



Criminal Justice (Scotland) Act 1963

1963 CHAPTER 39

PART I

PROVISIONS WITH RESPECT TO SENTENCES AND ORDERS INFERRING DETENTION

Borstal Training

3 Conditions for a sentence of borstal training

The power of a court to pass a sentence of borstal training under section 20 of the Criminal Justice (Scotland) Act 1949 shall not be exercised in the case of any person on whom such a sentence has previously been imposed and who has served any part thereof.

4 Term of detention and supervision under a sentence of borstal training

- (1) The maximum period for which a person sentenced to borstal training after the commencement of this section may be detained in pursuance of section 33(2) of the Prisons (Scotland) Act 1952 shall be two years instead of three years.
- (2) The period for which a person sentenced to borstal training after the commencement of this section is to be under supervision under section 33(3) of the said Act after his release from a borstal institution shall, subject to any order of the Secretary of State under that subsection, be a period of one year beginning with the date of his release (instead of a period of three years from the date of sentence or of one year from the date of release, whichever period expires earlier).
- (3) Where in pursuance of section 33(4) of the said Act an order is made for the recall of a person sentenced to borstal training after the commencement of this section and subsequently released, the maximum period for which he shall be liable to be detained following recall shall be three months instead of one year.

5 Detention on recall from supervision under a sentence of borstal training

- (1) Where in pursuance of section 33(4) of the said Act of 1952 an order is made for the recall of a person who is under supervision after his release from a borstal institution, that person shall, after the commencement of this section, instead of being detained in a borstal institution, be detained in a young offenders institution.
- (2) The Secretary of State shall have power, in the case of a person who is detained in a borstal institution at the commencement of this section after his recall as aforesaid, to transfer that person to a young offenders institution.

6 Recall on re-conviction

- (1) Where a person sentenced to borstal training, being under supervision after his release from a borstal institution, is convicted of an offence punishable with imprisonment, the court may, instead of dealing with him in any other manner, make an order for his recall.
- (2) An order for the recall of a person made as aforesaid shall have the like effect as an order for recall made by the Secretary of State under section 33(4) of the Prisons (Scotland) Act 1952.