



Criminal Justice Act 1948

1948 CHAPTER 58 11 and 12 Geo 6

PART I **E+W**

POWERS AND PROCEEDINGS OF COURTS

Abolition of penal servitude, hard labour, prison divisions and sentence of whipping

1 Abolition of penal servitude, hard labour and prison divisions. **E+W**

- (1) No person shall be sentenced by a court to penal servitude; and every enactment conferring power on a court to pass a sentence of penal servitude in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before the commencement of this Act.
- (2) No person shall be sentenced by a court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Act; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect.
- (3) So far as any enactment provides that a person sentenced to imprisonment or committed to prison is or may be directed to be treated as an offender of a particular division, or to be placed in a separate division, it shall cease to have effect.

2 ^{F1} **E+W**

Textual Amendments

F1 S. 2 repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. IV

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

3—12. F2 **E+W**

Textual Amendments
F2 S. 3–12 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

13 F3 **E+W**

Textual Amendments
F3 S. 13 repealed by Criminal Law Act 1967 (c. 58), Sch. 3 Pt. III

14 F4 **E+W**

Textual Amendments
F4 S. 14 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

15 F5 **E+W**

Textual Amendments
F5 S. 15 repealed by Criminal Justice Act 1967 (c. 80), Sch. 7 Pt. I

Powers relating to young offenders

16 F6 **E+W**

Textual Amendments
F6 S. 16 repealed by Homicide Act 1957 (c. 11), Sch. 2

17 **E+W**

- (1) F7
- (3) F8
- (4) F9
- (6) F10

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F7 S. 17(1)(2) repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6
- F8 S. 17(3) repealed by Courts Act 1971 (c. 23), Sch. 11 Pt. IV
- F9 S. 17(4)(5) repealed by Magistrates' Courts Act 1952 (c. 55) s. 132(2), Sch. 6
- F10 S. 17(6) repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

18 F11 **E+W**

Textual Amendments

- F11 S. 18 repealed by Criminal Justice Act 1961 (c. 39), Sch. 5

19, 20. F12 **E+W**

Textual Amendments

- F12 Ss. 19, 20, 48(2), 52, 76(2) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16

21 F13 **E+W**

Textual Amendments

- F13 S. 21 repealed by Criminal Justice Act 1967 (c. 80), Sch. 7 Pt. I

22 F14 **E+W**

Textual Amendments

- F14 S. 22 repealed by Criminal Justice Act 1961 (c. 39), Sch. 5

23 F15 **E+W**

Textual Amendments

- F15 S. 23 repealed by Criminal Justice Act 1967 (c. 80), Sch. 7 Pt. I

24 F16 **E+W**

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F16 Ss. 24–26, 28 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [Sch. 6](#)

Adjournment, remand, etc.

25, 26. ^{F17} **E+W**

Textual Amendments

F17 Ss. 24–26, 28 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [Sch. 6](#)

[^{F18}**27** **Remand of persons aged 17 to 20.** **E+W**

- (1) Where a court remands a person charged with or convicted of an offence or commits him for trial or sentence and he is not less than seventeen but under twenty-one years old and is not released on bail, then, if the court has been notified by the Secretary of State that a remand centre is available for the reception from the court of persons of his class or description, it shall commit him to a remand centre and, if it has not been so notified, it shall commit him to a prison.
- (2) Where a person is committed to a remand centre in pursuance of this section, the centre shall be specified in the warrant and he shall be detained there for the period for which he is remanded or until he is delivered thence in due course of law.
- (3) In this section “court” includes a justice; and nothing in this section affects the provisions of [^{F19}section 128(7) of the Magistrates’ Courts Act 1980](which provides for remands to the custody of a constable).]

Textual Amendments

F18 S. 27 substituted by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 5 para. 24](#)
F19 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 7](#)

28 ^{F20} **E+W**

Textual Amendments

F20 Ss. 24–26, 28 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [Sch. 6](#)

29 ^{F21} **E+W**

Textual Amendments

F21 S. 29 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Miscellaneous provisions relating to procedure, appeals, evidence, etc.

30 F22 **E+W**

Textual Amendments

F22 S. 30 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. IV](#)

31 **Jurisdiction and procedure in respect of certain indictable offences committed in foreign countries.** **E+W**

(1) Any British subject employed under His Majesty's Government in the United Kingdom in the service of the Crown who commits, in a foreign country, when acting or purporting to act in the course of his employment, any offence which, if committed in England, would be punishable on indictment, shall be guilty of an offence . . . ^{F23}, and subject to the same punishment, as if the offence had been committed in England.

