



Criminal Justice Act 1948

1948 CHAPTER 58 11 and 12 Geo 6

PART II

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

45—^{F1}
47.

Textual Amendments

F1 Ss. 45–47 repealed by Powers of Criminal Courts Act 1973 (c. 62), Sch. 6

Institutions for offenders

48
(1)^{F2}
(2)^{F3}
(3)^{F2}
(4)^{F4}
(5)^{F5}

Textual Amendments

F2 S. 48(1)(3) repealed by Prison Act 1952 (c. 52), Sch. 4 Pt. I
F3 Ss. 19, 20, 48(2), 52, 76(2) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), Sch. 16
F4 S. 48(4) repealed by Children and Young Persons Act 1969 (c. 54), Sch. 6
F5 Ss. 48(5)–(7) 50, 51 repealed by Prison Act 1952 (c. 52), Sch. 4 Pt. I

Status: Point in time view as at 03/12/2012.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1948, Part II. (See end of Document for details)

49 Remand homes.

- (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 ^{M1}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).
- (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) ^{F6}
- (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

F6 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)

C1 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

M1 1933 c. 12.

50, 51. ^{F7}

Textual Amendments

F7 Ss. 48(5)–(7) 50, 51 repealed by [Prison Act 1952 \(c. 52\)](#), [Sch. 4 Pt. I](#)

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Rules for Management of Prisons, Etc.

52 **F8**

Textual Amendments

F8 Ss. 19, 20, 48(2), 52, 76(2) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**

53— **F9**
59.

Textual Amendments

F9 Ss. 53–59 repealed by [Prison Act 1952 \(c. 52\)](#), **Sch. 4 Pt. I**

60, 61. **F10**

Textual Amendments

F10 Ss. 60, 61 repealed by [Prison Act 1952 \(c. 52\)](#) s. 55(3), Sch. 4 Pt. II

62 **F11**

Textual Amendments

F11 S. 62 repealed by [Mental Health Act 1959 \(c. 72\)](#), **Sch. 8 Pt. I**

63 **F12**

Textual Amendments

F12 S. 63 repealed by [Mental Health Act 1959 \(c. 72\)](#), Sch. 8 Pts. I, II

64 **F13**

Textual Amendments

F13 S. 64 repealed by [Mental Health Act 1959 \(c. 72\)](#), **Sch. 8 Pt. I**

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Miscellaneous

65 F14

Textual Amendments
F14 S. 65 repealed by Prison Act 1952 (c. 52), s. 55(3), Sch. 4 Pt. II

66 **Legal custody.**

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

Modifications etc. (not altering text)
C2 S. 66 repealed (S.) by Statute Law (Repeals) Act 1977 (c. 18), Sch. Pt. IV

67 F15

Textual Amendments
F15 S. 67 repealed by Magistrates' Courts Act 1952 (c. 55), Sch. 6

68 F16

Textual Amendments
F16 S. 68 repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119(2), Sch. 7 Pt. I

^{F17}69 **Commutation of death sentence to sentence of imprisonment.**

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Textual Amendments
F17 S. 69 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), Sch. 1 Pt. 3

70 **Amendments of Forfeiture Act, 1870.**

(1) F18

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(2) Where any pension or superannuation allowance has been forfeited under section two of the ^{M2}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

F18 S. 70(1) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. IV](#)

Marginal Citations

M2 1870 c. 23.

71, 72. **F19**

Textual Amendments

F19 Ss. 71, 72 repealed by [Children and Young Persons Act 1969 \(c. 54\)](#), [Sch. 6](#)

Status:

Point in time view as at 03/12/2012.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice Act 1948, Part II.