



# Criminal Justice Act 1967

## 1967 CHAPTER 80

### PART III

#### TREATMENT OF OFFENDERS

##### *Release of prisoners on licence and supervision of prisoners after release*

<sup>F1</sup>**F2**59 .....

**Textual Amendments**

- F1** Ss. 59, 60 repealed (S.) by Prisons (Scotland) Act 1989 (c. 45, SIF 39:1), s. 45(2), **Sch. 3**
- F2** Ss. 59 to 64 repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

<sup>F3</sup>**60** ...

**Textual Amendments**

- F3** Ss. 59 to 64 repealed (E.W.) (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

<sup>F4</sup>**61** ...

*Status: Point in time view as at 04/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1967, Part III. (See end of Document for details)*

**Textual Amendments**

**F4** Ss. 59 to 64 repealed (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), [Sch.13](#); S.I. 1992/333, art. 2(2), [Sch.2](#)

<sup>F5</sup>**62** ...

**Textual Amendments**

**F5** Ss. 59 to 64 repealed (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), [Sch.13](#); S.I. 1992/333, art. 2(2), [Sch.2](#)

**63** ..... <sup>F6</sup>

**Textual Amendments**

**F6** S. 63 repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

<sup>F7</sup>**64** ...

**Textual Amendments**

**F7** Ss. 59 to 64 repealed (E.W.) (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), [Sch. 13](#); S.I. 1992/333, art. 2(2), [Sch.2](#)

*Miscellaneous*

**65 Abolition of corporal punishment in prison.**

Corporal punishment shall not be inflicted in any prison or other institution to which the <sup>M1</sup>Prison Act 1952 applies, and accordingly section 18 of that Act shall cease to have effect.

**Marginal Citations**

**M1** 1952 c. 52.

**66** (1) ..... <sup>F8</sup>

(2) Section 15 of the said Act of 1952 (provision of separate buildings for male and female prisoners confined in the same prison) shall cease to have effect.

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- (3) For sections 30 to 32 of the said Act of 1952 (discharged prisoners aid societies and allowances and expenses for discharged prisoners) there shall be substituted the following section:—

**“30 Payments for discharged prisoners.**

The Secretary of State may make such payments to or in respect of persons released or about to be released from prison as he may with the consent of the Treasury determine”

- (4) Any statutory instrument containing rules made under section 47 of the said Act of 1952 (prison rules) shall be subject to annulment in pursuance of a resolution of either House of Parliament; and accordingly so much of section 52(2) of that Act as requires a draft of such an instrument to be laid before Parliament shall cease to have effect.
- (5) In section 47(4) of that Act (duty to include in prison rules provisions for the special treatment of certain classes of prisoners), paragraphs (b) and (c) (persons convicted of sedition, etc., and appellants) shall cease to have effect, and at the end of paragraph (d) (miscellaneous prisoners) there shall be added the words “or a person committed to custody on his conviction”.

**Textual Amendments**

**F8** S. 66(1) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)

**Modifications etc. (not altering text)**

- C1** The text of s. 66(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C2** The text of s. 66(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**<sup>F9</sup>67 Computation of sentences of imprisonment passed in England and Wales.**

**Textual Amendments**

**F9** S. 67 repealed (4.4.2005) (except in relation to a case in which a court has imposed a sentence of imprisonment in respect of an offence committed before 4.4.2005 (whether or not it has also imposed a sentence of imprisonment in respect of an offence committed after that date)) by [Crime \(Sentences\) Act 1997 \(c. 43\)](#), s. 57(2), [Sch. 6](#); S.I. 2005/932, art. 2

**68** ..... **F10**

**Textual Amendments**

**F10** Ss. 48(1), 54(6)(8), 62(8), 68, 93(3) repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), [Sch. 10 Pt. I](#)

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## 69 Extension of enactments relating to persons sentenced to imprisonment or detention to young offenders sentenced to detention.

