

SCHEDULES

SCHEDULE 1

Section 14.

SUPERVISION OF CERTAIN DISCHARGED PRISONERS

PART I

SUPERVISION WITHIN SCOTLAND

General Provisions

- 1 Subject to the provisions of this Schedule, every person to whom section 14 of this Act applies shall, after his release from prison and until the expiration of the period of twelve months from the date of his release, be under supervision, and shall, while under that supervision, be required—
- (a) to keep in touch with his supervising officer in accordance with such instructions as may from time to time be given by that officer; and
 - (b) to comply with the directions of his supervising officer as to conduct; and
 - (c) to comply with such other requirements as may be specified in the notice of supervision given to him under this Schedule.
- 2 Before the release of any such person from prison, the Secretary of State shall cause to be given to him a notice (in this Schedule referred to as a notice of supervision) giving the name and address of the person who is to be his supervising officer in the first instance, and specifying the requirements with which he has to comply while under supervision; and a notice given to any person under this paragraph shall contain a statement that it is given to him as falling within a specified class of the persons to whom section 14 of this Act for the time being applies.
- 3 At any time during the period referred to in paragraph 1 of this Schedule the Secretary of State may, by notice in writing given to a person under supervision as aforesaid.—
- (a) discharge him from supervision, or
 - (b) replace as from a specified date his supervising officer by another supervising officer whose name and address shall be specified in that notice, or
 - (c) cancel or modify any other of the requirements specified in his notice of supervision.

Return to prison in case of breach of supervision

- 4 (1) If, on sworn information laid by or on behalf of the Secretary of State, it appears to the sheriff that a person, being under supervision under this Schedule, has failed to comply with any of the requirements imposed on him by his notice of supervision, the sheriff may issue a warrant for the arrest of that person or may, if he thinks fit,

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instead of issuing such a warrant in the first instance, issue a citation requiring 'the person to appear before him at such time as may be specified in the citation.

- (2) If it is proved to the satisfaction of the sheriff before whom a person appears or is brought in pursuance of the last foregoing sub-paragraph that the person has failed to comply with any of the requirements of the notice of supervision, the sheriff shall, unless having regard to all the circumstances of the case he considers it unnecessary or inexpedient to do so, order that he be sent back to prison for such term as may be specified in that order, not exceeding whichever is the shorter of the following, that is to say—
- (a) a period of three months;
 - (b) a period equal to so much of the period of twelve months referred to in paragraph 1 of this Schedule as was unexpired on the date on which proceedings were commenced.
- (3) Subject to the following provisions of this Schedule, the Summary Jurisdiction (Scotland) Act 1954 shall apply in relation to proceedings for an order as aforesaid as it applies in relation to proceedings in respect of a summary offence, and references in that Act to an offence, trial, conviction or sentence shall be construed accordingly.
- 5 Proceedings for an order under the last foregoing paragraph may be brought before a sheriff having jurisdiction in the area in which the supervising officer carries out his duties.
- 6 A warrant issued for the purposes of proceedings for an order under paragraph 4 above may, if the person laying the information so requests, bear an endorsement requiring any constable charged with its execution to communicate with the Secretary of State before arresting the person under supervision if the constable finds that that person is earning an honest livelihood or that there are other circumstances which ought to be brought to the notice of the Secretary of State.
- 7 Where a person while under supervision under this Schedule is convicted, whether on indictment or summarily, of an offence for which the court has power to pass sentence of imprisonment, the court may, instead of dealing with him in any other manner, make such an order as could be made by a sheriff under paragraph 4 of this Schedule in proceedings for such an order.
- 8 The Secretary of State may at any time release from prison a person who has been sent back to prison under paragraph 4 or paragraph 7 of this Schedule ; and the provisions of this Schedule shall apply to a person released by virtue of this paragraph, subject to the following modifications :—
- (a) that the period of twelve months referred to in paragraph 1 shall be calculated from the date of his original release; and
 - (b) in relation to any further order for sending him back to prison under this Schedule, the period referred to at paragraph 4(2)(a) shall be reduced by any time during which he has been detained by virtue of the previous order.

Supplementary

- 9 In any proceedings, a certificate purporting to be signed by or on behalf of the Secretary of State and certifying—
- (a) that a notice of supervision was given to any person in the terms specified in the certificate and on the date so specified; and

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(b) either that no notice has been given to him under paragraph 3 of this Schedule or that a notice has been so given in the terms specified in the certificate,

shall be sufficient evidence of the matters so certified ; and the fact that a notice of supervision was given to any person shall be sufficient evidence that he was a person to whom section 14 of this Act applies.

