of receiving training in accordance with instructions given by, or under the authority of, the person in charge of the centre.

21.—(1) The maximum fine which may be imposed by a magistrates' court under section 6(3) of the Criminal Justice Act 1948, or by the Crown Court under section 54(5) of the Criminal Justice Act 1967, on a probationer who has failed to comply with any requirement of a probation order shall be £50 instead of £20.

Penalties for breach of requirements of probation order.
1948 c. 58.
1967 c. 80.

(2) A court before which a probationer appears or is brought and which is satisfied that he has failed to comply with any of the requirements of a probation order may, subject to subsection (3) of this section and without prejudice to the continuance of the probation order, make a community service order in respect of the probationer instead of dealing with him as provided in the said section 6(3) or 54(5).

(3) Section 15(2) of this Act and, so far as applicable, the other provisions of this Act relating to community service

PART I

orders shall have effect in relation to an order under subsection (2) of this section as they have effect in relation to an order in respect of an offender, but as if the power conferred by sections 17 and 18 of this Act to deal with an offender for the offence in respect of which the order was made were a power to deal with the probationer for his failure to comply with the requirements in question.

Other powers

Deferment of sentence.

22.—(1) Subject to the provisions of this section, the Crown Court or a magistrates' court may defer passing sentence on an offender for the purpose of enabling the court to have regard, in determining his sentence, to his conduct after conviction (including, where appropriate, the making by him of reparation for his offence) or to any change in his circumstances.

(2) Any deferment under this section shall be until such date as may be specified by the court, not being more than six months after the date of the conviction; and where the passing of sentence has been deferred under this section it shall not be further deferred thereunder.

(3) The power conferred by this section shall be exercisable only if the offender consents and the court is satisfied, having regard to the nature of the offence and the character and circumstances of the offender, that it would be in the interests of justice to exercise the power.

(4) A court which under this section has deferred passing sentence on an offender may pass sentence on him before the expiration of the period of deferment if during that period he is convicted in Great Britain of any offence.

(5) Where a court which under this section has deferred passing sentence on an offender proposes to sentence him, whether on the date originally specified by the court or by virtue of subsection (4) of this section before that date, it may issue a summons requiring him to appear before the court, or may issue a warrant for his arrest.

1952 c. 55.

(6) Notwithstanding section 14(4) of the Magistrates' Courts Act 1952 (adjournment of trial), a magistrates' court shall not be obliged to remand an offender in whose case it defers the passing of sentence under this section.

(7) Nothing in this section shall affect the power of the Crown Court to bind over an offender to come up for judgment when called upon or the power of any court to defer passing sentence for any purpose for which it may lawfully do so apart from this section.

PART I

Power to deprive offender of property used, or intended for use, for purposes of crime.

23.—(1) Where a person is convicted of an offence punishable on indictment with not less than two years' imprisonment and the court by or before which he is convicted is satisfied that any property which was in his possession or under his control at the time of his apprehension—

(a) has been used for the purpose of committing, or facilitating the commission of, any offence ; or

(b) was intended by him to be used for that purpose,

the court may make an order under this section in respect of that property.

(2) An order under this section shall operate to deprive the offender of his rights, if any, in the property to which it relates, and the property shall (if not already in their possession) be taken into the possession of the police.

(3) The Police (Property) Act 1897 shall apply, with the following modifications, to property which is in the possession of the police by virtue of this section—

(a) no application shall be made under section 1(1) of that Act by any claimant of the property after the expiration of six months from the date on which the order in respect of the property was made under this section ; and

(b) no such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the property or that he did not know, and had no reason to suspect, that the property was likely to be used for the purpose mentioned in subsection (1) of this section.

(4) In relation to such property as aforesaid, the power to make regulations under section 2(1) of the said Act of 1897 (disposal of property in cases where the owner of the property has not been ascertained and no order of a competent court has been made with respect thereto) shall include power to make regulations for disposal in cases where no application by a claimant of the property has been made within the period specified in subsection (3)(a) of this section or no such application has succeeded.

(5) In Scotland, where a person is convicted on indictment of an offence, and the court which passes sentence is satisfied, in regard to any property which was in his possession or under his control at the time of his apprehension, that the property has been used or was intended by him to be used for the purpose mentioned in subsection (1)(a) and (b) of this section,

PART I

that property shall be liable to forfeiture, and any property forfeited under this section shall be disposed of as the court may direct.

(6) References in this section to facilitating the commission of an offence include references to the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.

Driving disqualification where vehicle used for purposes of crime.

1952 c. 55.

1972 c. 20.

24.—(1) Where a person is convicted before the Crown Court of an offence punishable on indictment with not less than two years' imprisonment or, having been convicted by a magistrates' court of such an offence, is committed to the Crown Court for sentence under section 29 of the Magistrates' Courts Act 1952, the Crown Court, if satisfied that a motor vehicle was used (by that person or by anyone else) for the purpose of committing, or facilitating the commission of, the offence, may order that person to be disqualified, for such period as the court thinks fit, for holding or obtaining a licence to drive a motor vehicle granted under Part III of the Road Traffic Act 1972.

(2) In Scotland, where a person is convicted on indictment of an offence, and the court which passes sentence is satisfied that a motor vehicle was used (by that person or anyone else) for the purpose mentioned in the foregoing subsection, the court may make a like order as that under that subsection.

(3) A court which makes an order under this section disqualifying a person for holding or obtaining any such licence as is mentioned in subsection (1) of this section shall require him to produce any such licence held by him; and—

- (a) if he does not produce the licence as required he shall be guilty of an offence under section 101(4) of the Road Traffic Act 1972 (failure to produce licence for endorsement); and
- (b) if he applies under section 95 of that Act for the disqualification to be removed and the court so orders, subsection (4) of that section shall not have effect so as to require particulars of the order to be endorsed on the licence, but the court shall send notice of the order to the Secretary of State and section 105(5) of that Act (procedure) shall apply to the notice.

(4) Subsection (6) of section 23 of this Act shall apply for the purposes of this section as it applies for the purposes of that section.

