



Criminal Justice Act 1967

1967 CHAPTER 80

PART III

TREATMENT OF OFFENDERS

Miscellaneous

65 Abolition of corporal punishment in prison.

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

66 Miscellaneous amendments of the Prison Act 1952.

- (1) Notwithstanding that a remand centre is provided under section 43 of the Prison Act 1952 for the detention of persons of or over the age of fourteen but under the age of twenty-one who are remanded or committed in custody for trial or sentence, any person required to be detained in an institution to which that Act applies may be detained in a remand centre for any temporary purpose or for the purpose of providing maintenance and domestic services for that centre.
- (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.
- (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”.

Status: This is the original version (as it was originally enacted).

- (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 ".

67 Computation of sentences of imprisonment passed in England and Wales.

- (1) The length of any sentence of imprisonment imposed on an offender by a court shall be treated as reduced by any period during which he was in custody by reason only of having been committed to custody by an order of a court made in connection with any proceedings relating to that sentence or the offence for which it was passed or any proceedings from which those proceedings arose, but where the offender was previously subject to a probation order, an order for conditional discharge or a suspended sentence in respect of that offence, any such period falling before the order was made or suspended sentence passed shall be disregarded for the purposes of this section.
- (2) For the purposes of this section a suspended sentence shall be treated as a sentence of imprisonment when it takes effect under section 40 of this Act and as being imposed by the order under which it takes effect.
- (3) No period of custody, other than a period which would have been taken into account before the commencement of this Act under section 17(2) of the Criminal Justice Administration Act 1962 (duration of sentence) for the purpose of reducing a term of imprisonment, shall be taken into account for the like purpose under this section unless it falls after the commencement of this Act.
- (4) Any reference in this Act or any other enactment (whether passed before or after the commencement of this Act) to the length of any sentence of imprisonment shall, unless the context otherwise requires, be construed as a reference to the sentence pronounced by the court and not the sentence as reduced by this section.

68 Consideration of time spent in custody in passing sentence in Scotland.

A court in Scotland, in passing a sentence of imprisonment or detention in a young offenders institution as defined in section 31(1)(d) of the Prisons (Scotland) Act 1952 on a person for any offence, shall, in determining the period of imprisonment or detention, have regard to any period of time spent in custody by that person on remand awaiting trial or sentence.

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

- (1) In section 38(3) of the 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 Prison Act 1952, section 37 of the Prisons (Scotland) Act 1952 and section 38(2) of the 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.

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, corrective training or preventive detention 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 Criminal Justice Act 1961.

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.

- (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 section 40 or 140 of the Mental Health Act 1959, section 36 or 106 of the Mental Health (Scotland) Act

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1960 or section 30 or 108 of the Mental Health Act (Northern Ireland) 1961 (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) Section 139 of the Mental Health Act 1959, section 105 of the Mental Health (Scotland) Act 1960 and section 107 of the Mental Health Act (Northern Ireland) 1961 (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 the said Act of 1959, 1960 or 1961, as the case may be, to be so conveyed, kept or detained.
- (4) In this section—
- " convicted mental patient " means a person liable after being convicted of an offence to be detained under Part V of the Mental Health Act 1959, Part V of the Mental Health (Scotland) Act 1960 or Part III of the Mental Health Act (Northern Ireland) 1961 in pursuance of a hospital order or transfer direction together with an order or direction restricting his discharge;
 - " place of safety " has the same meaning as in Part V of the said Act of 1959 or 1960 or Part III of the said Act of 1961, as the case may be;
 - " Prison Act " means the Prison Act 1952, the Prisons (Scotland) Act 1952 or the Prison Act (Northern Ireland) 1953, as the case may be.
- (5) Section 27 of the 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.