- 10 For the purposes of Part III of the Criminal Justice Act 1961, a person who has been sent back to prison under paragraph 4 or paragraph 7 of this Schedule, and has not been released again, shall be deemed to be serving part of his original sentence, whether or not the term of that sentence has in fact expired.

PART II

APPLICATION TO ENGLAND AND WALES, NORTHERN
IRELAND, CHANNEL ISLANDS AND THE ISLE OF MAN

England and Wales and Northern Ireland

- 11 In relation to proceedings in England and Wales or in Northern Ireland, paragraphs 4 to 7 shall not apply, but paragraphs 5 to 10 of Schedule 3 to the Criminal Justice Act 1961 shall apply as they apply in relation to proceedings in England and Wales and Northern Ireland respectively in respect of a person under supervision under that Schedule, subject to the modification that in paragraph 5 of the said Schedule 3 for sub-paragraphs (a) and (b) there shall be substituted sub-paragraphs (a) and (b) of paragraph 4(2) of this Schedule.
- 12 Where an order is made by any court in England and Wales or Northern Ireland under the enactments applied by the last foregoing paragraph sending back to prison a person under supervision, the court shall commit him to a prison in England and Wales or in Northern Ireland, as the case may be ; but the responsible Minister within the meaning of section 26 of the Criminal Justice Act 1961 may, without application in that behalf, make at any time an order under that section transferring him to a prison in Scotland.
- 13 In relation to a person detained by virtue of such an order as aforesaid in a prison in Northern Ireland, paragraph 8 (and, if that person is released from such a prison under that paragraph, paragraph 2) of this Schedule shall have effect as if for references to the Secretary of State there were substituted references to the Ministry of Home Affairs for Northern Ireland.

Channel Islands and Isle of Man

- 14 Her Majesty may, by Order in Council, make such provision as appears to Her to be proper for the purposes of or in connection with the application of Part I of this Schedule to any of the Channel Islands or to the Isle of Man.

General

- 15 The enactments authorising warrants of arrest for criminal offences issued in any country to which this Schedule extends to be executed in any other such country shall apply to any warrant issued for the purposes of proceedings under Part I of this Schedule as they apply to such warrants as aforesaid.

SCHEDULE 2

Section 18.

SUPERVISION OF PERSONS RELEASED FROM APPROVED SCHOOLS

PART I

COMPULSORY SUPERVISION

- 1 (1) A person released from an approved school shall until the expiration of the period of two years from the date of his release or until he attains the age of twenty-one, whichever is the earlier, be under the supervision of the managers of that school, and shall while out from the school under that supervision live with the person named in that behalf in a notice to be given by the managers to the first-mentioned person on his release or with such other person as the managers may thereafter from time to time nominate.
- (2) The person with whom a person is required to live while out under supervision from his school shall be either his parent or any suitable person who is willing to receive and take charge of him.
- 2 (1) The managers of an approved school from which a person is out under supervision may, at any time before the expiration of the said period of two years, by order in writing recall him to the school; and thereupon he shall be liable to be detained in the school until the expiration of the period of his detention or the expiration of six months from the date on which he returns (or is brought back) to the school, whichever is the later.
- (2) A person shall not be recalled to, or be liable to be detained in, an approved school under this paragraph after he has attained the age of nineteen.
- 3 The managers of an approved school in which a person is detained under paragraph 2 of this Schedule may at any time release him, and paragraphs 1 and 2 of this Schedule shall apply on his release under this paragraph as they apply in the case of his original release except that the references to the period of two years from the date of his release shall be construed respectively as references to the period of two years from the date of his original release.
- 4 For the purposes of the application of paragraphs 1 to 3 of this Schedule to a person who was originally released from an approved school (whether on licence or under supervision) before the date of the commencement of section 18 of this Act and who on or after that date is again released from an approved school (being either the same school or any other school in Scotland in which he is detained by virtue of the same approved school or other order), the references in the said paragraphs 1 and 2 to the period of two years from the date of his release shall be construed as references to the period of two years from the date of his original release before the commencement of that section, and, as regards the references in the said paragraph 3 to his original release, the first of them shall be construed as a reference to his earliest release after the said commencement, and the second of them shall be construed as a reference to his original release before the said commencement.
- 5 For the purposes of the Children and Young Persons (Scotland) Act 1937 and any other enactment (including this Act) relating to approved schools, a person under the supervision of the managers of an approved school shall, while he is out under supervision from the school, be deemed to be under the care of the managers.