PART II

JURY SERVICE

25.—(1) Subject to the following provisions, every person shall be qualified to serve as a juror and be liable accordingly to attend for jury service when summoned under Part V of the Act of 1971, if—

Qualification
for jury
service.

(a) he is for the time being registered as a parliamentary or local government elector and is not less than eighteen nor more than sixty-five years of age ; and

(b) he has been ordinarily resident in the United Kingdom, the Channel Islands or the Isle of Man for any period of at least five years since attaining the age of thirteen,

but not if he is for the time being ineligible or disqualified for jury service ; and the persons who are ineligible, and those who are disqualified, are those respectively listed in Parts I and II of Schedule 2 to this Act.

(2) A person summoned for jury service shall be entitled, if he so wishes, to be excused from jury service if he is among the persons listed in Part III of Schedule 2 to this Act, but (except as provided by that Part of the Schedule in the case of members of the Forces and others) a person shall not by this subsection be exempt from his obligation to attend if summoned, where the summons has not been withdrawn under section 31(6) of the Act of 1971 and he has not under section 34(2) of that Act been excused from attending.

(3) A written summons sent to any person under Part V of the Act of 1971 shall be accompanied by a notice informing him—

(a) of the effect of subsections (1), (2), (4) and (5) of this section ; and

(b) that he may make representations to the appropriate officer with a view to obtaining the withdrawal of the summons, if for any reason he is not qualified for jury service, or wishes or is entitled to be excused ;

and where a person attends in pursuance of such a summons or of a summons under section 33 of the Act of 1971 (summoning without notice in exceptional circumstances), the appropriate officer may put or cause to be put to him such questions as the officer thinks fit in order to establish whether or not the person is qualified for jury service.

(4) Where it appears to the appropriate officer, in the case of a person attending in pursuance of a summons for jury service, that on account of physical disability or insufficient understanding of English there is doubt as to his capacity to

PART II

act effectively as a juror, the person may be brought before the judge, who shall determine whether or not he should act as a juror and, if not, shall discharge the summons; and for this purpose "the judge" means any judge of the High Court or any Circuit judge or Recorder.

(5) If any person—

- (a) having been summoned for jury service makes, or causes or permits to be made on his behalf, any false representation to the appropriate officer with the intention of evading jury service; or
- (b) makes or causes to be made on behalf of another person who has been so summoned any false representation to that officer with the intention of enabling the other to evade jury service; or
- (c) when any question is put to him in pursuance of subsection (3) above, refuses without reasonable excuse to answer, or gives an answer which he knows to be false in a material particular, or recklessly gives an answer which is false in a material particular; or
- (d) knowing that he is ineligible for jury service under Group A, B or C in Part I of Schedule 2 to this Act, or disqualified under Part II of that Schedule, serves on a jury,

he shall be liable on summary conviction to a fine of not more than £400 in the case of an offence of serving on a jury when disqualified and, in any other case, a fine of not more than £100.

(6) The fact that a person summoned to serve on a jury is not qualified to serve shall be a ground of challenge for cause; but subject to this nothing in this section affects the law relating to challenge of jurors.

1971 c. 23.

(7) In this section "the Act of 1971" means the Courts Act 1971; and that Act and the foregoing provisions of this section shall be construed and have effect as if this section were contained in Part V of that Act.

(8) Any enactment included among those repealed by this Act which would otherwise have any effect in relation to coroners' juries, or a person's qualification or liability to serve on such a jury, shall cease to have that effect.

26.—(1) In Schedule (4) to the Representation of the People Act 1949 (provisions which may be contained in regulations as to registration) the following paragraph shall be inserted after paragraph 2:—

"2A. Provisions imposing on registration officers the duty of requiring persons to give information required for the purpose of the officer's duty under section 26 of the Criminal Justice Act 1972";

Electoral register as basis of juror selection.

1949 c. 68.

and in paragraph 12(1) of that Schedule (power to make breaches of regulations punishable on summary conviction), after the words " paragraph 2 " there shall be inserted the words " or 2A ". PART II

(2) Every electoral registration officer under the said Act of 1949 shall as soon as practicable after the publication of any register of electors for his area deliver to such officer as the Lord Chancellor may designate such number of copies of the register as the Lord Chancellor's officer may require for the purpose of summoning jurors, and on each copy there shall be indicated those persons on the register whom the registration officer has ascertained to be, or to have been on a date also indicated on the copy, less than eighteen or more than sixty-five years of age.

(3) The reference in subsection (2) of this section to a register of electors does not include a ward list within the meaning of section 4(1) of the City of London (Various Powers) Act 1957 c. x. 1957.

27. In section 1 of the Juries Act 1949 (payments in respect of jury service), the following shall be substituted for subsection (1)— Payments in respect of jury service.
1949 c. 27.

" (1) Subject to the provisions of this Act, a person who serves as a juror shall be entitled, in respect of his attendance at court for the purpose of performing jury service, to receive payments, at the prescribed rates and subject to any prescribed conditions, by way of allowance—

(a) for travelling and subsistence; and

(b) for financial loss, where in consequence of his attendance for that purpose he has incurred any expenditure (otherwise than on travelling and subsistence) to which he would not otherwise be subject or he has suffered any loss of earnings, or of benefit under the enactments relating to national insurance, which he would otherwise have made or received."

PART III

MISCELLANEOUS PROVISIONS

28.—(1) The fourth column in Part I of Schedule 6 to the Firearms Act 1968 (which prescribes the maximum punishment by way of fine or imprisonment for offences under that Act) shall be amended as follows. Punishment for firearms offences.
1968 c. 27.

(2) In the entries prescribing the punishment for offences under section 16 (possession of firearm with intent to endanger life) and section 17(1) (use of firearms to resist arrest) for the words " 14 years " there shall be substituted the words " life imprisonment ".

PART III

(3) In the entries prescribing the punishment for offences under section 17(2) (possessing firearm while committing certain offences) and section 18(1) (carrying firearms or imitation firearm with intent to commit indictable offence etc.) for the words “ 7 years ” and “ 10 years ” there shall be substituted the words “ 14 years ”.

