

undertaking to which this sub-section applies in respect of any period occurring after ten years from the date on which the assistance by virtue of which exemption is sought was first given to that undertaking under the Act of 1945.

(3) Sub-section (2) of this section applies to any industrial undertaking to which before the passing of this Act assistance was given under the Act of 1945.

Extension of power to provide sites for certain industrial undertakings.

2.—(1) The powers exercisable under paragraph (d) of sub-section (1) of section three of the Act of 1945 to enable the Ministry to dispose of any lands or premises held, acquired or provided under that Act may also be exercised to enable the Ministry, irrespective of the purpose for which any such lands or premises were originally held, acquired or provided, to dispose of those lands or premises for the purpose of providing or facilitating the provision of sites which in the opinion of the Ministry are needed—

- (a) for meeting the building requirements of industrial undertakings likely to continue to provide employment in Northern Ireland (including the requirements of persons employed or to be employed in such industrial undertakings); or
- (b) for facilitating the erection by such industrial undertakings of buildings required for maintaining or improving the productive efficiency of the undertaking; or
- (c) for providing or facilitating the provision of means of access to or other easements or rights exercisable in connection with such sites.

(2) Sub-section (2) of section three of the Act of 1945 shall have effect as if the reference therein to the said paragraph (d) of sub-section (1) of that section included a reference to that paragraph as extended by this section.

(3) Without prejudice to the operation of sub-section (2) of section five of this Act, references in sections six and eight of the Act of 1945 to that Act shall include references to that Act as extended by this section.

(4) Nothing in this section shall be construed as prejudicing any power of the Ministry of Commerce under section three of the Act of 1945.

3. In the proviso to sub-section (1) of section ten of the Act of 1945 (which proviso limits to two million pounds the total amount of expenses which under the said sub-section (1) may be defrayed by means of sums charged on and issued out of the Consolidated Fund of Northern Ireland) for the words "two million pounds" there shall be substituted the words "five million pounds".

Increase in amount of expenses which may be charged on and issued out of Consolidated Fund.

4. The provisions of section ten of the Act of 1945 as amended by the last preceding section shall apply in relation to expenses incurred by the Ministry or by any other Government department under that Act as amended by this Act.

Further provision as to expenses.

5.—(1) This Act may be cited as the Industries Development (Amendment) Act (Northern Ireland), 1953, and shall be construed as one with the Industries Development Acts (Northern Ireland), 1945 to 1950, and this Act and those Acts may be cited together as the Industries Development Acts (Northern Ireland), 1945 to 1953.

Short title, construction and citation.

(2) References in any other Act to the Act of 1945 shall be construed as references to that Act as amended by the Industries Development (Amendment) Acts (Northern Ireland), 1948 and 1950 and by this Act.

1953. Chapter 18.

An Act to repeal and re-enact with amendments certain enactments relating to the confinement and treatment of prisoners, the administration of prisons, and offences arising in connection therewith; and for purposes connected with the matters aforesaid.

[19th May, 1953.]

BE it enacted by the Queen's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Functions of the Ministry in relation to prisons and prisoners.

Administrative provisions.

1.—(1) The Ministry of Home Affairs (in this Act referred to as "the Ministry") shall be the authority responsible for providing and maintaining prisons and for the general regulation, direction and superintendence of prisons and prisoners.

(2) Without prejudice to the foregoing sub-section, the Ministry shall continue to exercise and perform, subject to the provisions of this Act, all such powers, jurisdiction and duties as were heretofore exercised and performed by the Ministry in relation to prisons and prisoners.

Administrative powers of the Ministry.

2.—(1) The Ministry shall have and may exercise all such powers as appear to it to be necessary for the proper administration and maintenance of any prison including the equipment, provisioning and supply thereof and the making of and giving effect to arrangements for the welfare, employment and training of prisoners.

(2) The Ministry shall appoint the governors, medical officers and such other officers and staff as appear to it to be necessary.

(3) The numbers, remuneration and conditions of service of persons so appointed shall be determined by the Ministry with the approval of the Ministry of Finance.

(4) The Ministry may, with the approval of the Ministry of Finance, enlarge, rebuild, repair or alter any prison and build new prisons.

(5) Where it appears to the Ministry to be necessary or expedient for the purpose of this Act that any land should be acquired, the Ministry may, with the approval of the Ministry of Finance, acquire by agreement that land and any easement or right in or over any land adjacent thereto.

(6) The Ministry, with the approval of the Ministry of Finance, may use, appropriate or dispose of in whatsoever manner it may think fit any premises which have ceased to be used as a prison.