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- 6 (1) An order of the Secretary of State under paragraph 9 of Schedule 2 to the Children and Young Persons (Scotland) Act 1937 that a person under the care of the managers of an approved school be discharged or be transferred to the care of the managers of another school shall, in the case of a person who is under the supervision of the first-mentioned managers, have the effect of discharging him from their supervision as well as from their care.
- (2) Where a person who is under the supervision of the managers of an approved school is transferred as aforesaid to the care of the managers of another school in Scotland, he shall remain subject to supervision under Part I of this Schedule, but as from the time of his transfer he shall be under the supervision of the managers of that other school, and Parts I and II of this Schedule shall apply to him as if his original release as mentioned in paragraph 1 of this Schedule had been from that other school, the person (if any) with whom he was, immediately before his transfer, required to live under that paragraph being treated as having been nominated in that behalf by the managers of the last-mentioned school immediately after his transfer.

PART II

FURTHER ADVICE AND ASSISTANCE

- 7 Where a person under the supervision of the managers of an approved school under Part I of this Schedule ceases to be under their supervision otherwise than by reason of his being transferred as mentioned in paragraph 6 (1) of this Schedule, then during the period beginning with the day on which he so ceases and ending with the date of the third anniversary of the expiration of the period of his detention or the date on which he attains the age of twenty-one, whichever is the earlier, the managers, if so requested by him, may, to the extent that they think it appropriate to do so, cause him to be visited, advised and befriended or give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.
- 8 Where, in the case of a person to whom paragraph 4 of this Schedule applies, his earliest release from an approved school after the commencement of section 18 of this Act occurs after the expiration of the period of two years from the date of his original release but not later than whichever of the dates mentioned in paragraph 7 of this Schedule is the earlier in his case, he shall be treated for the purposes of the said paragraph 7 as ceasing to be under the supervision of the managers of the school under Part I of this Schedule on the day of his earliest release as aforesaid.

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SCHEDULE 3

Section 26.

TRANSFER OF FINES

PART I

The Summary Jurisdiction (Scotland) Act 1954

(2 & 3 Eliz. 2. c. 48)

For section 44 there shall be substituted the following section:—

“44 Transfer of fine orders.

- (1) Where a court of summary jurisdiction has imposed a fine on a person convicted of an offence and it appears to the court that he is residing—
 - (a) within the jurisdiction of another court of summary jurisdiction in Scotland, or
 - (b) in any petty sessions area in England and Wales,
 the court, if no term of imprisonment has been fixed by the court in default of payment of the fine, may order that payment of the fine shall be enforceable by that other court of summary jurisdiction or in that petty sessions area, as the case may be.
- (2) An order under this section (in this section referred to as a transfer of fine order) shall specify the court by which or the petty sessions area in which payment is to be enforceable and, where the court to be specified in a transfer of fine order is a court of summary jurisdiction, it shall, in any case where the fine was imposed by the sheriff court, be a sheriff court.
- (3) Where a transfer of fine order is made with respect to any fine under this section, any functions under any enactment relating to that sum which, if no such order had been made, would have been exercisable by the court imposing the fine or by the clerk of that court shall cease to be so exercisable.
- (4) Where a 'transfer of fine order within the meaning of this section or of section 72A of the Magistrates' Courts Act 1952, as amended by the Criminal Justice (Scotland) Act 1963, specifies a court of summary jurisdiction in Scotland, that court and the clerk of that court shall have all the like functions under this Part of this Act in respect of the fine or the sum in respect of which that order was made (including the power to make any further order under this section) as if the fine or the sum were a fine imposed by that court and as if any order made under this section or the said Act of 1952 in respect of the fine or the sum before the making of the transfer of fine order had been made by that court:

Provided that for the purpose of determining the period of imprisonment which may be imposed under this Act by any court having jurisdiction in respect of a sum adjudged to be paid by a conviction of a magistrates' court acting for a petty sessions area, section 49 of this Act shall have effect as if for the Table set out in subsection (1) of that section there were substituted the Table set out in paragraph 1 of Schedule 3 to the said Act of 1952 or that Table as modified by paragraph 3 of that Schedule, as the case may be.”

PART II

The Magistrates' Courts Act, 1952 *(15 & 16 Geo. 6. & 1 Eliz. 2. c. 55)*

After section 72 there shall be inserted the following sections:

“72A Transfer of fine orders, Scotland.

- (1) Where a magistrates' court has by a conviction adjudged a person to pay a sum and it appears to the court that the offender is residing in Scotland, the court may, unless a term of imprisonment has been fixed in the event of a future default in paying the sum in question, by order direct that payment of that sum shall be enforceable by a court of summary jurisdiction in Scotland, being a court within whose jurisdiction it appears as aforesaid that the offender is residing.
- (2) Any order under this section shall specify the court of summary jurisdiction by which payment of the sum in question is to be enforceable, and if that sum is twenty pounds or more, the court to be so specified shall be the sheriff court.
- (3) Where an order is made under this section with respect to any sum, any functions under this Part of this Act relating to that sum which, if no such order had been made, would have been exercisable by the convicting court, or the clerk of that court, shall cease to be so exercisable.