(2) F24

Textual Amendments

F23 Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

F24 S. 31(2)(3) repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

32, 33. F25 **E+W**

Textual Amendments

F25 Ss. 32, 33 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [Sch. 6](#)

34 F26 **E+W**

Textual Amendments

F26 S. 34 repealed by [Criminal Justice Administration Act 1962 \(c. 15\)](#), [Sch. 5 Pt. II](#)

35 F27 **E+W**

Textual Amendments

F27 S. 35 repealed by [Juries Act 1974 \(c. 23\)](#), [Sch. 3](#)

36 F28 **E+W**

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F28 S. 36 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [Sch. 6](#)

37 Bail on appeal, case stated or application for certiorari. E+W

(1) Without prejudice to the powers vested before the commencement of this Act in any court to admit or direct the admission of a person to bail—

(a) ^{F29}

[^{F30}(b) the High Court may [^{F31}, subject to section 25 of the Criminal Justice and Public Order Act 1994,][^{F32}grant bail to] a person—

(i) who, after the decision of his case by the Crown Court, has applied to the Crown Court for the statement of a case for the High Court on that decision, or

(ii) who has applied to the High Court for an order of certiorari to remove proceedings in the Crown Court in his case into the High Court, or has applied to the High Court for leave to make such an application.]

(c) ^{F33}

[^{F34}(d) the High Court may [^{F31}, subject to section 25 of the Criminal Justice and Public Order Act 1994,]grant bail to a person who has been convicted or sentenced by a magistrates' court and has applied to the High Court for an order of certiorari to remove the proceedings into the High Court or has applied to the High Court for leave to make such an application.]

[^{F35}(1A) Where the court grants bail to a person under paragraph (d) of subsection (1) above—

(a) the time at which he is to appear in the event of the conviction or sentence not being quashed by the High Court shall be such time within ten days after the judgment of the High Court has been given as may be specified by the High Court; and

(b) the place at which he is to appear in that event shall be a magistrates' court acting for the same petty sessions area as the court which convicted or sentenced him.]

(2) ^{F36}

(4) Rules of court may be made under section [^{F37}84 of the Supreme Court Act 1981]—

(a) ^{F38}

(b) for authorising the recommitment, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody under this section;

..... ^{F39}

(5) ^{F40}

(6) The time during which a person is [^{F41}released on] bail under paragraph (b), . . . ^{F42} or (d) of subsection (1) of this section shall not count as part of any term of imprisonment under his sentence; and any sentence of imprisonment imposed by a court of summary jurisdiction, or, on appeal, by [^{F43}the Crown Court], after the imposition of which a person is so [^{F41}released on] bail, shall be deemed to begin to run or to be resumed as from the day on which he is received in prison under the sentence; and for the purposes

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

of this subsection the expression “prison” shall be deemed to include a detention centre and remand home and the expression “imprisonment” shall be construed accordingly.

Textual Amendments

- F29** S. 37(1)(a) repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**
- F30** S. 37(1)(b) substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8**, para. 28(1)
- F31** Words in s. 37(1)(b)(d) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 6**; S.I. 1995/721, art. 2, **Sch.** Appendix A
- F32** Words substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 11(1)(2)**
- F33** S. 37(1)(c) repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**
- F34** S. 37(1)(d) substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 11(1)(3)**
- F35** S. 37(1A) substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 11(1)(4)**
- F36** S. 37(2)(3) repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**
- F37** Words substituted by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), **Sch. 5**
- F38** [S. 37\(4\)\(a\)](#) repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**
- F39** Words repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), **Sch. 7**
- F40** S. 37(5) repealed by [Courts Act 1971 \(c. 23\)](#), **Sch. 11 Pt. IV**
- F41** Words substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 11(1)(5)**
- F42** Word repealed by [Criminal Justice Act 1967 \(c. 80\)](#), s. 22(5), **Sch. 7 Pt. I**
- F43** Words substituted by [Courts Act 1971 \(c. 23\)](#), **Sch. 8 para. 24(b)**

Modifications etc. (not altering text)