- (1) In section 38(3) of the <sup>M2</sup>Criminal Justice Act 1961 (construction of references to imprisonment or detention and sentence) at the end there shall be added the following paragraph—
- “(c) any reference to a person serving a sentence of, or sentenced to, imprisonment or detention shall be construed as including a reference to a person who, under any enactment relating to children and young persons in force in any part of the United Kingdom or any of the Channel Islands or the Isle of Man, has been sentenced by a court to be detained for an offence and is liable to be detained in accordance with directions given by the Secretary of State, by the Minister of Home Affairs for Northern Ireland or by the Governor of the Isle of Man with the concurrence of the Secretary of State, and any other reference to a sentence of imprisonment or detention shall be construed accordingly.”
- (2) In section 49 of the <sup>M3</sup>Prison Act 1952 <sup>F11</sup> . . .and section 38(2) of the <sup>M4</sup>Prison Act (Northern Ireland) 1953 (persons unlawfully at large) any reference to a person sentenced to imprisonment shall be construed as including a reference to any such person as is mentioned in the foregoing subsection.

### Textual Amendments

**F11** Words in s. 69(2) repealed (31.3.1996) by 1995 c. 20, s. 117, Sch. 6 Pt. I para. 5, Sch. 7 Pt. I

### Modifications etc. (not altering text)

**C3** The text of s. 69(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### Marginal Citations

**M2** 1961 c. 39.

**M3** 1952 c. 52.

**M4** 1953 c. 18 (N.I.)

## 70 Prisoner transferred from Scotland to England for security.

- (1) Where the Secretary of State, in the case of a person serving a sentence of imprisonment, . . . <sup>F12</sup> in Scotland, is of the opinion that in the interests of security or of public safety that person ought to be transferred to a prison in England and Wales, he may make an order for his transfer to that prison:

Provided that the Secretary of State may at any time make an order for the transfer of that person back to a prison in Scotland.

- (2) A person transferred to England and Wales or transferred back to Scotland under this section shall be treated for all purposes as if he had been transferred to England and Wales or, as the case may be, Scotland under section 26 of the <sup>M5</sup>Criminal Justice Act 1961.

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#### Textual Amendments

**F12** Words repealed by [Criminal Justice \(Scotland\) Act 1980 \(c. 62, SIF 39:1\)](#), **Sch. 8**

#### Marginal Citations

**M5** [1961 c. 39](#).

## 71 Exercise of powers of release.

Any power conferred by or under any enactment to release a person from a prison or other institution to which the Prison Act 1952 applies or from an approved school may be exercised notwithstanding that he is not for the time being detained in that institution or school and a person released by virtue of this section shall, after his release, be treated in all respects as if he had been released from that institution or school.

## 72 Power of magistrates to issue warrants for arrest of escaped prisoners and mental patients.

[<sup>F13</sup>(1) On an information in writing being laid before a justice of the peace for any area in England and Wales or Northern Ireland and substantiated on oath, or on an application being made to a sheriff, magistrate or justice of the peace in Scotland, alleging that any person is—

- (a) an offender unlawfully at large from a prison or other institution to which the Prison Act applies in which he is required to be detained after being convicted of an offence; or
- (b) a convicted mental patient liable to be retaken under [<sup>F14</sup>section 18, 38(7) or 138 of the Mental Health Act 1983], section 36 or 106 of the <sup>M6</sup>Mental Health (Scotland) Act 1960 or [<sup>F15</sup>Article 29, 45(6) or 132 of the Mental Health (Northern Ireland) Order 1986] (retaking of mental patients who are absent without leave or have escaped from custody);

the justice, sheriff or magistrate may issue a warrant to arrest him and bring him before a magistrates' court for that area or, in Scotland, before any sheriff.