Lock-ups

3. Where it appears to the Ministry to be necessary, the Ministry may provide and maintain suitable accommodation for the temporary detention of persons awaiting trial or sentence.

4. A writ, warrant or other legal instrument delivered to the governor of a prison and identifying that prison by its situation or by any other sufficient description shall not be invalidated by reason only that the prison is usually known by a different description.

Address of prison.

5.—(1) The Ministry shall prepare an annual report on the administration of this Act and the Minister of Home Affairs (in this Act referred to as "the Minister") shall lay the report before Parliament.

Annual report.

(2) Each annual report shall contain—

- (a) a statement of the condition of prisons and prisoners ;
- (b) a statement of the accommodation of each prison and the daily average and the highest number of prisoners contained therein ;
- (c) such particulars of the work done by prisoners in each prison, including the kind and quantities of articles produced and the number of prisoners employed, as may in the opinion of the Minister give the best information to Parliament ;
- (d) a statement of the punishments inflicted in each prison and of the offences for which they were inflicted, with particulars of every case in which corporal punishment was authorised and of the grounds upon which it was authorised.

6. The governor of every prison in which persons committed for trial before a court of assize or quarter sessions are confined shall deliver to that court a calendar of those persons.

Duty of governor to deliver calendar of prisoners.

7.—(1) The Minister may cause an inquiry to be held where it appears to him advisable to do so in connection with any matter arising under this Act or otherwise in relation to any prison.

Sworn inquiries.

(2) For the purposes of such inquiry the provisions of section sixty-five of and the Seventh Schedule to the Health Services Act (Northern Ireland), 1948 (which relates to inquiries) shall have effect for the purposes of this Act in like manner as they have effect for the purposes of that Act.

1948, c. 3.

Powers of
prison
officers.

8. Every officer of a prison shall while acting as such have all the powers, authority, protection and privileges of a constable.

Religious
ministra-
tions.

9.—(1) Where in any prison the number of prisoners who belong to any religious denomination is such as in the opinion of the Minister to require the appointment of a minister of that denomination, the Minister may appoint such a minister to that prison.

(2) The Ministry may allow a minister of any denomination to visit prisoners of his denomination in a prison to which no minister of that denomination has been appointed under this section.

(3) No prisoner shall be visited against his will by a minister.

(4) Every prisoner shall be allowed, in accordance with the arrangements in force in the prison in which he is confined, to attend religious services held therein or to be visited by a minister of his denomination appointed to or permitted to visit prisoners under this section.

(5) The governor of a prison shall on the reception of each prisoner record the religious denomination, if any, to which the prisoner declared himself to belong and shall give to any minister who is appointed or permitted to visit prisoners under this section a list of the prisoners who have declared themselves to belong to his denomination; and a minister shall not be permitted to visit any other prisoners except with the permission of the governor at the special request of the prisoner concerned.

(6) There may be paid to ministers appointed to or permitted to visit prisons under this section such remuneration as the Ministry with the approval of the Ministry of Finance may think reasonable.

Boards of
visitors for
prisons.

10.—(1) A board of visitors shall be appointed for each prison by the Minister.

(2) Each grand jury shall have the right to nominate at least one member of each board of visitors.

(3) At least half of the members of each board of visitors shall be persons appointed on the nomination of the grand juries.

(4) At least two of the members appointed to each board of visitors shall be justices of the peace and in the case of a prison used as a women's prison at least two members shall be women.

(5) The provisions of this section shall not apply to Borstal institutions.

11. The Minister shall appoint for each Borstal institution a visiting committee consisting of at least six members.

Visiting
committees
for Borstal
institutions.

12.—(1) Where any living accommodation is provided for a prison officer or his family by virtue of his office, then, if he ceases to be a prison officer or is suspended from office or dies, he, or, as the case may be, his family, shall quit the accommodation when required to do so by notice of the Ministry.

Ejectment
warrants
in respect
of official
accommoda-
tion.

(2) Where a prison officer or the family of a prison officer refuses or neglects to quit the accommodation forty-eight hours after the giving of such a notice as aforesaid, any resident magistrate, on proof made to him of the facts authorising the giving of the notice and of the service of the notice and of the neglect or refusal to comply therewith may by warrant direct the undersheriff for the county in which the accommodation is situated, within a period specified in the warrant, to enter, by force if necessary, into the accommodation and deliver possession of it to the Ministry or any person appointed by the Ministry.

Rules.