- C1** S. 37 applied by [Administration of Justice Act 1960 \(c. 65\)](#) s. 4(2)
- C2** S. 37(6) extended by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), **s. 113(4)**
- C3** S. 37(6) applied by [Magistrates' Courts Act 1952 \(c. 55\)](#), **s. 89(3)**

38

E+W

- (1) **F44**
- (2) **F45**
- (3) **F46**
- (5) **F47**
- (6) **F48**

Textual Amendments

- F44** S. 38(1) repealed by [Criminal Appeal Act 1968 \(c. 19\)](#), **Sch. 7**
- F45** S. 38(2) repealed by [Criminal Appeal Act 1966 \(c. 31\)](#), **Sch. 3**
- F46** S. 38(3)(4) repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**
- F47** S. 38(5) repealed by [Costs in Criminal Cases Act 1952 \(c. 48\)](#), **Sch.**
- F48** S. 38(6) repealed by [Administration of Justice Act 1960 \(c. 65\)](#), **Sch. 4**

39

Proof of previous convictions by finger–prints. E+W

- (1) A previous conviction may be proved against any person in any criminal proceedings by the production of such evidence of the conviction as is mentioned in this section,

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

and by showing that his finger-prints and those of the person convicted are the finger-prints of the same person.

- (2) A certificate purporting to be signed by or on behalf of the Commissioner of Police of the Metropolis, containing particulars relating to a conviction extracted from the criminal records kept by him, and certifying that the copies of the finger-prints exhibited to the certificate are copies of the finger-prints appearing from the said records to have been taken [^{F49}under or by virtue of any enactment in that behalf in force in any part of the United Kingdom (including an enactment of the Parliament of Northern Ireland)], from the person convicted on the occasion of the conviction, shall be evidence of the conviction and evidence that the copies of the finger-prints exhibited to the certificate are copies of the finger-prints of the person convicted.
- (3) A certificate purporting to be signed by or on behalf of the governor of a prison or remand centre in which any person have been detained in connection with any criminal proceedings, certifying that the finger-prints exhibited thereto were taken from him while he was so detained, shall be evidence in those proceedings that the finger-prints exhibited to the certificate are the finger-prints of that person.
- (4) A certificate, purporting to be signed by or on behalf of the Commissioner of Police of the Metropolis, and certifying that the finger-prints, copies of which are certified as aforesaid by or on behalf of the Commissioner to be copies of the finger-prints of a person previously convicted and the finger-prints certified by or on behalf of the governor as aforesaid, or otherwise shown, to be the finger-prints of the person against whom the previous conviction is sought to be proved are the finger-prints of the same person shall be evidence of the matter so certified.
- (5) The method of proving a previous conviction authorised by this section shall be in addition to any other method of proving the conviction.

Textual Amendments
F49 Words substituted by [Criminal Justice Act 1961 \(c. 39\), Sch. 4](#)

40 ^{F50} **E+W**

Textual Amendments
F50 S. 40 repealed by [Magistrates' Courts Act 1952 \(c. 55\), Sch. 6](#)

41 Evidence by certificate. **E+W**

(1) In any criminal proceedings, a certificate purporting to be signed by a constable, or by a person having the prescribed qualifications, and certifying that a plan or drawing exhibited thereto is a plan or drawing made by him of the place or object specified in the certificate, and that the plan or drawing is correctly drawn to a scale so specified, shall be evidence of the relative position of the things shown on the plan or drawing.

(2) ^{F51}

(3) ^{F52}

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Nothing in this section shall be deemed to make a certificate . . . ^{F53} admissible as evidence in proceedings for an offence except in a case where and to the extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (5) Nothing in this section shall be deemed to make a certificate . . . ^{F53} admissible as evidence in proceedings for any offence—
- (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence; or
 - (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves notice in the prescribed form and manner on the prosecutor requiring the attendance at the trial of the person who signed the certificate . . . ^{F53}
- (6) In this section the expression “prescribed” means prescribed by rules made by the Secretary of State.

Textual Amendments

- F51** S. 41(2) repealed by Road Traffic Act 1960 (c. 16), Sch. 18 Pt. I
- F52** S. 41(3) repealed by Theft Act 1968 (c. 60, s. 33(3), Sch. 3 Pt. III
- F53** Words repealed by Theft Act 1968 (c. 60), s. 33(3), Sch. 3 Pt. III

42 Order of speeches. E+W

- (1) Notwithstanding anything in section two of the ^{M1}Criminal Procedure Act 1865, as amended by section three of the ^{M2}Criminal Evidence Act 1898, the prosecution shall not be entitled to the right of reply upon the trial of any person on indictment on the ground only that documents have been put in evidence for the defence.
- (2) ^{F54}

Textual Amendments

- F54** S. 42(2)(3) repealed by Magistrates' Courts Act 1952 (c. 55), Sch. 6

Marginal Citations

- M1** 1865 c. 18.
- M2** 1898 c. 36.

