



Criminal Justice Act 1961

1961 CHAPTER 39

PART II

TREATMENT AND SUPERVISION OF PRISONERS AND OTHER DETAINED PERSONS

Borstal Institutions and Detention Centres

11 Term of detention and supervision under 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 under subsection (2) of section forty-five of the Prison Act, 1952, shall be two years instead of three years, and the minimum period for which such a person may be so detained shall (subject to any direction of the Secretary of State under that subsection) be six months instead of nine months.
- (2) The period for which a person sentenced to borstal training after the commencement of this section is to be under supervision under subsection (3) of the said section forty-five after his release from a borstal institution shall (subject to any order of the Prison Commissioners under that subsection) be a period of two years beginning with the date of his release instead of a period beginning with that date and continuing until the expiration of four years from the date of his sentence.

12 Return to borstal institution on re-conviction

- (1) Where a person sentenced to borstal training—
 - (a) being under supervision after his release from a borstal institution; or
 - (b) having become unlawfully at large from a borstal institution and not having returned or been returned thereto,

is convicted, whether on indictment or summarily, of an offence for which the court has power, or would have power but for the statutory restrictions upon the imprisonment of young offenders, to pass sentence of imprisonment, the court may, instead of dealing with him in any other manner, order that he be returned to a borstal institution.

- (2) A person ordered under this section to be returned to a borstal institution shall be liable to be detained for the like period, and if under supervision shall be treated for all other purposes, as if he had been recalled to a borstal institution by order of the Prison Commissioners in pursuance of section forty-five of the Prison Act, 1952, and had been taken into custody in pursuance of that order on the date of the order under this section.
- (3) Before making an order under this section in respect of an offender, the court shall consider any report made by or on behalf of the Prison Commissioners on his response to the training already undergone by him, and section thirty-seven of this Act shall apply accordingly.
- (4) Where the offender is under supervision as aforesaid, and the court by which he is convicted is a magistrates' court and has not received such a report as aforesaid, the court shall adjourn the hearing in accordance with subsection (3) of section fourteen of the Magistrates' Courts Act, 1952, and remand the offender in custody to enable such a report to be made.
- (5) References in this section to a person under supervision after his release from a borstal institution do not include a person who, being under supervision as aforesaid, is for the time being deemed by virtue of section forty-five of the Prison Act, 1952, to be unlawfully at large.

13 Supervision after release from detention centre

Every person who is detained in a detention centre in pursuance of an order made under section four of this Act, being an order made after the commencement of this section, shall, after his release from the detention centre, be subject to supervision under the First Schedule to this Act.