

SCHEDULES

SCHEDULE 5

Section 64(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

The Petty Sessions (Ireland) Act 1851

In the Petty Sessions (Ireland) Act 1851—

- (a) in sections 27 and 29 for the words " county inspector" (wherever occurring) there shall be substituted the words " chief superintendent of police "; and
- (b) in section 44, for the words from "' county inspector' shall " to " rank of county inspector " there shall be substituted the words "' chief superintendent of police' means an officer of the Royal Ulster Constabulary having the rank of chief superintendent ".

The Theatrical Employers Registration Act 1925

In section 6(2) of the Theatrical Employers Registration Act 1925 for the words " until seven days after it is made, or if an appeal has been entered " there shall be substituted the words " until the expiration of the period within which notice of appeal to the Crown Court may be given against the order, or if notice of appeal is given ".

The Children and Young Persons Act 1933

In section 55(1) of the Children and Young Persons Act 1933 for the words " a fine, damages or costs may be imposed ", " the imposition of a fine, damages or costs " and " the fine, damages or costs awarded " there shall be substituted respectively the words " a fine or costs may be imposed or a compensation order may be made under section 1 of the Criminal Justice Act 1972 ", " the imposition of a fine or costs or the making of such an order" and " the fine, compensation or costs awarded ".

The Incitement to Disaffection Act 1934

In section 2(4) of the Incitement to Disaffection Act 1934 for the words from " and subject as aforesaid" onwards there shall be substituted the words " and, in relation to property which has come into the possession of the police under this section, the Police (Property) Act 1897 (which makes provision with respect to the disposal of property in the possession of the police) shall have effect subject to the foregoing provisions of this subsection and to the provisions of this Act conferring powers on courts dealing with offences ".

The Dogs Amendment Act 1938

In section 1(2) of the Dogs Amendment Act 1938 for the words " fourteen days from the date of the order " there shall be substituted the words " the period within which notice of appeal to the Crown Court may be given against the order ".

Status: This is the original version (as it was originally enacted).

The Criminal Justice Act 1948

In section 3(3) of the Criminal Justice Act 1948 for the words " subsection (2) of section eleven of this Act" there shall be substituted the words " section 1 of the Criminal Justice Act 1972 ".

In section 4(1) of the said Act for the words " for such period not extending beyond twelve months from the date of the order as may be specified therein" there shall be substituted the words " during the whole of the probation period or such part as may be specified in the order ".

In Schedule 1 to the said Act, in paragraph 3, after the words " sections three and four of this Act" there shall be inserted the words " or of section 20 of the Criminal Justice Act 1972 ".

In Schedule 5 to the said Act, in paragraph 3(6) (duty of case committees to review work of probation officers), the words "in individual cases " shall be omitted.

The Reserve and Auxiliary Forces (Training) Act 1951

In section 6(5) of the Reserve and Auxiliary Forces (Training) Act 1951 for the words from " and subject as aforesaid " onwards there shall be substituted the words " and, in relation to property which has come into the possession of the police under this section, the Police (Property) Act 1897 (which makes provision with respect to the disposal of property in the possession of the police) shall have effect subject to the foregoing provisions of this subsection and to the provisions of this section conferring powers on courts dealing with offences ".

The Costs in Criminal Cases Act 1952

In section 14 of the Costs in Criminal Cases Act 1952 for subsection (4) there shall be substituted—

“(4) This Act shall apply to proceedings under section 13, 17 or 18 of the Criminal Justice Act 1972 (suspended sentence supervision orders and community service orders) as if the offender had been tried in those proceedings for the offence in respect of which the order was made.”.

In section 17 of the said Act (interpretation), the definition of " prosecutor " in subsection (1), and subsection (4), shall be omitted.

The Magistrates' Courts Act 1952

In section 7(3) of the Magistrates' Courts Act 1952 (power of magistrates to grant bail to a person committed in custody to await trial), for the words "the first sitting of the court before which he is to be tried ", there shall be substituted the words " his first appearance before the Crown Court ".