43 ^{F55} **E+W**

Textual Amendments

- F55** S. 43 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

44 ^{F56} **E+W**

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F56 S. 44 repealed by Costs in [Criminal Cases Act 1952 \(c. 48\)](#), [Sch.](#)

PART II E+W

ADMINISTRATIVE PROVISIONS AND PROVISIONS AS TO TREATMENT OF PRISONERS, ETC.

45— **F57 E+W**
47.

Textual Amendments

F57 Ss. 45–47 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

Institutions for offenders

48 **E+W**

(1) **F58**
 (2) **F59**
 (3) **F58**
 (4) **F60**
 (5) **F61**

Textual Amendments

F58 S. 48(1)(3) repealed by [Prison Act 1952 \(c. 52\)](#), [Sch. 4 Pt. I](#)
F59 Ss. 19, 20, 48(2), 52, 76(2) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)
F60 S. 48(4) repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)
F61 Ss. 48(5)–(7) 50, 51 repealed by [Prison Act 1952 \(c. 52\)](#), [Sch. 4 Pt. I](#)

49 **Remand homes.** **E+W**

- (1) As from such date as may be specified in an order made by statutory instrument by the Secretary of State, no premises shall be used as a remand home unless a certificate of approval has been issued by the Secretary of State.
- (2) The Secretary of State may by rules made under this Act apply to remand homes, with such adaptations and modifications as he thinks fit, the provisions of section seventy-nine and subsection (3) of section one hundred and six of the ^{M3}Children and Young Persons Act 1933 (which relate to the approval of schools for the purposes of that Act and the evidence of such approval).

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) No person shall be appointed after the commencement of this Act to be in charge of a remand home established by a county council or a county borough council unless his appointment has been approved by the Secretary of State.
- (4) Councils of counties and county boroughs may provide in remand homes provided for their areas facilities for the observation of any person detained therein on whose physical or mental condition a medical report may be desirable for the assistance of the court in determining the most suitable method of dealing with his case, or may, if facilities for observation are available at any other institution or place, arrange for the use of those facilities for the observation of any such person as aforesaid.
- (5) F62
- (6) Any expenses incurred by the council of a county or county borough in giving effect to arrangements made under subsection (4) of this section, and any sums paid by such a council under subsection (4) of the last foregoing section, shall be treated for the purposes of any grant under section one hundred and four of the Children and Young Persons Act 1933, as expenses of the council in respect of remand homes.

Textual Amendments

F62 S. 49(5) repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), ss. 72(4), 73(1), [Sch. 6](#), which repeal came into force 1.1.1971 by virtue of [S.I. 1970/1498](#), art. 3, [Sch. 1](#) appendix B

Modifications etc. (not altering text)

C4 S. 49(1)–(4), (6) repealed (prosp.) by [Children and Young Persons Act 1969 \(c. 54\)](#), ss. 72(4), 73(1), [Sch. 6](#)

Marginal Citations

M3 1933 c. 12.

50, 51. F63 **E+W**

Textual Amendments

F63 Ss. 48(5)–(7) 50, 51 repealed by [Prison Act 1952 \(c. 52\)](#), [Sch. 4 Pt. I](#)

Rules for Management of Prisons, Etc.

52 F64 **E+W**

Textual Amendments

F64 Ss. 19, 20, 48(2), 52, 76(2) repealed by [Criminal Justice Act 1982 \(c. 48\)](#), SIF 39:1, [Sch. 16](#)

53— F65 **E+W**
59.