72B Transfer of fine orders from Scotland.

- (1) Where a transfer of fine order within the meaning of section 44 of the Summary Jurisdiction (Scotland) Act 1954 orders that payment of a fine shall be enforceable in a specified petty sessions area in England and Wales, a magistrates' court acting for that area, and the clerk of that court, shall, subject to the provisions of this section, have all like functions under this Part of this Act in respect of the fine (including power to make a transfer of fine order under section 72 or section 72A of this Act) as if the fine were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1954 in respect of the fine before the making of the transfer of fine order had been made by that court.
- (2) For the purpose of determining the period of imprisonment which may be imposed under this Act by any court having jurisdiction by virtue of such a transfer of fine order as aforesaid in default of payment of the fine to which the order relates (including any court having such jurisdiction by virtue of an order made in respect of that fine under section 72 of this Act), Schedule 3 to this Act shall have effect as if for the Table set out in paragraph 1 there were substituted the Table set out in section 49(1) of the said Act of 1954 and as if paragraph 3 of that Schedule were omitted.”

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SCHEDULE 4

Section 48.

AMENDMENT OF LEGAL AID (SCOTLAND) ACT 1949

Legal Aid in Criminal Proceedings

In section 1, in subsection (6), the words from " or in connection" to " indictment)" shall be omitted and at the end of that subsection there shall be inserted the following subsection:—

- “(6A) In criminal proceedings, a person shall not be given legal aid in connection with—
- (i) summary proceedings unless—
 - (a) he is entitled to receive such aid by virtue of subsection (2) of the next following section, or
 - (b) the court considers that in all the circumstances of the case it is in the interests of justice that legal aid should be available to the accused and grants a legal aid certificate;
 - (ii) proceedings by way of appeal against conviction or sentence (whether in summary proceedings or in proceedings on indictment) unless it appears that he has substantial grounds for taking those proceedings, and that it is reasonable that he should receive legal aid in the particular circumstances of the case. ”

In section 2.—

in subsection (1), after the word " aid ", where first occurring, there shall be inserted the words " in connection with any civil proceedings " , and at the end of that subsection there shall be inserted the following subsections:—

- “(1A) Subject to this Part of this Act, legal aid in connection with criminal proceedings shall be available to an accused person where the court is satisfied after consideration of his financial circumstances that he is unable without undue hardship to 'himself or his dependants to meet the expenses of the case.
- (1B) In the last foregoing subsection, "court" means—
- (a) in relation to summary proceedings, the court before which the proceedings are being taken ;
 - (b) in relation to proceedings on indictment, the sheriff before whom the accused is taken for judicial examination ;
 - (c) in relation to an appeal by way of stated case from a court of summary jurisdiction, that court;
 - (d) in relation to any other form of appeal, the court to which the appeal is made.
- (1C) Where—
- (a) in any case the court mentioned in paragraphs (a) or (b) of the last foregoing subsection has made legal aid available to an accused person in pursuance of this section, that person shall continue to be regarded as financially eligible for legal aid in connection with any subsequent proceedings (including proceedings by way of appeal) arising from the case ;
 - (b) legal aid has not been made available to an accused person and his case comes before the High Court of Justiciary, legal aid shall be available to him if that Court is satisfied of his financial eligibility as aforesaid”;

for subsection (2) there shall be substituted the following subsection :—

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“(2) Notwithstanding the provisions of subsection (1A) of this section, legal aid shall be available in connection with criminal proceedings to an accused person without inquiry into his resources—

- (a) where his case is being prosecuted under solemn procedure, and where no determination as to his eligibility for legal aid has been made for the purposes of that subsection, until, after being brought before the court for examination on declaration, he is admitted to bail or committed until liberated in due course of law, or
- (b) where he is in custody and is being prosecuted summarily (before the sheriff or in a juvenile court constituted in pursuance of section 51 of the Children and Young Persons (Scotland) Act 1937, until the conclusion of the first diet at which he is called upon to plead and of any application for liberation which may follow thereon or, where he has pleaded guilty at that diet, until the conclusion of the last subsequent diet fixed for the disposal of his case.”;

in subsection (3), in paragraph (c), after the word " contribution " there shall be inserted the words " in accordance with the next two following sections ", and at the end of that paragraph there shall be inserted the words " in connection with any civil proceedings ".