In section 114(1) of the said Act of 1952 for paragraphs (a) and (b) there shall be substituted—

- “(a) in the first place in payment of any compensation adjudged by the conviction to be paid to any person ;
- (b) in the second place in payment of any costs so adjudged to be paid to the prosecutor ;”.

The Prevention of Fraud (Investments) Act 1958

For subsection (11) of section 14 of the Prevention of Fraud (Investments) Act 1958 there shall be substituted—

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“(11) In relation to property which has come into the possession of the police in consequence of a seizure under this section, the Police (Property) Act 1897 (which makes provision with respect to the disposal of property in the possession of the police) shall have effect subject to the provisions of the last two preceding subsections.”.

The Criminal Justice Act 1961

In section 12(4) of the Criminal Justice Act 1961 for the words " the court shall" there shall be substituted the words " then, unless the court proposes to deal with him otherwise than by making an order under this section, the court shall " and after the words " in custody " there shall be inserted the words " or on bail ".

The Criminal Justice Act 1967

In the Criminal Justice Act 1967—

- (a) in section 18(7) for the words from " inform him " to the end of the subsection there shall be substituted the words—
 - “(a) in a case of committal, inform him that he may apply to a judge of the High Court, or to the Crown Court, to be admitted to bail, and
 - (b) in any other case, inform him that he may apply to a judge of the High Court for that purpose.”.
- (b) in section 53, after subsection (2), there shall be inserted—
 - “(2A) Where an application under this section is made by the probation officer, it may be heard in the absence of the probationer if the officer produces to the court a statement by him that he understands the effect of an order under this section and consents to the application being made.”;
- (c) in section 60(2) the words "between conviction and sentence " shall be omitted ;
- (d) in section 67(1), after the words "probation order" there shall be inserted the words " a community service order ";
- (e) after subsection (8) of section 73 there shall be inserted—
 - “(8A) Where a person makes an application to a magistrates' court under section 3 of the Criminal Justice Act 1972 (review of compensation orders) the court may order that he shall be given legal aid for the purpose of the proceedings before the court.”;
- (f) in the definition of " dealt with" in section 74(12) after " 1948 " there shall be inserted the words " under section 13, 17 or 18(1) or (2) of the Criminal Justice Act 1972 ";
- (g) in the definition of " committed for sentence " in section 84(1) after " 1959" there shall be inserted the words " section 17 or 18(2) of the Criminal Justice Act 1972 ".

The Criminal Appeal Act 1968

In section 10(3) of the Criminal Appeal Act 1968, after paragraph (c) there shall be inserted—

“or

- (d) where the court makes in respect of him an order under section 12 of the Criminal Justice Act 1961 (return to borstal institution on re-conviction).”

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

The Theft Act 1968

For subsections (1) to (3) of section 28 of the Theft Act 1968 there shall be substituted—

- “(1) Where goods have been stolen, and either a person is convicted of any offence with reference to the theft (whether or not the stealing is the gist of his offence) or a person is convicted of any other offence but such an offence as aforesaid is taken into consideration in determining his sentence, the court by or before which the offender is convicted may on the conviction exercise any of the following powers—
- (a) the court may order anyone having possession or control of the goods to restore them to any person entitled to recover them from him ; or
 - (b) on the application of a person entitled to recover from the person convicted any other goods directly or indirectly representing the first-mentioned goods (as being the proceeds of any disposal or realisation of the whole or part of them or of goods so representing them), the court may order those other goods to be delivered or transferred to the applicant; or
 - (c) the court may order that a sum not exceeding the value of the first-mentioned goods shall be paid, out of any money of the person convicted which was taken out of his possession on his apprehension, to any person who, if those goods were in the possession of the person convicted, would be entitled to recover them from him.
- (2) Where under subsection (1) above the court has power on a person's conviction to make an order against him both under paragraph (b) and under paragraph (c) with reference to the stealing of the same goods, the court may make orders under both paragraphs provided that the person in whose favour the orders are made does not thereby recover more than the value of those goods.
- (3) Where under subsection (1) above the court on a person's conviction makes an order under paragraph (a) for the restoration of any goods, and it appears to the court that the person convicted has sold the goods to a person acting in good faith, or has borrowed money on the security of them from a person so acting, the court may order that there shall be paid to the purchaser or lender, out of any money of the person convicted which was taken out of his possession on his apprehension, a sum not exceeding the amount paid for the purchase by the purchaser or, as the case may be, the amount owed to the lender in respect of the loan.”