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F65 Ss. 53–59 repealed by [Prison Act 1952 \(c. 52\)](#), **Sch. 4 Pt. I**

60, 61. ^{F66} **E+W**

Textual Amendments

F66 Ss. 60, 61 repealed by [Prison Act 1952 \(c. 52\)](#) s. 55(3), **Sch. 4 Pt. II**

62 ^{F67} **E+W**

Textual Amendments

F67 S. 62 repealed by [Mental Health Act 1959 \(c. 72\)](#), **Sch. 8 Pt. I**

63 ^{F68} **E+W**

Textual Amendments

F68 S. 63 repealed by [Mental Health Act 1959 \(c. 72\)](#), **Sch. 8 Pts. I, II**

64 ^{F69} **E+W**

Textual Amendments

F69 S. 64 repealed by [Mental Health Act 1959 \(c. 72\)](#), **Sch. 8 Pt. I**

Miscellaneous

65 ^{F70} **E+W**

Textual Amendments

F70 S. 65 repealed by [Prison Act 1952 \(c. 52\)](#), s. 55(3), **Sch. 4 Pt. II**

66 **Legal custody.** **E+W**

Any person required or authorised by or under this Act to be taken to any place or to be kept in custody shall, while being so taken or kept, be deemed to be in legal custody; and a constable, while taking or keeping any such person as aforesaid, shall have all

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

the powers, authorities, protection and privileges of a constable as well beyond his constablewick as within it.

Modifications etc. (not altering text)

C5 S. 66 repealed (S.) by Statute Law (Repeals) Act 1977 (c. 18), Sch. Pt. IV

67 F71 **E+W**

Textual Amendments

F71 S. 67 repealed by Magistrates' Courts Act 1952 (c. 55), Sch. 6

68 F72 **E+W**

Textual Amendments

F72 S. 68 repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), Sch. 7 Pt. I

69 **Commutation of death sentence to sentence of imprisonment.** **E+W**

Where His Majesty pardons any person who has been sentenced to death on condition that he serves a term of imprisonment, that person shall be deemed to have been sentenced by the court before which he was convicted to imprisonment for the said term.

70 **Amendments of Forfeiture Act, 1870.** **E+W**

(1) F73

(2) Where any pension or superannuation allowance has been forfeited under section two of the ^{M4}Forfeiture Act 1870, the authority by whom the pension or allowance was granted may restore the pension or allowance either in whole or in part: Provided that no payment of pension or allowance in respect of any period before the commencement of this Act shall be made by virtue of this subsection.

Textual Amendments

F73 S. 70(1) repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. IV

Marginal Citations

M4 1870 c. 23.

71, 72. F74 **E+W**

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F74 Ss. 71, 72 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**

PART III E+W

SUPPLEMENTAL

73 **F75 E+W**

Textual Amendments

F75 S. 73 repealed by [Statute Law Repeals Act 1977 \(c. 18\)](#), **Sch. 1 Pt. IV**

74 **F76 E+W**

Textual Amendments

F76 S. 74 repealed by [Children and Young Persons Act 1963 \(c. 37\)](#), **Sch. 5**

75 **F77 E+W**

Textual Amendments

F77 S. 75 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 6**

76 **Rules and orders.** **E+W**

(1) Any power of the Secretary of State to make rules under this Act shall be exercised by statutory instrument.

(2) **F78**

(3) Any power to make Orders in Council under this Act, and any power of the Secretary of State to make orders under this Act, shall include power to revoke or vary any such Order in Council or order by a subsequent Order in Council or order.

Textual Amendments

F78 Ss, 19, 20, 48(2), 52, 76(2) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

77 **Expenses and grants payable out of moneys provided by Parliament.** **E+W**

(1) Any expenses of the Secretary of State under this Act . . . **F79**

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

shall, to such amount as may be sanctioned by the Treasury, be defrayed out of moneys provided by Parliament.

(2) F80

(6) There shall be paid out of moneys provided by Parliament any sums by which any grants under section one hundred and four of the ^{M5}Children and Young Persons Act 1933 towards the expenses of councils of counties and county boroughs are increased by reason of any provisions of this Act.

(7) F80

Textual Amendments

F79 Words repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

F80 S. 77(2)–(5)(7) repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

Modifications etc. (not altering text)

C6 S. 77(6) repealed (prosp.) by Children and Young Persons Act 1969 (c. 54), s. 73(2), Sch. 6

Marginal Citations

M5 1933 c. 12.

78 Transitory provisions. E+W

Without prejudice to the provisions of the ^{M6}Interpretation Act 1889 with respect to repeals, the transitory provisions set out in the Eighth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the law in force before the commencement of this Act.

Marginal Citations

M6 1889 c. 63.

79 E+W

The enactments mentioned in the first column of the Ninth Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule (being amendments consequential upon the foregoing provisions of this Act or relating to matters of minor detail).

