



Criminal Justice Act 1967

1967 CHAPTER 80

PART II

POWERS OF COURTS TO DEAL WITH OFFENDERS

Miscellaneous

56 Committal for sentence for offences tried summarily.

(1) Where a magistrates' court—

- (a) has convicted a person of an offence punishable with imprisonment or of an offence in respect of which the court has a power or duty to order him to be disqualified under section 5 of the Road Traffic Act 1962 (disqualification for certain motoring offences), or has power under section 41(1) of this Act to deal with a person in respect of a suspended sentence ; and
- (b) commits that person in custody or on bail to a court of assize or quarter sessions under any enactment to which this section applies to be sentenced or otherwise dealt with in respect of another offence ;

the magistrates' court may commit him in custody or on bail, as the case may require, to that court of assize or quarter sessions to be dealt with in respect of the offence mentioned in paragraph (a) of this subsection.

- (2) The enactments to which this section applies are the Vagrancy Act 1824 (incorrigible rogues), section 8(4) of the Criminal Justice Act 1948 (probationer convicted of a subsequent offence), sections 28 and 29 of the Magistrates' Courts Act 1952 (committal for sentence) and sections 41(2) and 62(6) of this Act.
- (3) The power of a magistrates' court under section 8(4) of the Criminal Justice Act 1948 to commit to a court of assize or quarter sessions a person subject to a probation order or an order for conditional discharge who has been convicted of an offence by the magistrates' court shall be exercisable notwithstanding that the magistrates' court has not dealt with him in respect of that offence; and accordingly in that subsection and subsection (5) of that section the words " and dealt with " shall cease to have effect.

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- (4) The power of a magistrates' court to commit an offender to quarter sessions under section 29 of the Magistrates' Courts Act 1952 shall be exercisable in accordance with the following provisions of this section; and accordingly in that section for the words " instead of dealing with him in any other manner " there shall be substituted the words " in accordance with section 56 of the Criminal Justice Act 1967 ".
- (5) Where under subsection (1) of this section a magistrates' court commits a person to be dealt with by a court of assize or quarter sessions in respect of an offence, the latter court may after inquiring into the circumstances of the case deal with him in any way in which the magistrates' court might have dealt with him, and, without prejudice to the foregoing provision, where under that subsection or any enactment to which this section applies a magistrates' court so commits a person, any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court shall not be discharged or exercised by that court but shall instead be discharged or may instead be exercised by the court of assize or quarter sessions.
- (6) Any duty imposed or power conferred by virtue of the last foregoing subsection on a court of quarter sessions, in a case where an offender has been committed to the court under section 28 of the Magistrates' Courts Act 1952, shall be discharged or may be exercised by the court notwithstanding that it sentences him to borstal training and in that or any other case shall be discharged or may be exercised notwithstanding anything in any other enactment and, in particular, in sections 5 and 7 of the Road Traffic Act 1962.
- (7) Where a magistrates' court has power under section 8(4) of the Criminal Justice Act 1948 or section 41 of this Act to commit an offender to a court of assize to be dealt with in respect of an offence and has power under any other enactment to commit him to a court of quarter sessions to be dealt with in respect of another offence, the magistrates' court, if it commits him in respect of both offences, shall commit him to the court of quarter sessions.
- (8) Where under subsection (1) of this section or any enactment to which this section applies a magistrates' court commits an offender to a court of assize or quarter sessions and by reason of the foregoing provisions of this section the magistrates' court does not exercise its power or discharge its duty under section 5 of the Road Traffic Act 1962 of ordering the offender to be disqualified, it may nevertheless order him to be disqualified until the court to which he is committed has dealt with him in respect of the offence.
- (9) Where a court makes an order under the last foregoing subsection in respect of any person, it shall require him to produce to the court any licence under Part II of the Road Traffic Act 1960, and any Northern Ireland licence, held by him and shall cause any such licence to be sent to the clerk of the court to which he is committed ; and if he does not produce any such licence as required he shall be liable on summary conviction to a fine not exceeding £50.
- (10) Where a court makes any such order in respect of any person, sections 112 and 116(2) of the Road Traffic Act 1960 (supplementary provisions as to disqualification and endorsement) and section 7(1) of the Road Traffic Act 1962 (endorsements) shall not apply in relation to the order, but the court shall—
 - (a) if he holds a licence under the said Part II, send notice of the order to the licensing authority by which the licence was granted and to the licensing authority in whose area he resides ;

(b) if he holds a Northern Ireland licence, send such a notice to the Minister of Transport;

and the court to which he is committed shall, if it determines not to order him to be disqualified under section 5 of the Road Traffic Act 1962, send notice of the determination to any such licensing authority or the Ministry of Transport, as the case may require.

(11) Where a person is committed to a court of assize or quarter sessions under this section or any enactment to which this section applies to be dealt with in respect of an offence specified in Part I or II of Schedule 1 to the Road Traffic Act 1962 (offences involving disqualification) and no order is made in his case under subsection (8) of this section, section 7(4) of that Act (duty to deliver licence to court) shall apply to him as it applies to a person who is prosecuted for such an offence and convicted before that court.

(12) A period of disqualification imposed on any person by virtue of subsection (5) of this section shall be treated as reduced by any period during which he was disqualified by reason only of an order made under subsection (8) thereof; but a period during which he was so disqualified shall not be taken into account under this subsection for the purpose of reducing more than one other period of disqualification.

(13) In this section—

" disqualified " means disqualified for holding or obtaining a licence under Part II of the Road Traffic Act 1960;

" licence " means a licence to drive a motor vehicle; and

" Northern Ireland licence " means a licence under any such provision as is mentioned in section 116(1) of the said Act of 1960 (use of Northern Ireland licences in Great Britain).

57 Social inquiry report before sentence.

(1) The Secretary of State may by rules make provision requiring that in any case to which the rules apply a court of any prescribed class shall before passing on any person a sentence to which the rules apply consider a social inquiry report, that is to say a report about him and his circumstances, made by a probation officer or any other person authorised to do so by the rules.

(2) Rules under this section may apply to a sentence of imprisonment or detention of any class prescribed by the rules and may make different provision for different cases.

(3) No sentence shall be invalidated by the failure of a court to consider a social inquiry report in accordance with rules under subsection (1) of this section, but any other court on appeal from that court shall consider such a report in determining whether a different sentence should be passed on the appellant from the sentence passed on him by the court below.

(4) In this section " sentence of imprisonment or detention " means a sentence of imprisonment, borstal training or detention in a detention centre or a sentence of detention passed under section 53 of the Children and Young Persons Act 1933 (young offenders convicted of grave crimes).

58 Power to make recommendations for deportation.

Notwithstanding any rule of practice restricting the matters which ought to be taken into account in dealing with an offender who is sentenced to imprisonment, a

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recommendation for deportation may be made under section 7 of the Commonwealth Immigrants Act 1962 in respect of an offender who is sentenced to imprisonment for life.