(4) In the entry prescribing the punishment for an offence under section 3(5) (falsifying certificate etc. with view to acquisition of firearm), where the offender has been convicted on indictment, for the words “ a fine of £200 ” there shall be substituted the words “ a fine ”.

(5) In the entries prescribing the punishment for offences under the Act where the offender has been convicted summarily—

- (a) for “ £20 ” there shall be substituted “ £50 ”;
- (b) for “ £50 ” there shall be substituted “ £100 ”;
- (c) for “ £100 ” there shall be substituted “ £200 ”; and
- (d) for “ £200 ” there shall be substituted “ £400 ”.

(6) In relation to offences under sections 16, 17(1), 17(2) and 18(1) of the said Act of 1968 a court in Scotland shall have the like power as a court in England or Wales to impose both a sentence of imprisonment and a fine.

29. In section 21 of the Firearms Act 1968 (possession of firearms and ammunition by persons previously convicted of crime) the following subsection shall be inserted after subsection (3)—

“ (3A) Where by section 19 of the Firearms Act (Northern Ireland) 1969, or by any other enactment for the time being in force in Northern Ireland and corresponding to this section, a person is prohibited in Northern Ireland from having a firearm or ammunition in his possession, he shall also be so prohibited in Great Britain at any time when to have it in his possession in Northern Ireland would be a contravention of the said section 19 or corresponding enactment ”;

and in subsection (6) of that section (application to court for removal of prohibition) for the words “ or (3) ” there shall be substituted the words “ (3) or “ (3A) ”.

Possession of
firearms by
persons
convicted of
crime in
Northern
Ireland.
1968 c. 27.
1969 c. 12
(N.I.)

30. In subsection (3) of section 30 of the Rent Act 1965 (which prescribes the maximum punishment for an offence under that section) for the words from "shall be liable on summary conviction" onwards there shall be substituted the words "shall be liable—

PART III
Punishment
for unlawful
eviction or
harassment
of tenants.

(a) on summary conviction, to a fine not exceeding £400 or to imprisonment for a term not exceeding six months or to both;

1965 c. 75.

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both".

31. In sections 59(1), 64 and 67(5) of the Shops Act 1950 (which impose penalties for certain offences of trading or carrying on business on Sunday) for the words "five pounds" and "two pounds" (wherever occurring) there shall be substituted the words "£50"; and for the words "twenty pounds" (wherever occurring) there shall be substituted the words "£200".

Punishment
for certain
offences of
Sunday
trading.

1950 c. 28.

32. In section 27(1) of the Housing Act 1957 (which prescribes the maximum punishment for the use of premises in breach of a closing order) for the words "twenty pounds" there shall be substituted the words "£100"; and for the words "five pounds" there shall in relation to any day after the coming into force of this section be substituted the words "£20".

Punishment
for use of
premises in
breach of
closing order.

1957 c. 56.

33. For the definition of "Public place" in section 9(1) of the Public Order Act 1936 there shall be substituted—

Extension of
definition of
"public
place" in

"Public place" includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise".

Public Order
Act 1936.

1936 c. 6
(1 Edw. 8 &
1 Geo. 6).

34.—(1) In any case in which a constable has power to arrest a person under any of the provisions mentioned in subsection (3) of this section the constable may, if he thinks fit, take him to any place approved for the purposes of this section by the Secretary of State as a medical treatment centre for alcoholics, and while a person is being so taken he shall be deemed to be in lawful custody.

Power of
constable
to take
drunken
offender to
treatment
centre.

(2) A person shall not by virtue of this section be liable to be detained in any such centre as aforesaid to which he has been taken, but the exercise in his case of the power conferred by this section shall not preclude his being charged with any offence.

PART III

(3) The provisions referred to in subsection (1) of this section are—

- 1872 c. 94. (a) so much of section 12 of the Licensing Act 1872 as relates to persons guilty, while drunk, of riotous or disorderly behaviour ;
- 1902 c. 28. (b) section 1 of the Licensing Act 1902 (persons who are drunk and incapable) ;
- 1967 c. 80. (c) section 91(1) of the Criminal Justice Act 1967 (persons guilty, while drunk, of disorderly behaviour in public place).

Release on licence without recommendation of Parole Board.

35.—(1) If, in any case falling within such class of cases as the Secretary of State may determine after consultation with the Parole Board, a local review committee recommends the release on licence of a person to whom subsection (1) of section 60 of the Criminal Justice Act 1967 applies, the Secretary of State shall not be obliged to refer the case to the Parole Board before releasing him under that subsection and, unless he nevertheless refers it to the Board, may so release him without any recommendation by the Board.

(2) In this section “local review committee” means a committee established under section 59(6) of the said Act of 1967 ; and in the application of this section to Scotland for any reference to the Parole Board there shall be substituted a reference to the Parole Board for Scotland.

Reference to Court of Appeal of point of law following acquittal on indictment.

36.—(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 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 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 of Appeal 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 35(1) of the Criminal Appeal Act 1968 (composition of House for appeals) shall apply also in relation to any proceedings of the House under this section. 1968 c. 19.

(5) Where, on a point being referred to the Court of Appeal 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 central funds of such sums as are reasonably sufficient to compensate him for expenses properly incurred by him 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 of criminal appeals or, as the case may be, such officer as may be prescribed by order of the House of Lords.

(6) Subject to rules of court made under section 1(5) of the Criminal Appeal Act 1966 (power by rules to distribute business of Court of Appeal between its civil and criminal divisions), the jurisdiction of the Court of Appeal under this section shall be exercised by the criminal division of the court; and references in this section to the Court of Appeal shall be construed accordingly as references to that division of the court. 1966 c. 31.

(7) A reference under this section shall not affect the trial in relation to which the reference is made or any acquittal in that trial.

37.—(1) A magistrates' court on summary conviction or the Crown Court on committal for sentence or on conviction on indictment shall not sentence to imprisonment, to Borstal training or to detention in a detention centre a person who is not legally represented in that court and has not been previously sentenced to that punishment, unless either— Restrictions on imprisonment etc. of persons not legally represented.