Modifications etc. (not altering text)

C7 The text of s. 79 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.

80 Interpretation. E+W

(1) In this Act, unless the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them, that is to say:—

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F81

[^{F82}“Approved school” means a school approved under section seventy–nine of the ^{M7}Children and Young Persons Act 1933;]

“Court” does not include a court–martial;

“Court of summary jurisdiction” includes examining justices within the meaning of the ^{M8}Criminal Justice Act 1925;

“Detention centre” has the meaning assigned to it by section forty–eight of this Act;

“Enactment” includes an enactment contained in a local Act and any order, regulation or other instrument having effect by virtue of an Act;

“England” includes Wales;

“Impose imprisonment” means pass a sentence of imprisonment or commit to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone;

“Local authority” means, in relation to any probation area, any authority out of whose funds the salary of the clerk to the justices for a petty sessional division or place contained in the probation area is paid;

F83

“Remand centre” has the meaning assigned to it by section forty–eight of this Act

[^{F84}“Remand home” means premises established or used by the council of a county or county borough under the provisions of section seventy–seven of the Children and Young Persons Act 1933;]

“Sentence” includes an order for detention in a detention centre, . . . ^{F85}, but does not include a committal in default of payment of any sum of money or failing to do or abstain from doing anything required to be done or left undone;

F86

- (2) Any reference in this Act to a previous sentence of imprisonment shall be construed as including a reference to a previous sentence of penal servitude; any such reference to a previous sentence of Borstal training shall be construed as including a reference to a previous sentence of detention in a Borstal institution; and any such reference to a previous conviction or sentence shall be construed as a reference to a previous conviction by a court in any part of Great Britain and to a previous sentence passed by any such court.
- (3) Where the age of any person at any time is material for the purposes of any provision of this Act, or of any Order in Council made thereunder, regulating the powers of a court, his age at the material time shall be deemed to be or to have been that which appears to the court after considering any available evidence to be or to have been his age at that time.
- (4) References in this Act to an offence punishable with imprisonment shall be construed, in relation to any offender, without regard to any prohibition or restriction imposed by or under [^{F87}any enactment], upon the imprisonment of offenders of his age, but shall not be construed as including an offence for which the court is required to impose a sentence of imprisonment for life.
- (5) ^{F88}
- (6) Where any provision of this Act empowers a court on conviction of an offender to pass a sentence or make an order in lieu of dealing with him in any other manner, the

Status: Point in time view as at 10/04/1995.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

said provision shall not be construed as taking away any power of the court to order the offender to pay costs, . . . ^{F89} or compensation.

(7) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by any subsequent enactment including this Act.

Textual Amendments

- F81** Definition repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F82** Definition repealed (prosp.) by Children and Young Person Act 1969 (c. 54), ss. 72(4), 73(2), **Sch. 6**
- F83** Definitions repealed by Mental Health Act 1959 (c. 72), **Sch. 8 Pt. I**, Administration of Justice Act 1964 (c. 42), **Sch. 5** and Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F84** Definition of “Remand Home” repealed (*prosp.*) by Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F85** Words repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F86** Definitions repealed by Criminal Courts Act 1973 (c. 62), **Sch. 6** and Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F87** Words substituted by Criminal Justice Act 1961 (c. 39), **Sch. 4**
- F88** S. 80(5) repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F89** Word repealed by Criminal Justice Act 1972 (c. 71), **Sch. 6 Pt. II**

Marginal Citations

- M7** 1933 c. 12.
- M8** 1925 c. 86.

81 Application to Scotland. **E+W**

.....^{F90} this Act shall not extend to Scotland.

Textual Amendments

- F90** Words repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. IV**

82 †Application to Northern Ireland. **E+W**

.....^{F91} this Act shall not extend to Northern Ireland.

Textual Amendments

- F91** Words repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. IV**

Modifications etc. (not altering text)

- C8** Unreliable marginal note

83 Short title, commencement and repeals. **E+W**

(1) This Act may be cited as the Criminal Justice Act 1948.

(2)^{F92}

Status: Point in time view as at 10/04/1995.

Changes to legislation: *Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F92 S. 83(2)(3) repealed by Statute Law (Repeals) Act 1977 (c. 18), Sch. 1 Pt. IV

Status:

Point in time view as at 10/04/1995.

Changes to legislation:

Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.