

SCHEDULES.

EIGHTH SCHEDULE

Section 78.

TRANSITORY PROVISIONS.

- 1 (1) Any person who immediately before the commencement of this Act was undergoing or liable to undergo a term of penal servitude under a sentence passed by a court in any part of Great Britain, or as a condition of a pardon granted by His Majesty for an offence for which he was sentenced to death by such a court, or in consequence of the forfeiture or revocation of a licence granted in any part of Great Britain under the Penal Servitude Acts, 1853 to 1891, shall, if he is or ought to be in custody in England at the commencement of this Act, be treated thereafter as if he had been sentenced to, or were undergoing or liable to undergo, imprisonment and not penal servitude for that term.
- (2) Where any person who having been sentenced to penal servitude for life, or while undergoing penal servitude for life as a condition of a pardon granted as aforesaid, is at the commencement of this Act the holder of a licence granted under the Penal Servitude Acts, 1853 to 1891, which has not been forfeited or revoked, he shall, unless the licence was granted to him while he was in Scotland, be deemed to have been released on licence under section fifty-seven of this Act, and paragraph 6 of the Seventh Schedule to this Act shall apply to him accordingly.
- (3) Where any person who having been sentenced to penal servitude for a term less than life is at the commencement of this Act the holder of a licence granted as aforesaid under the Penal Servitude Acts, 1853 to 1891, which has not been forfeited or revoked, he shall, unless the licence was granted to him while he was in Scotland, be treated as if his sentence had expired.
- 2 Any person who has been sentenced to imprisonment with hard labour for a term which has not expired at the commencement of this Act shall, for the remainder of that term, be treated as though he had been sentenced to imprisonment without hard labour; but nothing in this paragraph shall affect any disability or disqualification attaching to him by virtue of his sentence.
- 3 (1) Any person who is at the commencement of this Act detained in custody in England under a sentence of preventive detention shall for the remainder of the period for which he was sentenced to preventive detention be treated as if he had been sentenced to preventive detention under this Act; and the provisions of this Act relating to preventive detention shall apply to him accordingly.
- (2) Where a person having been sentenced to a term of preventive detention is at the commencement of this Act absent from prison by virtue of a licence granted under section fourteen of the Prevention of Crime Act, 1908, the provisions of Part II of that Act shall continue to apply to him; but if before the expiration of the term his licence is revoked or forfeited the said provisions shall cease to apply, and he shall for the remainder of the term be treated as if he had been sentenced to preventive detention under this Act; and the provisions of this Act relating to preventive detention shall apply to him accordingly.

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- (3) Where a person has been sentenced to penal servitude for a term which has not expired at the commencement of this Act, and is liable to undergo a period of preventive detention on the determination of the sentence of penal servitude, there shall be substituted for the sentence of preventive detention a sentence of preventive detention under this Act for a like period ; and the provisions of this Act relating to preventive detention shall apply to that person accordingly.
- 4 (1) Where a person has been sentenced, otherwise than by a court in Scotland, to detention in a Borstal institution, then if immediately before the commencement of this Act he is or ought to be detained in England in a Borstal institution, or in a prison awaiting removal to such an institution, or holds a licence in force under section five of the Prevention of Crime Act, 1908, or is under the supervision of the Prison Commissioners under section six of that Act, he shall be deemed to have been sentenced to Borstal training under this Act, or to be under supervision under the Second Schedule to this Act ; and in its application to him the said Second Schedule shall have effect as if for the references therein to three years there were substituted references to the term of the sentence of detention in a Borstal institution and for the references therein to four years there were substituted references to the sum of that term and one year.
- (2) Any person to whom Part I of the Prevention of Crime Act, 1908, applied immediately before the commencement of this Act by reason of his transfer from a prison to a Borstal institution under section three of that Act shall be treated as if he were transferred under the provisions of this Act on the date of the commencement of this Act.
- 5 (1) Where at the commencement of this Act a person is subject to the supervision of the police pursuant to the direction of a court in England given under section eight of the Prevention of Crimes Act, 1871, the period for which he is under' supervision shall expire at the end of twelve months from the commencement of this Act unless it shall have expired sooner.
- (2) Any period of supervision as aforesaid exceeding twelve months which has not begun before the commencement of this Act shall by virtue of this Act be reduced to twelve months.
- (3) The Secretary of State may substitute for any such direction, the period of supervision under which has not expired at the commencement of this Act, an order that the person subject to supervision under the direction shall, during the remainder of the period for which he would be liable to such supervision, be subject to the provisions of section twenty-two of this Act.
- 6 The Probation of Offenders Act, 1907, shall continue in force so far as it relates to any probation order by virtue of which a person is under supervision at the commencement of this Act or to any order, other than a probation order, by virtue of which a person is then bound by a recognizance entered into under section one of that Act:

Provided that any court which under that Act has jurisdiction to appoint a probation officer in lieu of the probation officer or other person named in the probation order or to vary the terms and conditions of the recognizance entered into by the probationer may, without summoning the probationer, amend the order by substituting for the words naming the person who is to exercise the supervision under the order words naming the petty sessional division in which the probationer is residing or will reside ; and this Act shall have effect in relation to a probation

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order so amended as if it had been made under this Act and amended under paragraph 2 of the First Schedule to this Act and as if the conditions of the recognizance entered into by the probationer under section two of that Act were requirements of the probation order ; and the Probation of Offenders Act, 1907, shall cease to apply thereto and any recognizance entered into under that Act shall be discharged.

7 For the purposes of this Act—

- (a) prison rules made under any enactment repealed by this Act and regulations made under section four of the Prevention of Crime Act, 1908, shall be deemed to have been made under section fifty-two of this Act;
- (b) orders made under subsection (1) of section two of the Criminal Justice Act, 1925, shall be deemed to have been made under paragraph 1 of the Fifth Schedule to this Act, and may be amended under this Act accordingly ;
- (c) orders made under subsection (6) of the said section two shall be deemed to have been made under paragraph (c) of subsection (2) of section forty-five of this Act, and may be amended as aforesaid ; and
- (d) rules made under section seven of the Probation of Offenders Act, 1907, or under section eight of the Criminal Justice Act, 1925, shall be deemed to have been made under paragraph 6 of the Fifth Schedule to this Act:

Provided that, notwithstanding anything in sub-paragraph (1) of paragraph 2 of the said Fifth Schedule, the probation committee for a combined probation area constituted by an order made under subsection (1) of section two of the Criminal Justice Act, 1925, may be constituted in any manner for the time being provided by that order.

8 Sections six to thirty of the Forfeiture Act, 1870, so far as those sections apply to a person who has ceased to be subject to the operation of that Act, shall, notwithstanding the repeal by this Act of those sections, continue in force in relation to any convict who immediately before the date of the commencement of this Act was subject to the operation of that Act, and shall apply to any such convict as if his sentence had expired on that date.

9 In relation to any person who—

- (a) having been sentenced to a term of preventive detention is at the commencement of this Act absent from prison by virtue of a licence granted under section fourteen of the Prevention of Crime Act, 1908 ; or
- (b) is at the commencement of this Act subject to the supervision of the police pursuant to the direction of any court under section eight of the Prevention of Crimes Act, 1871,

the provisions of section twenty-one of the Firearms Act, 1937, shall have effect as originally enacted and not as amended by this Act.