(a) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance; or

(b) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.

(2) For purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is found guilty and before he is sentenced, and in subsection (1)(a) and (b) above "legal aid" means legal aid for the purposes of proceedings in that court,

PART III

whether the whole proceedings or the proceedings on or in relation to sentence; but in the case of a person committed to the Crown Court for sentence or trial, it is immaterial whether he applied for legal aid in the Crown Court to, or was informed of his right to apply by, that court or the court which committed him.

(3) In this section "previously sentenced" means previously sentenced by a court in any part of the United Kingdom, but for the purposes of this section a person shall not be treated as having been previously sentenced to imprisonment by reason only of a sentence of imprisonment which has been suspended and which has not taken effect under section 40 of the Criminal Justice Act 1967 or section 19 of the Treatment of Offenders Act (Northern Ireland) 1968; and "detention centre" means in relation to Northern Ireland young offenders centre.

1967 c. 80.
1968 c. 29.
(N.I.)

Legal aid for
appeals under
Part I of
Criminal
Appeal
Act 1968.

1968 c. 19.

38. In section 73(5) of the Criminal Justice Act 1967 (under which the criminal division of the Court of Appeal may order legal aid for the purposes of some, but not all, appeals under Part I of the Criminal Appeal Act 1968) for the words from the beginning to "sentence" there shall be substituted the words "Where a person desires to appeal to the Court of Appeal under Part I of the Criminal Appeal Act 1968".

Costs on
appeal.
1971 c. 23.

39. The Criminal Appeal Act 1968 and the Courts Act 1971 shall have effect with the amendments shown in Schedule 3 to this Act (being amendments relating to the powers of the Court of Appeal and the House of Lords to award costs, enabling an award to be made in favour of the prosecutor and facilitating consolidation of the enactments relating to costs in criminal cases).

Power of
Crown Court
to allow
time for
payment, or
payment by
instalments,
of costs and
compensation.
1970 c. 31.

40. Where the Crown Court makes any such order as is mentioned in Part I of Schedule 9 to the Administration of Justice Act 1970 (orders against accused for the payment of costs or compensation), the court may—

- (a) allow time for the payment of the sum due under the order;
- (b) direct payment of that sum by instalments of such amounts and on such dates respectively as the court may specify.

Power of
magistrates'
court to
re-open cases
to rectify
mistakes etc.

41.—(1) Subject to subsection (4) of this section, a magistrates' court may vary or rescind a sentence or other order imposed or made by it when dealing with an offender; and it is hereby declared that this power extends to replacing a sentence or order which for any reason appears to be invalid by another which the court has power to impose or make.

(2) Where a person is found guilty by a magistrates' court in a case in which he has pleaded not guilty or the court has proceeded in his absence under section 15(1) of the Magistrates' Courts Act 1952, and it subsequently appears to the court that it would be in the interests of justice that the case should be heard again by different justices, the court may, subject to subsection (4) of this section, so direct. 1952 c. 55.

(3) Where a court gives a direction under subsection (2) of this section—

- (a) the finding of guilty and any sentence or other order imposed or made in consequence thereof shall be of no effect; and
- (b) section 14(4) of the Magistrates' Courts Act 1952 (remand where trial is adjourned) shall apply as if the trial of the person in question had been adjourned.

(4) The powers conferred by subsections (1) and (2) of this section shall be exercisable only within the period of fourteen days beginning with the day on which the sentence or order was imposed or made or the person was found guilty, as the case may be, and only—

- (a) by a court constituted in the same manner as the court by which the sentence or order was imposed or made or, as the case may be, by which the person in question was found guilty, or
- (b) where that court comprised three or more justices of the peace, by a court which consists of or comprises a majority of those justices.

(5) Where a sentence or order is varied under subsection (1) of this section, the sentence or other order, as so varied, shall take effect from the beginning of the day on which it was originally imposed or made, unless the court otherwise directs.

42.—(1) An offender dealt with for an offence before the Crown Court in a proceeding to which subsection (2) of section 10 of the Criminal Appeal Act 1968 applies (offender convicted otherwise than on indictment and committed or otherwise brought before the Crown Court to be dealt with) may appeal under that section to the Court of Appeal against sentence where the Crown Court makes in respect of him an order under section 12 of the Criminal Justice Act 1961 (return to borstal institution on re-conviction). 1968 c. 19. 1961 c. 39.

(2) Where under subsection (4) of section 12 of the said Act of 1961 (adjournment to enable report to be made on offender's suitability for return to borstal institution) a magistrates' court remands the offender, it may, instead of remanding him in custody, remand him on bail; and that subsection shall not

PART III oblige a court to adjourn the hearing or remand the offender if it proposes to deal with him otherwise than by making an order under that section.

Release of young persons arrested without warrant.
1969 c. 54.

43. Subsection (2) of section 29 of the Children and Young Persons Act 1969 (which provides that a child or young person arrested in pursuance of a warrant is not to be released by a police officer under subsection (1) of that section unless a recognizance is entered into for his attendance at the hearing of the charge) shall apply also to a person arrested without a warrant if the officer concerned has decided that an information should be laid in respect of an offence alleged to have been committed by him.

Committal for trial of young persons.

1967 c. 80.

44. A person under the age of seventeen may, in a case falling within paragraph (a) or (b) of section 6(1) of the Children and Young Persons Act 1969 (cases in which persons under that age need not be tried summarily), be committed for trial in accordance with section 1 of the Criminal Justice Act 1967 (committal on written statements without consideration of evidence) in like manner as a person of or over that age.

Power to receive evidence in committal proceedings in absence of accused.

1952 c. 55.

45. Notwithstanding section 4(3) of the Magistrates' Courts Act 1952 (which requires evidence given before examining justices to be given in the presence of the accused and entitles the defence to put questions to any witnesses), examining justices may allow evidence to be given before them in the absence of the accused if—

- (a) they consider that by reason of his disorderly conduct before them it is not practicable for the evidence to be given in his presence ; or
- (b) he cannot be present for reasons of health but is represented by counsel or a solicitor and has consented to the evidence being given in his absence.