- (2) Where a person is brought before a magistrates' court or sheriff in pursuance of a warrant for his arrest under this section, the court or sheriff shall, if satisfied that he is the person named in the warrant and if satisfied as to the facts mentioned in paragraph (a) or (b) of the foregoing subsection, order him to be returned to the prison or other institution where he is required or liable to be detained or, in the case of a convicted mental patient, order him to be kept in custody or detained in a place of safety pending his admission to hospital.
- (3) [<sup>F16</sup>section 137 of the Mental Health Act 1983], section 105 of the <sup>M7</sup>Mental Health (Scotland) Act 1960 and [<sup>F17</sup>Article 131 of the Mental Health (Northern Ireland) Order 1986] (custody, conveyance and detention of certain mental patients) shall apply to a convicted mental patient required by this section to be conveyed to any place or to be kept in custody or detained in a place of safety as they apply to a person required by or by virtue of [<sup>F18</sup>the said Act of 1983], 1960 [<sup>F19</sup>or 1984 or the said Order of 1986] 1960 or 1961, as the case may be, to be so conveyed, kept or detained.

- (4) In this section—

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“convicted mental patient” means a person liable after being convicted of an offence to be detained under [<sup>F20</sup>Part III of the Mental Health Act 1983], Part V of the Mental Health (Scotland) Act 1960 or Part III of the Mental Health [<sup>F21</sup>(Northern Ireland) Order 1986] in pursuance of a hospital order or transfer direction together with an order or direction restricting his discharge [<sup>F22</sup>or in pursuance of a hospital direction and a limitation direction][<sup>F23</sup>or a person liable to be detained under][<sup>F20</sup>section 38 of the said Act of 1983][<sup>F24</sup>or Article 45 of the Mental Health (Northern Ireland) Order 1986];

“place of safety” has the same meaning as in [<sup>F20</sup>Part III of the said Act of 1983] or 1960 or Part III of the said [<sup>F25</sup>Order of 1986], as the case may be;

“Prison Act” means the <sup>M8</sup>Prison Act 1952, the <sup>M9</sup>Prisons (Scotland) Act 1952 or the <sup>M10</sup>Prison Act (Northern Ireland) 1953, as the case may be.]

- (5) Section 27 of the <sup>M11</sup>Criminal Justice Administration Act 1914 (power to issue warrants for the arrest of persons who may be arrested without a warrant) shall cease to have effect.

#### Textual Amendments

- F13** S. 72(1)–(4) repealed (S.) by Criminal Procedure (Scotland) Act 1975 (c. 21), **Sch. 10 Pt. I**
- F14** Words substituted by virtue of Mental Health (Amendment) Act 1982 (c. 51, SIF 85), s. 65(1), **Sch. 3 para. 35(a)** and Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(a)**
- F15** Words substituted by S.I. 1986/596, **art. 5(a)**
- F16** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(b)**
- F17** Words substituted by S.I. 1986/596, **art. 5(b)**
- F18** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(b)**
- F19** Words substituted by virtue of S.I. 1986/596, **art. 5(b)**
- F20** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, **Sch. 4 para. 21(c)**
- F21** Words substituted by S.I. 1986/596, **art. 5(c)**
- F22** Words in s. 72(4) inserted (1.10.1997) by 1997 c. 43, s. 55(1), **Sch. 4 para. 5(2)**; S.I. 1997/2200, **art. 2(1)(l)(2)(b)**
- F23** Words inserted by Mental Health (Amendment) Act 1982 (c. 51, SIF 85), s. 65(1), **Sch. 3 para. 35(b)**
- F24** Words added by 1986/596, art. 5(c)
- F25** Words substituted by S.I. 1986/596, **art. 5(d)**

#### Modifications etc. (not altering text)

- C4** S. 72(4) amended (1.10.1997 for specified purposes and otherwise *prosp.*) by 1997 c. 43, s. 55(2), **Sch. 4 para. 5(2)**; S.I. 1997/2200, **art. 2(1)(m)**
- C5** The text of s. 72(5) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

- M6** 1960 c. 61.
- M7** 1960 c. 61.
- M8** 1952 c. 52.
- M9** 1952 c. 61.
- M10** 1953 c. 18 (N.I.)
- M11** 1914 c. 58.

**Status:**

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**Changes to legislation:**

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