In section 6, in subsection (3), in the proviso, for paragraph (a) there shall be substituted the following paragraph:—

- “(a) where in pursuance of arrangements made by the Law Society in accordance with any scheme for the time being in force under section 8 of (this Act a solicitor is available in any court for the special purpose of giving legal aid in connection with criminal proceedings in that court, the scheme may specify proceedings in which an accused person shall not be entitled, to legal aid in that court otherwise than by representation by that solicitor ; and”.

In section 15, in subsection (1), in paragraph (b), after the word " litigandi" there shall be inserted the words " or whether he has substantial grounds for taking proceedings by way of appeal against conviction or sentence ".

SCHEDULE 5

Section 52.

MINOR AND CONSEQUENTIAL AMENDMENTS

The Criminal Appeal (Scotland) Act 1926

(16 & 17 Geo. 5. c. 15)

In section 11 (2), the words " for his use " shall be omitted.

The Children and Young Persons (Scotland) Act 1937

(1 Edw. 8 & 1 Geo. 6 c. 37)

In section 86 (1)(b), for the words " or on licence " there shall be substituted the words " or under supervision ".

In section 87—

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in subsection (1), after the word " Act", there shall be inserted the words " and of the Criminal Justice (Scotland) Act 1963 ";

in subsection (3), for the words " on licence" there shall be substituted the words " under supervision "; and after the word " Act", there shall be inserted the words " and of the Criminal Justice (Scotland) Act 1963 " .

In Schedule 2, in paragraph 9 (3), for the words " this Act shall have effect" there shall be substituted the words " this Act and the Criminal Justice (Scotland) Act 1963 shall have effect " .

The Family Allowances Act 1945

(8 & 9 Geo. 6 c. 41)

In section 26, after subsection (8), there shall be inserted the following subsection:—

“(8A) Section 11 shall have effect as if for paragraph (a) of subsection (1) there were substituted the following paragraph—

- (a) during which the child's detention in an approved school is authorised by an order made under any provision of the Children and Young Persons (Scotland) Act 1937, or by virtue of section 77 of that Act or of Part I of Schedule 2 to the Criminal Justice (Scotland) Act 1963, and the child is not absent from the school under supervision ;”;

and as if for the references to the Children and Young Persons Act 1933 and to section 53 thereof there were substituted, respectively references to the Children and Young Persons (Scotland) Act 1937 and to section 57 thereof " .

The Children Act 1948

(11 & 12 Geo. 6 c. 43)

In section 6 (4), for the words from the beginning of the subsection to the words " said paragraph 6" there shall be substituted the words " Where under Part I of Schedule 2 to the Criminal Justice Act 1961 or, as the case may be, to the Criminal Justice (Scotland) Act 1963 a child is under the supervision of the managers of an approved school, and it appears to the managers that the child has no home or that his home is unsatisfactory, then with the consent of the managers " .

The Criminal Justice (Scotland) Act 1949

(12, 13 & 14 Geo. 6. c. 94)

In section 9 (1), for the words from " and of any subsequent proceedings " to " aggravation " there shall be substituted the words " and of laying it before a court as a previous conviction in subsequent proceedings for another offence " .

In section 20(1), after the words " institution, the court" there shall be inserted the words " subject to section 3 of the Criminal Justice (Scotland) Act 1963 " .

In section 21(2)(a), after the word " more " there shall be inserted the words " or remitted thereto for sentence in respect of such an offence " .

In section 70(2), for the words " seventy-seven and seventy-eight" there shall be substituted the words " and seventy-seven " .

In section 78(4), after the word " under " there shall be inserted the words " any enactment including " .

The Prisons (Scotland) Act 1952
(15 & 16 Geo. 6. & 1 Eliz. 2. c. 61.)

In section 9, the words " the whole of " shall be omitted.

For section 16(1) there shall be substituted the following subsections—

“(1) Where a prisoner who is serving a sentence of thirty-one days or less would, but for this subsection, be discharged on a Sunday, he shall be discharged on the immediately preceding Saturday.

(1A) Where a prisoner who is serving a sentence of more than thirty-one days would, but for this subsection, be discharged on a Saturday or Sunday, he shall be discharged on the preceding Friday.”

In section 18—

in subsection (1), for the words from " and a secretary " to the end of the subsection there shall be substituted the words " of the Council ";

in subsection (3), the words from " and (b)" to the word " subsistence " shall be omitted ;
after subsection (3), there shall be inserted the following subsection:—

“(3A) The Secretary of State may provide the services of a secretary and such office accommodation at which communications will be received, as the Council may require”

In section 19 (3), for the words from " the supervision " to the word " specified " there shall be substituted the word " supervision " .