Admissibility of written statements made outside England and Wales.

46.—(1) Sections 2 and 9 of the Criminal Justice Act 1967 (which respectively allow written statements to be used as evidence in committal proceedings and in other criminal proceedings) and section 89 of that Act (which punishes the making of false statements which are tendered in evidence under either of those sections) shall apply to written statements made in Scotland or Northern Ireland as well as to written statements made in England and Wales.

(2) The said section 2 shall apply also to written statements made outside the United Kingdom, but, in relation to such statements, that section shall have effect with the omission of subsections (2)(b), (3A) and (7).

47. In Schedule 1 to the Magistrates' Courts Act 1952 (indictable offences triable summarily with the consent of the accused when adult), for paragraph 2 there shall be substituted the following paragraph, in lieu of that substituted by section 7(1) of the Criminal Damage Act 1971:—

PART III
Summary trial
of certain
offences of
arson.

" 2. Offences under section 1(1) or section 1(1) and (3) of the Criminal Damage Act 1971 or under section 2 or 3 of that Act."

1952 c. 55.

1971 c. 48.

48. Section 8 of the Sexual Offences Act 1967 (which provides that no proceedings shall be instituted except by or with the consent of the Director of Public Prosecutions against any man for gross indecency or certain other offences where any person involved is under twenty-one) shall not apply to proceedings under the Indecency with Children Act 1960.

Proceedings
under
Indecency with
Children
Act 1960.

1967 c. 60.

1960 c. 33.

49.—(1) In any case in which a magistrates' court has power under Part III of the Magistrates' Courts Act 1952 to issue a warrant of commitment for default in paying a sum adjudged to be paid by a conviction of a magistrates' court, the court may, subject to subsection (2) of this section, make a community service order in respect of the person in default instead of issuing a warrant of commitment.

Community
service order
in lieu of
warrant of
commitment
for failure to
pay fine etc.

(2) Sections 15(2) of this Act and, so far as applicable, the other provisions of this Act relating to community service orders shall have effect in relation to an order under this section as they have effect in relation to an order in respect of an offender except that—

- (a) so much of subsection (3) of section 17 as enables a court to impose a fine not exceeding £50 for a failure to comply with any such requirement as is there mentioned shall not apply; and
- (b) the power conferred by paragraph (a) of that subsection and by section 18(1)(b) of this Act to deal with an offender for the offence in respect of which the order was made shall be construed as a power to deal with the person in respect of whom the order was made for his default in paying the sum in question.

(3) Where a community service order has been made under this section for default in paying any sum—

- (a) on payment of the whole sum to any person authorised to receive it, the order shall cease to have effect;
- (b) on payment of a part of the said sum as aforesaid, the total number of hours for which the person in respect of whom the order was made is required to work under the order shall be reduced proportionately, that

PART III

is to say by such number of complete hours as bears to the said total number the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the said sum.

1967 c. 80.

(4) Section 47(3) of the Criminal Justice Act 1967 (under which a fine imposed by the Crown Court is treated for the purpose of enforcement as having been imposed on conviction by a magistrates' court) shall not apply for the purposes of this section.

Transfer of
fine orders.
1952 c. 55.

50. In section 72(1) of the Magistrates' Courts Act 1952 (which provides that, where a magistrates' court has, or is treated as having, adjudged a person by a conviction to pay a sum and it appears to the court that the person is residing in a different petty sessions area, the court may by order make payment of the sum enforceable in the petty sessions area in which he is residing) for the words "in which he is residing" there shall be substituted the words "in which it appears to the court that he is residing".

Execution
of process
between
England and
Wales and
Scotland.
1969 c. 54.

51.—(1) Where in any proceedings brought, or proposed to be brought, in respect of any person in pursuance of section 1 of the Children and Young Persons Act 1969 (care proceedings in juvenile court) it is, or is to be, alleged that the condition set out in subsection (2)(f) of that section is satisfied (guilty of an offence), any warrant issued under section 2(4) of that Act for the purpose of securing the attendance of that person before the court in which the proceedings are brought or proposed to be brought may, if it is endorsed with a statement that such an allegation as aforesaid is, or is to be, made in the proceedings, be executed in Scotland by any constable appointed for a police area in like manner as a warrant issued in Scotland for the arrest of a person charged with an offence.

1968 c. 49.

(2) Where a warrant is issued for the apprehension of a child in pursuance of Part III of the Social Work (Scotland) Act 1968, that warrant may be executed in England and Wales in like manner as a warrant issued in Scotland for the apprehension of a person charged with an offence, and section 39(1) of the Criminal Justice (Scotland) Act 1963 shall apply accordingly.

1963 c. 39.

1881 c. 24.

(3) Section 4 of the Summary Jurisdiction (Process) Act 1881 (execution of process of English courts in Scotland) shall apply to process issued under section 13, 17, 18(7) or 22 of this Act as it applies to process issued under the Magistrates' Courts Act 1952 by a magistrates' court.

(4) Section 4 of the said Act of 1881 shall have effect in relation to the service and execution in Scotland of process issued in England and Wales by a justices' clerk by virtue of section 5(1) of the Justices of the Peace Act 1968, as it has effect in relation to process issued in England and Wales by a court of summary jurisdiction as defined in the said Act of 1881. PART III
1968 c. 69.

PART IV

ADMINISTRATIVE PROVISIONS

52.—(1) A probation and after-care committee may, with the approval of the Secretary of State, secure that arrangements for persons to perform work under community service orders are made for their area or, if it comprises more than one petty sessional division, for any of those divisions. Functions of probation and after-care committees in relation to community service orders.

(2) Where in pursuance of this section a probation and after-care committee secure the making of such arrangements as aforesaid, they shall appoint a sub-committee (to be known as the "community service committee") to superintend the working of the arrangements; and the community service committee shall consist of—

(a) such members of the probation and after-care committee; and

(b) such other persons (not being justices of the peace),

as may be appointed by the probation and after-care committee, but so that the number of persons appointed under paragraph (b) of this subsection shall not exceed the number of those appointed under paragraph (a).

