



# Criminal Justice Act 1948

1948 CHAPTER 58 11 and 12 Geo 6

## PART III **E+W**

### SUPPLEMENTAL

73 .....<sup>F1</sup> **E+W**

#### Textual Amendments

**F1** S. 73 repealed by Statute Law Repeals Act 1977 (c. 18), Sch. 1 Pt. IV

74 .....<sup>F2</sup> **E+W**

#### Textual Amendments

**F2** S. 74 repealed by Children and Young Persons Act 1963 (c. 37), Sch. 5

75 .....<sup>F3</sup> **E+W**

#### Textual Amendments

**F3** S. 75 repealed by Children and Young Persons Act 1969 (c. 54), Sch. 6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.

*Status: Point in time view as at 01/02/1991.*

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

(2) ..... F4

(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**

F4 Ss, 19, 20, 48(2), 52, 76(2) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [Sch. 16](#)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 . . . F5

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

(2) ..... F6

(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 <sup>M1</sup>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) ..... F6

**Textual Amendments**

F5 Words repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

F6 [S. 77\(2\)–\(5\)\(7\)](#) repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

**Modifications etc. (not altering text)**

C1 [S. 77\(6\)](#) repealed (prosp.) by [Children and Young Persons Act 1969 \(c. 54\)](#), s. 73(2), [Sch. 6](#)

**Marginal Citations**

M1 [1933 c. 12.](#)

**78 Transitory provisions. E+W**

Without prejudice to the provisions of the <sup>M2</sup>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**

M2 [1889 c. 63.](#)

*Status: Point in time view as at 01/02/1991.*

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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)**

**C2** 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:—

.....<sup>F7</sup>  
[<sup>F8</sup>“Approved school” means a school approved under section seventy–nine of the <sup>M3</sup>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 <sup>M4</sup>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;

.....<sup>F9</sup>  
“Remand centre” has the meaning assigned to it by section forty–eight of this Act  
[<sup>F10</sup>“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, . . . <sup>F11</sup>, 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;

.....<sup>F12</sup>

(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.

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- (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 <sup>F13</sup>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) ..... <sup>F14</sup>
- (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 said provision shall not be construed as taking away any power of the court to order the offender to pay costs, . . . <sup>F15</sup> 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**

- F7** Definition repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F8** Definition repealed (prosp.) by Children and Young Person Act 1969 (c. 54), ss. 72(4), 73(2), **Sch. 6**
- F9** 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**
- F10** Definition of “Remand Home” repealed (*prosp.*) by Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F11** Words repealed by Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F12** Definitions repealed by Criminal Courts Act 1973 (c. 62), **Sch. 6** and Children and Young Persons Act 1969 (c. 54), **Sch. 6**
- F13** Words substituted by Criminal Justice Act 1961 (c. 39), **Sch. 4**
- F14** S. 80(5) repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**
- F15** Word repealed by Criminal Justice Act 1972 (c. 71), **Sch. 6 Pt. II**

**Marginal Citations**

- M3** 1933 c. 12.
- M4** 1925 c. 86.

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

..... <sup>F16</sup> this Act shall not extend to Scotland.

**Textual Amendments**

- F16** Words repealed by Statute Law (Repeals) Act 1977 (c. 18), **Sch. 1 Pt. IV**

*Status: Point in time view as at 01/02/1991.*

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

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

.....<sup>F17</sup> this Act shall not extend to Northern Ireland.

**Textual Amendments**

**F17** Words repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. IV](#)

**Modifications etc. (not altering text)**

**C3** Unreliable marginal note

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

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

(2) .....<sup>F18</sup>

**Textual Amendments**

**F18** [S. 83\(2\)\(3\)](#) repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. IV](#)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

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