In section 28 (2), after the words " detention centre " there shall be inserted the words " young offenders institution " .

In section 31—

in subsection (1), at the end of paragraph (b) the word " and " shall be omitted;

in subsections (3) and (4) (other than paragraph (iv) of the proviso to subsection (4)), after the words " detention centre" or " detention centres", wherever occurring, there shall be inserted respectively the words " young offenders institution " and " young offenders institutions", and in the said paragraph (iv) for the words " or detention centres" there shall be substituted the words " detention centres or young offenders institutions " .

In section 33—

in subsection (2), for the words " three years " there shall be substituted the words " two years ";

in subsection (3), for the words from the beginning to the words " so specified " there shall be substituted the words " A person shall, after his release from a borstal institution and until the expiration of one year from the date of his release, be required to be under the supervision of such person as may be specified in a notice to be given to him by the Secretary of State on his release, and shall, while under that supervision, comply with such other requirements as may be so specified " .

in subsection (4), for the words " Borstal institution ", except where those words first occur, there shall be substituted the words " young offenders institution ", for the words " one year " there shall be substituted the words " three months " and, in proviso (a), for the words " three years from the date of the sentence " there shall be substituted the words " one year from the date of his release " .

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in subsection (5), for the words " Borstal institution" there shall be substituted the words " young offenders institution " .

In section 34, after the word " institution " there shall be inserted the words " or a young offenders institution " .

In section 35—

in subsection (1), after the words " detention centres " there shall be inserted the words " young offenders institutions " ;

in subsection (6), after the words " preventive detention" there shall be inserted the words " detention in a young offenders institution " .

In section 37—

in subsection (1), after the words " preventive detention" there shall be inserted the words " detention in a young offenders institution " ;

in subsection (2), after the words " preventive detention", there shall be inserted the words " detention in a young offenders institution " ; and after the word " prison", in both places where it occurs, there shall be inserted the words " young offenders institution " .

The Summary Jurisdiction (Scotland) Act 1954

(2 & 3 Eliz. 2. c. 48.)

In section 3, in paragraph (b), for the words " ten pounds" there shall be substituted the words " fifty pounds " ; and in paragraph (c), for the words " twenty pounds " there shall be substituted the words " fifty pounds " .

In section 4, in subsection (2), for paragraphs (c), (d) and (e) there shall be substituted the following paragraphs—

“(c) theft or reset of theft, falsehood, fraud or wilful imposition, breach of trust or embezzlement, all to an amount exceeding twenty-five pounds ;

(d) any of the offences specified in the last foregoing paragraph, or any attempt thereat, where the accused is known to have been previously convicted of any offence inferring dishonest appropriation of property.”

In section 7(1), in paragraphs (a) and (b), for the words "twenty-five pounds" there shall be substituted the words " one hundred and fifty pounds " .

In section 20(1), for the words "such warrant" there shall be substituted the words " warrant of apprehension or search " .

In section 21, for the word "fourteen" there shall be substituted the word " twenty-one " .

In section 26(4), after the words "detention centre " there shall be inserted the words " young offenders institution " .

In section 31(1), for the words "forming an aggravation of any offence libelled in the complaint" there shall be substituted the words " and the prosecutor has decided to lay a previous conviction before the court " .

In section 33(1), for the words " three pounds " there shall be substituted the words " twenty-five pounds " .

In section 40, in paragraph (b), for the words " twenty-five pounds " there shall be substituted the words " one hundred pounds " .

In section 45(2), for the words " legalised police cells " there shall be substituted the words " any other place in which a person may be lawfully detained in default of payment of a fine " .

For section 48 there shall be substituted the following section:—

“48 Imprisonment in default of payment of fine.

Subject to the provisions of sections 42 to 43C of this Act, where a court of summary jurisdiction has imposed a fine on any person, the court may impose a period of imprisonment in default of payment thereof, whether or not the statute or order under which the fine is imposed makes any provision for its recovery, but that period shall not exceed the maximum period applicable to the fine under section 49 of this Act.”

In section 50, at the end there shall be added the following subsection:—

“(3) Proceedings by civil diligence under this section may be adopted at any time after the imposition of the fine to which they relate :

Provided that no such proceedings shall be authorised after the court has imposed imprisonment in default of payment of the fine.””

In section 76(1)(a), at the end there shall be inserted " or, so far as they relate to summary jurisdiction or procedure, of the Criminal Justice (Scotland) Act 1949 or the Criminal Justice (Scotland) Act 1963.

In section 77, after the definition of " Borstal training " and " Detention centre " there shall be inserted the following definition:—

“ ' Complaint ' includes a copy of the complaint laid before the court :”.

The First Offenders Act 1958
(6 & 7 Eliz. 2, c. 31.)