(3) For the purposes of any arrangements made pursuant to this section for the whole or any part of the area of a probation and after-care committee, that committee shall have power—

(a) to appoint such staff as the committee think requisite;

(b) to provide accommodation, equipment, materials and transport;

(c) to make payments to any society or body in respect of services rendered by them;

(d) to defray travelling and other expenses in connection with the performance of work by persons in respect of whom community service orders are in force.

(4) In paragraph 6 of Schedule 5 to the Criminal Justice Act 1948 (power of Secretary of State to make rules about probation and after-care committees and probation officers) references to those committees and to probation officers shall respectively include references to any community service committee and to staff appointed under this section. 1948 c. 58.

PART IV
1949 c. 101.

(5) Section 36 of the Justices of the Peace Act 1949 (travelling and subsistence allowances etc.) shall have effect as if—

- (a) any person appointed to a community service committee under subsection (2)(b) of this section were a member of the probation and after-care committee by whom he is appointed ; and
- (b) duties performed by a person as a member of a community service committee were performed by him as a member of the probation and after-care committee by whom that committee is appointed.

Provision of
day training
centres, bail
hostels,
probation
hostels etc.

53.—(1) A probation and after-care committee may, with the approval of the Secretary of State, provide and carry on day training centres, bail hostels, probation hostels, probation homes and other establishments for use in connection with the rehabilitation of offenders.

(2) The Secretary of State may approve bail hostels ; and in relation to hostels approved by him under this subsection—

1948 c. 58.

- (a) section 46(2) of the Criminal Justice Act 1948 (Secretary of State's power to make rules as to management etc.) shall apply as it applies in relation to approved probation hostels and approved probation homes ; and
- (b) section 47 of that Act (certain residential institutions to be subject to inspection by Secretary of State) shall apply as it applies in relation to the institutions mentioned in that section.

(3) The Secretary of State may, with the approval of the Treasury and subject to such conditions as he may with the like approval determine, make payments to a probation and after-care committee towards any expenditure of the committee in exercising their powers under this section in respect of bail hostels, probation hostels and probation homes.

(4) The conditions subject to which any payments are made to a probation and after-care committee under subsection (3) of this section may include conditions for securing the repayment in whole or in part of the sums received by the committee if the hostel or home in question ceases to be used as such.

(5) Subsection (3)(b) of section 77 of the said Act of 1948 (contribution out of moneys provided by Parliament towards expenditure of any society or person in respect of approved probation hostels or homes) shall have effect as if references to approved probation hostels or homes included references to bail hostels ; and subsection (5) of that section (provisions as to conditions imposed in relation to grants under the said subsection (3)(b)) shall, in relation to any grant made by virtue

of this subsection, have effect as if the reference to an approved probation hostel or home ceasing to be approved were a reference to a bail hostel ceasing to be used as such.

PART IV

(6) In this section—

“day training centres” means premises at which persons may be required to attend by a probation order containing a requirement under section 20 of this Act;

“bail hostels” means premises for the accommodation of persons remanded on bail;

“probation homes” means premises for the accommodation of persons who may be required to reside there by a probation order, not being such persons as are mentioned below in the definition of “probation hostels”;

“probation hostels” means premises for the accommodation of persons who may be required to reside there by a probation order, being persons who are employed outside the premises or are awaiting such employment.

54. In the case of persons attending at day training centres, the Secretary of State may with the approval of the Treasury provide for the making of payments towards the cost of the maintenance of such persons and their dependants; and any expenses incurred by the Secretary of State under this section shall be paid out of moneys provided by Parliament.

Maintenance of persons attending day training centres.

55.—(1) In any case in which a local authority would be liable under paragraph 5(1) or (2) of Schedule 5 to the Criminal Justice Act 1948 to defray all or part of the expenses incurred by a probation and after-care committee in providing any accommodation, the local authority may, subject to the provisions of this section, itself provide the accommodation in question for the use of the committee.

Provision of accommodation for probation service.
1948 c. 58.

(2) A local authority shall not by virtue of this section provide any accommodation for the use of a probation and after-care committee except with the agreement—

(a) of the committee; and

(b) if the expenses of the committee in providing the accommodation would have fallen to be defrayed partly by that local authority and partly by one or more other local authorities, of the other local authority or authorities.

(3) Where in accordance with subsection (2)(b) of this section a local authority provides accommodation with the agreement of one or more other local authorities, that authority shall be entitled to receive from the other authority or authorities such

PART IV

contribution to its expenditure in providing the accommodation as may be agreed upon between them or, in default of agreement, as may be determined by the Secretary of State.

(4) Any expenditure of a local authority under this section shall be treated for the purposes of section 77(3)(a) of the said Act of 1948 (contribution to expenditure out of moneys provided by Parliament) as expenditure under Schedule 5 to that Act.

Financial and other provisions as to probation and after-care committees.

56.—(1) Where a probation and after-care committee arrange for a person in another committee's area to perform work under a community service order, the probation and after-care committee for the other area shall make to the first-mentioned committee such payments in respect of that person and the arrangements made for him as may be agreed between the committees concerned or as in default of agreement may be determined by the Secretary of State.

(2) Such a committee shall, in respect of any person under the supervision of a probation officer for their area who attends at a day training centre carried on by another committee, make to the other committee such payments as may be agreed between the committees concerned or as in default of agreement may be determined by the Secretary of State.

(3) Such a committee—

(a) shall make such payments and to such persons as may be prescribed by the Secretary of State's rules under Schedule 5 to the Criminal Justice Act 1948 in respect of persons accommodated in probation hostels, probation homes and bail hostels; and

(b) may, in such cases and in such manner as may be so prescribed, give financial and other assistance to persons remanded on bail.

