



Criminal Justice Act 1948

1948 CHAPTER 58

PART I

POWERS AND PROCEEDINGS OF COURTS.

Adjournment, remand etc.

25 Power of courts of summary jurisdiction to adjourn a case after conviction and before sentence.

- (1) It is hereby declared that the powers of a court of summary jurisdiction under section sixteen of the Summary Jurisdiction Act, 1848, to adjourn the hearing of a case includes power, after a person has been convicted and before he has been sentenced or otherwise dealt with, to adjourn the case for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with his case:

Provided that a court of summary jurisdiction shall not for the purpose aforesaid adjourn the hearing of a case under the said section sixteen for any single period exceeding three weeks.

- (2) Where a person has been convicted of an offence by a court of summary jurisdiction and the case has been adjourned in pursuance of the said section sixteen or any other enactment relating to remand, he may be sentenced or otherwise dealt with for that offence by any court of summary jurisdiction acting for the same petty sessional division or place as the court by which he was convicted; and, in relation to any case required to be heard and determined by a court of summary jurisdiction consisting of two or more justices, the provisions of this section shall have effect notwithstanding anything in the proviso to section twenty-nine of the Summary Jurisdiction Act, 1848:

Provided that if the court by which a person is sentenced or otherwise dealt with does not wholly consist of the same justices as the court by which he was convicted, the court shall, inquire into the circumstances of the case before sentencing or otherwise dealing with him.

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26 Remand for inquiry into physical or mental condition.

- (1) Without prejudice to any powers exercisable by a court under the last foregoing section, where a person is charged before a court of summary jurisdiction with an offence punishable on summary conviction with imprisonment, and the court is satisfied that the offence has been committed by that person but is of opinion that an inquiry ought to be made into his physical or mental condition before the method of dealing with him is determined, the court shall remand him in custody or on bail (with or without sureties) for such period or periods, no single period exceeding three weeks, as the court thinks necessary to enable a medical examination and report to be made.
- (2) Where a person is remanded on bail under this section, it shall be a condition of the recognizance that he shall undergo medical examination by a duly qualified medical practitioner at such institution or place as may be specified in the recognizance or by such duly qualified medical practitioner as may be so specified; and, if arrangements have been made for his reception, it may be a condition of the recognizance that the person shall, for the purpose of the examination, reside, for such period as may be specified in the recognizance, in an institution or place so specified, not being an institution or place to which he could have been committed.
- (3) Where a person charged before a court of summary jurisdiction with an indictable offence is admitted to bail on his entering into a recognizance with or without sureties conditioned for his appearance at a court of assize or quarter sessions, and the court is of opinion that an inquiry ought to be made as aforesaid, it may be made a further condition of the recognizance, but subject to the condition for his appearance, that he shall undergo medical examination or shall reside as aforesaid.
- (4) On exercising the powers conferred by this section: the court shall—
 - (a) where the person is remanded in custody, send to the institution or place to which he is committed; and
 - (b) where the person is released on bail, send to the institution or place at which or the person by whom he is to be examined,a statement of the reasons for which the court is of opinion that an inquiry ought to be made into his physical or mental condition, and of any information before the court about his physical or mental condition.
- (5) The Costs in Criminal Cases Act, 1908, shall apply in relation to any duly qualified medical practitioner who makes a report otherwise than in writing for the purposes of this section as it applies to a person called to give evidence and shall so apply notwithstanding that the proceedings for the purposes of which the report is made are not proceedings to which section one of that Act applies.
- (6) Notwithstanding anything in the Lunacy and Mental Treatment Acts, 1890 to 1930, or the Mental Deficiency Acts, 1913 to 1938, a person who has been remanded on bail under this section may be received, for the purpose of medical examination, in an institution within the meaning of the Mental Treatment Act, 1930, or in an institution for defectives or certified house within the meaning of the Mental Deficiency Acts, 1913 to 1938:

Provided that a person received under this section in a licensed house or registered hospital shall, for the purposes of any provisions of the Lunacy Act, 1890, relating to the number of patients who may be so received, be reckoned as a patient.

27 Remand and committal of persons under 21.

(1) Where a court remands or commits for trial or for sentence a person under twenty-one years of age who is charged with or convicted of an offence and is not released on bail, then, except as otherwise expressly provided by this section, the following provisions shall have effect, that is to say—

- (a) if he is under fourteen years of age, he shall be committed to a remand home;
- (b) if he is not less than fourteen but under seventeen years of age, he shall be committed to a remand home unless the court certifies that he is of so unruly a character that he cannot safely be detained in a remand home or of so depraved a character that he is not fit to be so detained;
- (c) , if he is not less than seventeen years of age, or if the court certifies as mentioned in the last foregoing paragraph, and the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, he shall be committed to a remand centre,

instead of being committed to a prison.

(2) Subject as hereinafter provided, where a person is committed or remanded in custody by a court of summary jurisdiction under section twenty of this Act with a view to a sentence of Borstal training he shall be committed—

- (a) if the court has been notified by the Secretary of State that a remand centre is available for the reception from that court of persons of his class or description, to a remand centre; and
- (b) if the court has not been so notified, to a prison:

Provided that if, being under seventeen years of age, he is remanded under subsection (7) of the said section twenty for a report or representations of the Prison Commissioners, and the court has not been notified as aforesaid, he shall be committed to a remand home unless the court certifies that he is of so unruly a character that he cannot safely be detained in a remand home or of so depraved a character that he is not fit to be so detained.

(3) Where a person being not less than fourteen but under seventeen years of age is remanded in custody under section twenty-six of this Act for an inquiry into his physical or mental condition, and the court is satisfied that facilities for such an inquiry during his detention in the remand home to which he would, but for this subsection, have been committed are not provided or otherwise made available under this Act, then if the court has been notified that a remand centre is available for the reception from that court of persons of his class or description, he shall be committed to a remand centre.

(4) Where any person is committed to a remand home or a remand centre under any provision of this Act, the home or centre shall be specified in the warrant and he shall there be detained for the period for which he is remanded or until he is thence delivered in due course of law.

(5) Where any person has been committed to a remand home under any provision of this Act, the court by which he was committed, or, if application cannot conveniently be made to that court, any court of summary jurisdiction having jurisdiction in the place where that court sat, may vary the commitment by substituting another remand home for that remand home; and if the person so committed is not less than fourteen years of age and it appears to the court that he is of so unruly a character that he cannot safely

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be detained in a remand home, or to be of so depraved a character that he is not fit to be so detained, the court may revoke the commitment and commit the said person—

- (a) if the court has been notified that a remand centre is available for the reception from that court of persons of his class or description, to a remand centre; and
 - (b) if the court has not been so notified, to a prison.
- (6) In this section the expression " court " includes a justice of the peace.