For section 1 (3), there shall be substituted the following subsections :—

“(3) A person falling to be dealt with for an offence shall be treated for the purposes of this Act as a first offender if, but only if, he has not since attaining the age of seventeen been convicted by a court in any part of the United Kingdom of any other offence except an offence not punishable with imprisonment.

- (4) In determining for the purposes of this section whether a person has been convicted of an offence, no account shall be taken of any of the following enactments, that is to say—
- (a) section 12 of the Criminal Justice Act 1948 (under which a conviction leading to probation or discharge is to be disregarded except as therein mentioned);
 - (b) section 9 of the Criminal Justice (Scotland) Act 1949 (which makes similar provision in respect of convictions on indictment in Scotland) ;
 - (c) section 8 of the Probation Act (Northern Ireland) 1950 (which corresponds with the said section 12) or any corresponding enactment of the Parliament of Northern Ireland for the time being in force ;

and any order made by a court of summary jurisdiction in Scotland Under section 1 or section 2 of the said Act of 1949 shall be treated as a conviction.

- (5) In this section ' court ' does not include a court-martial, and ' offence not punishable with imprisonment ' means an offence for which no offender may be sentenced to imprisonment.”

Status: This is the original version (as it was originally enacted).

First Offenders (Scotland) Act 1960

(8 & 9 Eliz. 2 c. 23)

In section 1—

in subsection (1), for the words from " eighteen " to the words " 1949 " there shall be substituted the words " 1 of the Criminal Justice (Scotland) Act 1963 ";

in subsection (2), for the words from "eighteen" to the word " proceedings)" there shall be substituted the word " 1 ";

for subsection (3), there shall be substituted the following subsections :—

“(3) A person falling to be dealt with for an offence shall be treated for the purposes of this Act as a first offender if, but only if, he has not since attaining the age of seventeen been convicted of any other offence, except an offence not punishable with imprisonment,

(3A) In determining for the purposes of subsection (3) of this section whether a person has been convicted of an offence, no account shall be taken of any of the following enactments, that is to say—

(a) section 9 of the Criminal Justice (Scotland) Act 1949 (under which a conviction leading to probation or discharge is to be disregarded except as therein mentioned);

(b) section 12 of the Criminal Justice Act 1948 (which makes similar provision in respect of convictions on indictment in England and Wales);

(c) section 8 of the Probation Act (Northern Ireland) 1950 (which corresponds with the said section 9) or any corresponding enactment of the Parliament of Northern Ireland for the time being in force;

and any order made by a court of summary jurisdiction under section 1 or section 2 of the said Act of 1949 shall be treated as a conviction.

(3B) For the purposes of subsection (3) of this section, a previous conviction shall be disregarded after the expiration of a period of ten years from the date of that conviction, being a period exclusive of any period during which the offender was in custody under sentence in respect of the conviction.

(3C) In this section ' court' does not include a court-martial, and ' offence not punishable with imprisonment' means an offence for which no offender may be sentenced to imprisonment.”

Mental Health (Scotland) Act 1960

(8 & 9 Eliz. 2 c. 61)

In Schedule 3, in paragraph 9—

in sub-paragraph (3), after the word " applies " there shall be inserted the words " or a patient who was immediately before the commencement of this Act subject to guardianship by virtue of an order under section 24 of the Criminal Justice (Scotland) Act 1949 ";

in sub-paragraph (4), for the words from "in any" to " Schedule " there shall be substituted due words " excepted from the operation of the last foregoing sub-paragraph ".

Status: This is the original version (as it was originally enacted).

Criminal Justice Act 1961

(9 & 10 Eliz. 2 c. 39)

In section 32(2), in paragraph (b), the word " twenty " shall be omitted, and at the end of the paragraph there shall be inserted the words " and sections 11, 12 and 14 of the Criminal Justice (Scotland) Act 1963 and Schedule 1 to that Act. "

In section 34(6), after the words "or detention centre" there shall be inserted the words " or who, immediately before his removal, was undergoing a sentence of detention in a young offenders institution in Scotland "; and at the end of the subsection there shall be added the words " and subsections (3) to (5) of this section shall apply to any person in whose case such a direction is given as if he had been removed under this section ".

In section 38(5)(a), after the word " sentence ", where first occurring, there shall be inserted the words " of detention in a young offenders institution passed in Scotland, and a sentence " .

In section 39 (1), after paragraph (b) there shall be inserted the following paragraph—

“(bb) in relation to a person sentenced to imprisonment when under twenty-one years of age who is so removed to Scotland, a young offenders institution ;”.