13.—(1) Subject to the provisions of this Act the Ministry may make rules to be styled "prison rules" for—

Rules for the
management
of prisons.

- (a) the administration, regulation and management of prisons;
- (b) the classification, segregation, accommodation, maintenance, clothing, treatment, training, employment, discipline, punishment and control of persons required to be detained in prisons;
- (c) the temporary release, with or without suspension of the currency of the sentence, of persons serving a sentence of imprisonment, corrective training, preventive detention or Borstal training;

- (d) the photographing, measuring and fingerprinting of persons sentenced to be detained in prisons ;
 - (e) the conduct, duty and discipline of the staff of prisons ;
 - (f) the functions of boards of visitors ; and
 - (g) the functions of visiting committees ;
- and different prison rules may be made for different prisons or classes of prisons.

(2) Prison rules shall make provision for ensuring that a person who is charged with any offence under the rules shall be given an opportunity of answering the charge.

(3) Prison rules may provide for the training of particular classes of persons.

(4) Prison rules shall provide for the special treatment of the following persons while required to be detained in a prison, that is to say—

- (a) any person serving a sentence of preventive detention ;
- (b) any person serving a sentence of corrective training ;
- (c) any person undergoing training in a Borstal institution ;
- (d) any appellant within the meaning of the Criminal Appeal (Northern Ireland) Act, 1930, pending the determination of his appeal ;
- (e) any other person detained in a prison, not being a person serving a sentence or a person imprisoned in default of payment of a sum adjudged to be paid by him on his conviction.

(5) Prison rules shall provide that in a prison for both men and women separate buildings or parts of a building shall be used for the men and for the women respectively so as to prevent the one from seeing or communicating with the other.

(6) Prison rules shall provide that the medical officer of a prison shall not apply any painful tests to a prisoner for the purposes of detecting malingering or for any other purpose except with the permission of the board of visitors or the visiting committee.

(7) Prison rules may make provision whereby a person serving such a sentence or for such a term as may be prescribed by the rules, may, on the ground of his industry and good conduct, be granted remission of such part of that sentence or term as may be so prescribed ; and on the discharge of a person from a prison in pursuance of any such remission his sentence shall expire.

(8) A copy of the relevant prison rules shall be posted in a conspicuous place in every prison.

(9) The Ministry may by prison rules make provision for any other matter which appears to the Ministry to be necessary or expedient for the purpose of carrying this Act into effect.

14.—(1) Prison rules shall provide with respect to punishment for breaches of prison rules that—

Corporal
punishment
in prisons

- (a) corporal punishment shall not be inflicted on any female prisoner ;
 - (b) corporal punishment shall not be inflicted more than once for the same offence ;
 - (c) corporal punishment shall not be inflicted unless the medical officer of the prison certifies that the prisoner is fit to undergo the punishment ;
 - (d) corporal punishment shall not be inflicted on any person serving a sentence of imprisonment, corrective training or preventive detention unless the Ministry has held an inquiry on oath and has authorised the infliction of corporal punishment ; and
 - (e) corporal punishment shall not be inflicted on persons sentenced to Borstal training unless the visiting committee or any two members thereof to whom all particulars of the offence have been reported have authorised the infliction of corporal punishment.
- (2) The punishment which may be authorised by the Ministry or by a visiting committee shall not exceed—
- (a) in the case of a person eighteen years of age or over, thirty-six strokes of a cat-o'-nine-tails, birch rod or cane ; or
 - (b) in the case of a person under that age, eighteen strokes of a birch rod or cane ; or
 - (c) in the case of a person sentenced to Borstal training, twelve strokes of a cane.

(3) The refusal by the Ministry or the visiting committee or two members thereof as the case may be to authorise punishment under paragraphs (d) and (e) of sub-section (1) of this section shall not prejudice any power to impose another punishment for the offence.

Confinement and treatment of prisoners.

Place of confinement of prisoners.

15.—(1) A prisoner sentenced by any court or committed to a prison on remand or pending trial or otherwise may, notwithstanding anything to the contrary in any other enactment, be lawfully confined in any prison provided or maintained by the Ministry.

(2) Prisoners shall be committed to such prison as the Ministry may from time to time direct; and may during the term of their imprisonment be removed, by direction of the Ministry, from the prison in which they are confined to any other prison.

Removal of prisoners for judicial and other purposes.

16.—(1) The Ministry may, if it is satisfied that the attendance at any place of a person detained in a prison is desirable in the interests of justice or for the purposes of any public inquiry, direct him to be taken to that place.