The Children and Young Persons Act 1969

For paragraph (a) of section 3(6) of the Children and Young Persons Act 1969 there shall be substituted—

- “(a) section 1 of the Criminal Justice Act 1972 (which relates to compensation for personal injury and loss of or damage to property) shall apply as if the finding were a finding of guilty of the offence and as if the maximum amount which could be ordered to be paid under that section in respect of that offence were £100 ;”.

In section 6(1) of the said Act of 1969 for the words "the court shall, if it is of opinion that there is sufficient evidence to put the accused on trial, commit him for trial" there shall be substituted the words " the court shall commit the accused for trial if either it is of opinion that there is sufficient evidence to put him on trial or it has power under section 1 of the Criminal Justice Act 1967 so to commit him without consideration of the evidence ".

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

In section 7(8) of the said Act of 1969 for the words from " decides to deal with the case " to the end of the subsection there shall be substituted the words " is of the opinion that the case is one which can properly be dealt with by means of—

- (a) an order discharging him absolutely or conditionally ; or
- (b) an order for the payment of a fine ; or
- (c) an order requiring his parent or guardian to enter into a recognisance to take proper care of him and exercise proper control over him,

with or without any other order that the court has power to make when absolutely or conditionally discharging an offender."

The Administration of Justice Act 1970

In Part I of Schedule 9 to the Administration of Justice Act 1970—

- (a) at the end of paragraph 9 there shall be added the words " or under section 14(4) of the said Act of 1952 (proceedings relating to suspended sentence supervision orders and community service orders). "; and
- (b) for paragraphs 9A, 10 and 11 there shall be substituted—

“10 Where under section 1 of the Criminal Justice Act 1972 a court orders the payment of compensation.”.

The Courts Act 1971

In the Courts Act 1971, the following amendments shall be made—

- (a) in section 31(4), for the words " recorded in the juror's book " there shall be substituted the words " shown in the electoral register ";
- (b) in section 33(1), for the words from " and who " to the end of the subsection there shall be substituted the words " to be summoned (without any written notice) for jury service up to the number needed (after allowing for any who may not be qualified under section 25(1) of the Criminal Justice Act 1972, and for refusals and challenges) to make up a full jury ";
- (c) in section 34(2), for the words from " notwithstanding" onwards there shall be substituted the words " excuse him from so attending (whether or not he is a person entitled to be excused under section 25(2) of the Criminal Justice Act 1972) ";
- (d) in section 40(2)(b), for the words " included in the relevant juror's book or jury list " there shall be substituted the words " qualified in accordance with section 25(1) of the Criminal Justice Act 1972 ";
- (e) in Schedule 4—

in paragraph 3, for sub-paragraph (2) there shall be substituted the following sub-paragraph—

“(2) In section 29 of the Juries Act 1825 for the words " any of the courts herein-before mentioned " substitute " the Crown Court " ;”

at the end of paragraph 6, there shall be inserted the words " or in consequence of section 25 of the Criminal Justice Act 1972 ".

The Immigration Act 1971

In section 6(3)(b) of the Immigration Act 1971 for the words " first offenders " there shall be substituted the words " persons who have not previously been sentenced to imprisonment ".

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

The Road Traffic Act 1972

In section 105(2) of the Road Traffic Act 1972 after the words " for the purpose of endorsement " there shall be inserted the words " (or its production to comply with section 24(3) of the Criminal Justice Act 1972 in the case of disqualification under that section) " .