SCHEDULE 6

Section 52.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Vict. c. 119.	The Sheriff Courts (Scotland) Act 1838.	In section 25, the proviso.
2 & 3 Vict. c. 47.	The Metropolitan Police Act 1839.	Section 12.
34 & 35 Vict. c. 112.	The Prevention of Crimes Act 1871.	Section 6, so far as relating to Scotland.
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act 1887.	Sections 63 to 65. In section 67, the words from "but where" to the end of the section.
16 & 17 Geo. 5. c. 15.	The Criminal Appeal (Scotland) Act 1926.	In section 11 (2), the words " for his use ".
1 Edw. 8 & 1 Geo. 6. c. 37	The Children and Young Persons (Scotland) Act 1937.	Section 78. In section 86 (1) (b), the words " or upon the revocation of his licence " . In section 91 (5), the words " on licence or " . In Schedule 2, paragraph 6; in paragraph 8, the words from " if authorised " to the

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Session and Chapter	Short Title	Extent of Repeal
8 & 9 Geo. 6. c. 41.	The Family Allowances Act 1945.	words "so to do"; and, in paragraph 12, the words " on licence or", in both places where they occur.
12, 13 & 14 Geo. 6. c. 94.	The Criminal Justice (Scotland) Act 1949.	In section 26 (3), the words from the beginning of the subsection to the words " seventy-eight thereof; ". In section 9 (5), the words " which constitutes an aggravation of the first mentioned offence ". Section 18 (2) to (5). Sections 19 and 22. In section 39 (1), in paragraph (b), the words " as an aggravation of any charge contained in the indictment "; in paragraph (d), the words " as an aggravation of the charge In section 70 (2), the words " and to supervision and recall". In Schedule 7, in Form No. 1, the words " as aggravations of the said charge ".
15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	The Magistrates' Courts Act 1952.	Section 119 (2).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act 1952.	In section 9, the words " the . whole of ". In section 20, subsections (2) to (6). Section 23. Section 31 (4) (a). Schedule 1,
2 & 3 Eliz. 2. c. 48.	The Summary Jurisdiction (Scotland) Act 1954.	Section 2, so far as relating to sections 63 to 65 of the Criminal Procedure (Scotland) Act 1887. Section 18 (3). In section 22, the second sentence.

Status: This is the original version (as it was originally enacted).

Session and Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 23.	The First Offenders (Scotland) Act 1960.	Section 31 (5). Section 49 (2). In Schedule 1, the incorporation of sections 63 and 65 of the Criminal Procedure (Scotland) Act 1887.
9 & 10 Eliz. 2. c. 39.	The Criminal Justice Act 1961.	Section 1 (4). In Schedule 4, the amendment of section 6 of the Children Act 1948. In Schedule 5, the repeal in section 6 of the Children Act 1948.
10 & 11 Eliz. 2. c. 59.	The Road Traffic Act 1962.	Section 39.

Table of Statutes referred to in this Act

<i>Short Title</i>	<i>Session and Chapter</i>
Sheriff Courts (Scotland) Act, 1838	1 & 2 Vict. c. 119.
Metropolitan Police Act, 1839	2 & 3 Vict. c. 47.
Indictable Offences Act, 1848	11 & 12 Vict. c. 42.
Prevention of Crimes Act, 1871	34 & 35 Vict. c. 112.
Summary Jurisdiction (Process) Act, 1881	44 & 45 Vict. c. 24.
Criminal Procedure (Scotland) Act, 1887	50 & 51 Vict. c. 35.
Summary Jurisdiction (Scotland) Act, 1908	8 Edw. 7. c. 65.
Bankruptcy Act, 1914	4 & 5 Geo. 5. c. 59.
Criminal Appeal (Scotland) Act, 1926	16 & 17 Geo. 5. c. 15.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
Criminal Justice Act, 1948	11 & 12 Geo. 6. c. 58.
Administration of Justice (Scotland) Act, 1948	12, 13 & 14 Geo. 6. c. 10.
Legal Aid (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 63.
Criminal Justice (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 94.
Prison Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.

Status: This is the original version (as it was originally enacted).

<i>Short Title</i>	<i>Session and Chapter</i>
Prisons (Scotland) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.
Summary Jurisdiction (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 48.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 26.
Magistrates' Courts Act, 1957	5 & 6 Eliz. 2. c. 29.
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.
First Offenders Act, 1958	6 & 7 Eliz. 2. c. 31.
First Offenders (Scotland) Act, 1960	8 & 9 Eliz. 2. c. 23.
Mental Health (Scotland) Act, 1960	8 & 9 Eliz. 2. c. 61.
Criminal Justice Act, 1961	9 & 10 Eliz. 2. c. 39.