(4) Paragraph 5 of Schedule 5 to the said Act of 1948 (expenses of probation and after-care committees to be defrayed by local authorities) shall have effect as if any expenses incurred by such a committee—

(a) under section 52 of this Act;

(b) in providing and carrying on day training centres or such establishments (other than probation hostels and homes and bail hostels) as are referred to in section 53(1); or

(c) under the foregoing provisions of this section,

were expenses incurred by the committee under that Schedule; and section 77(3)(a) of that Act (contribution out of moneys provided by Parliament towards expenditure of local authorities on probation system) and section 22(4) of the Administration of Justice Act 1964 (committee's expenses in the inner London area to be paid out of metropolitan police fund) shall have effect accordingly.

1948 c. 58.

1964 c. 42.

(5) Section 77(3) of the Criminal Justice Act 1948 shall have effect without the proviso (which limits grants under paragraph (a) of the subsection to 50 per cent. of expenditure). PART IV
1948 c. 58.

57.—(1) The Lord Chancellor may, if he thinks fit, appoint— Membership of probation and after-care committees and delegation of their functions.

(a) one or more judges of the Crown Court (being judges of the High Court, Circuit judges or Recorders); and

(b) one or more justices with experience of sitting as members of the Crown Court,

to be members of the probation and after-care committee for any area, and any person so appointed shall hold office in accordance with the terms of his appointment.

(2) A probation and after-care committee ("the principal committee") may, with the approval of the Secretary of State, delegate all or any of their functions to a sub-committee consisting of members of the principal committee and such other persons (if any) as may be co-opted to be members of the sub-committee; but so that the number of co-opted members of the sub-committee shall not exceed the number of its members who are members of the principal committee.

58. In section 1(1) of the Police (Property) Act 1897 (which makes provision for the disposal of property which has come into the possession of the police in connection with any criminal charge) for the words "with any criminal charge" there shall be substituted the words "with their investigation of a suspected offence". Amendment of Police (Property) Act 1897.
1897 c. 30.

59. Section 38 of the Prison Act 1952 (which gives local authorities the right to buy back at a fixed price prisons taken over under the Prison Act 1877 if they are subsequently closed) shall not apply where any prison is closed after the coming into force of this section unless the Secretary of State has before 10th November 1971 informed the appropriate authority of his intention to close it after that date. Abolition of duty to re-convey certain prisons to local authorities.
1952 c. 52.
1877 c. 21.

60.—(1) Any person authorised in writing by the Secretary of State may enter any land and survey it for the purpose of enabling the Secretary of State to determine whether to exercise his powers under section 36 of the Prison Act 1952 (acquisition of land for prisons) in respect of that land. Power of entry in connection with acquisition of land for prisons.

(2) The power conferred by this section to survey land shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil.

PART IV

(3) A person authorised under this section to enter any land shall, if so required, produce evidence of his authority before entering, and shall not—

- (a) demand admission as of right to any land which is occupied unless fourteen days' notice of the intended entry has been given to the occupier ; or
- (b) carry out any works authorised by subsection (2) of this section unless notice of his intention to do so is included in the notice required by the foregoing paragraph.

(4) Where any land is damaged in the exercise of powers conferred by this section, compensation in respect of that damage may be recovered by any person interested in the land from the Secretary of State.

1961 c. 33.

(5) Any question of disputed compensation under this section shall be referred to and determined by the Lands Tribunal ; and, in relation to the determination of any such question, the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply subject to any necessary modifications.

(6) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

Grants by
Secretary of
State for
magistrates'
courts
purposes.

1949 c. 101.

61.—(1) Any sum received by the Secretary of State under subsection (1) of section 27 of the Justices of the Peace Act 1949 (fines etc. imposed by magistrates' courts and other sums received by justices' clerks to be paid to the Secretary of State) shall be paid by him into the Consolidated Fund.

(2) For subsections (2) to (4) of the said section 27 (which oblige the Secretary of State to repay to the responsible authorities the net cost to them of their functions in respect of magistrates' courts up to the amount received by him under subsection (1) after deducting Exchequer moneys, and enable him to make up two-thirds of any deficiency) there shall be substituted—

“(2) The Secretary of State may pay to the responsible authorities grants towards the net cost to them in any year—

- (a) of their functions under Parts III and IV of this Act or Schedule 3 to the Local Government Superannuation Act 1953 or any regulations made thereunder, or made under the Superannuation Act 1972 for the same purposes as those of that Schedule or, in the case of the receiver of the metropolitan police district, his corresponding functions ;

1953 c. 25.

1972 c. 11.

(b) of making payments under section 8 of this Act PART IV
or section 27 of the Administration of Justice Act 1964 c. 42.
1964.

(3) The amount of any grant under subsection (2) of this section shall not exceed 80 per cent. of the expenditure in respect of which it is made."

(3) Subsections (10)(a) and (11) of the said section 27 (which become unnecessary in consequence of the foregoing provisions of this section) shall cease to have effect.

62.—(1) The Secretary of State may provide courses of instruction for justices' clerks and their staffs. Justices'
clerks and
their staff.

(2) Section 28 of the Justices of the Peace Act 1949 (which requires the responsible authorities to make good to the Secretary of State or other person entitled thereto any sums not duly paid to him by a justices' clerk or person employed to assist a justices' clerk) shall cease to have effect. 1949 c. 101.

(3) The Secretary of State may, if he thinks fit, pay to any person any money due to him which he has not received because of the default of a justices' clerk or person employed to assist a justices' clerk.

(4) In this section "justices' clerk" has the same meaning as in section 27 of the said Act of 1949.

PART V

SUPPLEMENTARY

63.—(1) Subject to subsection (2) of this section, the Parliament of Northern Ireland shall have power, notwithstanding anything in the Government of Ireland Act 1920, to enact laws for purposes corresponding to any of the purposes of this Act. Powers of
Parliament
of Northern
Ireland.
1920 c. 67.

(2) Subsection (1) of this section shall not extend to the enactment of laws corresponding to so much of this Act as relates to appeals and references to the House of Lords, but Her Majesty may by Order in Council make provision in relation to Northern Ireland for corresponding purposes; and any Order under this section may be varied or revoked by a further Order.