(2) The Ministry may, if it is satisfied that a person so detained requires medical or surgical treatment of any description, direct him to be taken to a hospital or other suitable place for the purposes of the treatment.

(3) Where any person is directed under this section to be taken to any place he shall, unless the Ministry otherwise directs, be deemed to be in custody while being so taken, while at that place, and while being taken back to the prison in which he is required in accordance with law to be detained.

(4) A person taken from a prison for medical or surgical treatment under sub-section (2) of this section may by direction of the Ministry, but not otherwise, be discharged on the expiration of his sentence without necessitating his return to prison.

(5) In this section "hospital" has the same meaning as in the Health Services Act (Northern Ireland), 1948.

(6) The provisions of this section are in addition to and not in derogation of the provisions of section

seventeen of the Criminal Justice Act (Northern Ireland), 1945, or section thirty-seven of the Mental Health Act (Northern Ireland), 1948.

1945, c. 15
1948, c. 17.

17.—(1) If the Minister is satisfied that a person serving a sentence of imprisonment is under twenty-one years of age and might with advantage be detained in a Borstal institution, he may, after consultation where practicable with the judge or resident magistrate by whom the sentence was passed, direct that such person be transferred to a Borstal institution; and the provisions of the Second Schedule to this Act shall thereupon apply to him as if he had on the date of the transfer been sentenced to Borstal training:

Transfers from prison to Borstal institution and vice versa

Provided that if on that date the unexpired term of his sentence is less than three years those provisions shall apply to him as if he had been sentenced to Borstal training three years before the expiration of that term.

(2) If a person detained in a Borstal institution is reported to the Minister by the visiting committee to be incorrigible, or to be exercising a bad influence on the other inmates of the institution, the Ministry may commute the unexpired part of the term for which that person is then liable to be so detained to such term of imprisonment as the Minister may determine, not exceeding the said unexpired part; and for the purposes of this Act that person shall be treated as if he had been sentenced to imprisonment for that term.

18.—(1) Every prisoner sentenced by any court to imprisonment, corrective training, preventive detention or Borstal training or committed to a prison on remand or pending trial or sentence or otherwise shall be deemed to be in the lawful custody of the governor of the prison in which he is detained.

Lawful custody of prisoner.

(2) A prisoner shall be deemed to be in lawful custody while he is confined in, or is being taken to or from, any prison and while he is working, or is for any other reason, outside the prison in the custody or under the control of an officer of the prison or while he is temporarily detained, pending trial or sentence, in any lock-up.

Right of justice of the peace to visit prisons.

19.—(1) A justice of the peace may at any time visit any prison and may examine the condition of the prison and of the prisoners and enter in a visitors' book, to be kept by the governor of the prison, any observations on the condition of the prison or on any other matter connected with the prison.

(2) Nothing in the foregoing sub-section shall authorise a justice of the peace to communicate with any prisoner except on the subject of his treatment in the prison, or to visit any prisoner under sentence of death.

(3) The governor of every prison shall bring any entry in the visitors' book to the attention of the board of visitors at their next visit.

Release on licence, supervision and temporary discharge.

Release on licence of young prisoners.

20. If it appears to the Minister that a person serving a sentence of imprisonment was under the age of twenty-one years at the commencement of his sentence, the Minister may direct that instead of being granted remission of his sentence under prison rules he shall, at any time on or after the day on which he might have been discharged if the remission had been granted, be released on licence under the provisions of the First Schedule to this Act.

Supervision of persons sentenced to Borstal training after release.

21. A person sentenced to Borstal training shall be detained in a Borstal institution, and after his release therefrom shall be subject to supervision, in accordance with the provisions of the Second Schedule to this Act; subject, however, to the power of the Minister under this Act to commute in certain cases to a term of imprisonment the unexpired part of the term for which a person is liable to be so detained.

Release on licence of persons sentenced to corrective training or preventive detention.

22. A person sentenced to corrective training or preventive detention shall be detained in a prison for the term of his sentence subject to his release on licence under the provisions of the Third Schedule to this Act.

Release on licence of persons serving imprisonment for life.

23.—(1) Subject to compliance with such conditions, if any, as the Minister may from time to time determine, the Minister may at any time if he thinks fit release on licence a person serving a term of imprisonment for life.

(2) The Minister may at any time by order recall to prison a person released on licence under this section,

but without prejudice to the power of the Minister to release him on licence again; and where any person is so recalled his licence shall cease to have effect and he shall, if at large, be deemed to be unlawfully at large.