(3) Without prejudice to the foregoing provisions of this section, there shall be inserted at the beginning of Part IV of the Criminal Appeal (Northern Ireland) Act 1968, as a new section 48A, the section set out in Schedule 4 to this Act (being a provision corresponding to section 36 of this Act). 1968 c.21(N.I.)

PART V
Minor and
consequential
amendments
and repeals.

64.—(1) The enactments specified in Schedule 5 to this Act shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Act.

(2) The enactments specified in Schedule 6 to this Act (which include certain spent provisions) are hereby repealed to the extent specified in the third column of that Schedule.

Expenses and
receipts.

65. There shall be defrayed out of moneys provided by Parliament any expenses of the Secretary of State under this Act and any increase attributable to this Act in the sums payable out of such moneys under any other Act; and any sums received by the Secretary of State in consequence of this Act shall be paid into the Consolidated Fund.

Citation,
interpretation,
commencement
and extent.

66.—(1) This Act may be cited as the Criminal Justice Act 1972.

(2) In this Act “court” does not include a court-martial; “sentence of imprisonment” does not include a committal in default of payment of any sum of money, or for want of sufficient distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone or a committal or attachment for contempt of court, and “sentence to imprisonment” shall be construed accordingly.

(3) References in this Act to an offence punishable with imprisonment, or so punishable on indictment, shall be construed without regard to any prohibition or restriction imposed by or under any other Act on the imprisonment of young offenders.

(4) For the purposes of this Act a compensation order, supervision order or community service order made on appeal from a decision of a magistrates’ court or the Crown Court shall be treated as if it had been made by a magistrates’ court or the Crown Court, as the case may be.

(5) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, and as including a reference thereto as extended or applied, by or under any other enactment, including this Act.

(6) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be so appointed for different provisions:

Provided that—

(a) sections 28, 30, 31 and 32 shall not affect the punishment for an offence completed before those sections come into force; and

- (b) neither section 36 nor the corresponding section referred to in section 63(3) shall come into force until provision has been made by rules of court with a view to preventing or restricting the disclosure of the identity of the acquitted person in references under that section. PART V

(7) In this Act—

- (a) sections 23, 24, 28, 29, 30, 33, 35, 51 and this section, section 31 so far as it relates to section 67(5) of the Shops Act 1950, section 64(1) and Schedule 5 so far as they relate to the Road Traffic Act 1972 and section 64(2) and Schedule 6 so far as they relate to the Summary Jurisdiction (Scotland) Act 1908 and the Firearms Act 1968, extend to Scotland ;
- (b) section 63 and this section extend to Northern Ireland ;
- (c) section 64(1) and Schedule 5 so far as they relate to the Petty Sessions (Ireland) Act 1851 extend to Scotland, Northern Ireland, the Channel Islands and the Isle of Man ;

but, save as aforesaid, this Act extends to England and Wales only.

SCHEDULES

Sections 7 and 9.

SCHEDULE 1

CRIMINAL BANKRUPTCY ORDERS

Interpretation

1. In this Schedule—

1914 c. 59.

“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 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

SCH. 1

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 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

SCH. 1

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 ;
- (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.

Section 25.

SCHEDULE 2

INELIGIBILITY AND DISQUALIFICATION FOR AND EXCUSAL FROM,
JURY SERVICE

PART I

PERSONS INELIGIBLE

GROUP A

The Judiciary

1876 c. 59.

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.

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' articled 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.

1964 c. 42.

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.

1967 c. 80.

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.

1964 c. 48.

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.).

1967 c. 28.

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.

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)

1959 c. 72.

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.

SCH. 2
1959 c. 72.

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.

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

SCH. 2

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*

1968 c. 19.

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—

“Costs out of central funds. 39.—(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

SCH. 3

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”.

1952 c. 48.
1971 c. 23.

(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”.

Section 63(3).

SCHEDULE 4

SECTION TO BE INSERTED IN THE CRIMINAL APPEAL (NORTHERN IRELAND) ACT 1968 (C. 21)

Reference to
Court of
Criminal Appeal
of point of law
following
acquittal on
indictment.

48A.—(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.

SCH. 4

(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—

1851 c. 93.

- (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 c. 50. 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 c. 12. 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

SCH. 5 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

1934 c. 56. 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”.

1897 c. 30

The Dogs Amendment Act 1938

1938 c. 21. 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

1948 c. 58. 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.

The Reserve and Auxiliary Forces (Training) Act 1951

1951 c. 23. 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

1952 c. 48. 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.”

SCH. 5

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”.

1952 c. 55.

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—

1958 c. 45

“(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.”.

1897 c. 30.

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”.

1961 c. 39.

The Criminal Justice Act 1967

In the Criminal Justice Act 1967—

1967 c. 80.

(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

SCH. 5

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

1968 c. 19.

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

“or

1961 c. 60.

- (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

1968 c. 60.

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 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."

SCH. 5

The Administration of Justice Act 1970

1970 c. 31.

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

- (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

1971 c. 23.

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—

1825 c. 50.

“ (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

1971 c. 77.

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

1972 c. 20.

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) ”.

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 Juries 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. ccxliiii.	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).
14 & 15 Geo. 6. c. 53.	The Midwives Act 1951.	Schedule 2. 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 serving on any jury"; and the proviso.
2 & 3 Eliz. 2. c. 70.	The Mines and Quarries Act 1954.	Section 144(5).
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).

SCH. 6

Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2. c. 34.	The Factories Act 1961.	Section 145(5).
10 & 11 Eliz. 2. c. xlii. 1964 c. 42.	The British Transport Commission Act 1962. The Administration of Justice Act 1964.	Section 43(2). 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, para- graph 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.

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 Jurisdic- tion (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 con- dition".

SCH. 6

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 58— <i>cont.</i>	The Criminal Justice Act 1948— <i>cont.</i>	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.
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.

SCH. 6

Chapter	Short title	Extent of repeal
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. In section 60(2), the words "between conviction and sentence".
1967 c. 83.	The Sea Fisheries (Shellfish) Act 1967.	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).
1971 c. 77.	The Immigration Act 1971.	Section 8. 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).

PRINTED IN ENGLAND BY C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

(381233)