24.—(1) If the Minister is satisfied that by reason of the condition of a prisoner's health it is undesirable to detain him in prison, but that, such condition of health being due in whole or in part to the prisoner's own conduct in prison, it is desirable that his release should be temporary and conditional only, the Minister may, if he thinks fit, having regard to all the circumstances of the case, by order authorise the temporary discharge of the prisoner for such period and subject to such conditions as may be stated in the order.

Temporary discharge of prisoners on account of ill-health.

(2) Where an order of temporary discharge is made in the case of a prisoner not under sentence, the order shall contain conditions requiring the attendance of the prisoner at any further proceedings in his case at which his presence may be required.

(3) Any prisoner discharged under this section shall comply with any conditions stated in the order of temporary discharge, and shall return to prison at the expiration of the period stated in the order, or of such extended period as may be fixed by any subsequent order of the Minister, and if the prisoner fails so to comply or return, he may be arrested without warrant and taken back to prison.

(4) Where a prisoner under sentence is discharged in pursuance of an order of temporary discharge, the currency of the sentence shall be suspended from the day on which he is discharged from prison under the order to the day on which he is received back into prison, so that the former day shall be reckoned and the latter shall not be reckoned as part of the sentence.

(5) Nothing in this section shall affect the duties of the medical officer of a prison in respect of a prisoner whom the Minister does not think fit to discharge under this section.

Offences.

25. Every person who, having been sentenced to imprisonment, corrective training, preventive detention or Borstal training is afterwards, and before the expiration of the term for which he was so sentenced, at large

Being unlawfully at large while under sentence.

without some lawful excuse, the proof whereof shall lie on him, shall be guilty of an offence and shall on conviction thereof on indictment be liable to imprisonment for a term not exceeding two years.

Escapes,
etc.

26. Every person who—

- (a) having been convicted of an offence, escapes from any lawful custody, whether in prison or not, in which he may be under such conviction; or
- (b) whether convicted or not, escapes from any prison or lock-up in which he is lawfully confined; or
- (c) being in any lawful custody otherwise than as aforesaid escapes from such custody; or
- (d) being on bail, whether prior to or during his trial or while an appeal against his conviction is pending, does not, without lawful excuse, the proof whereof shall lie on him, present himself at the proper time and place to stand his trial or for the hearing of the appeal or to receive sentence, as the case may be,

shall be guilty of felony and shall on conviction thereof on indictment be liable to imprisonment for a term not exceeding three years.

Attempts
to break
prison.

27. Every person who attempts to break prison or who forcibly breaks out of any cell or other place within any prison wherein he is lawfully detained or makes any breach therein with intent to escape shall be guilty of felony and shall on conviction thereof on indictment be liable to imprisonment for a term not exceeding five years.

Prison
breach.

28. Every person who, by force or violence, breaks any prison with intent to set at liberty himself or any person lawfully confined or awaiting execution therein shall be guilty of felony and shall on conviction thereof on indictment be liable to imprisonment for a term not exceeding seven years.

Rescue, etc.,
of persons
sentenced
to death or
for life.

29. Every person who—

- (a) rescues any person or assists any person in escaping, or attempting to escape from lawful custody, whether in prison or not, under

sentence of death or imprisonment for life, or after conviction of, and before sentence for, or while in custody upon a charge for, any offence punishable with death or imprisonment for life; or

- (b) being a police officer or constable having any such person in his lawful custody, or being an officer of any prison in which any such person is lawfully confined, voluntarily and intentionally permits him to escape,

shall be guilty of felony and shall on conviction thereof on indictment be liable to imprisonment for a term not exceeding seven years.

30. Every person who—

- (a) rescues any person or assists any person in escaping, or attempting to escape from lawful custody, whether in prison or not, under a sentence of imprisonment for any term less than life or of corrective training, preventive detention or Borstal training, or after conviction of, and before sentence for, or while in such custody upon a charge for, any offence punishable with imprisonment for a term less than life; or

Rescue or
assisting
other
prisoners.

- (b) being a police officer or constable having any such person in his lawful custody, or being an officer of any prison in which any such person is lawfully confined, voluntarily and intentionally permits him to escape,

shall be guilty of felony and shall on conviction thereof on indictment be liable to imprisonment for a term not exceeding five years.

31. Every person who, by failing to perform any legal or official duty, permits any person in his lawful custody on a criminal charge or any prisoner in his lawful custody to escape therefrom shall be guilty of an offence and shall be liable on summary conviction thereof to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

Other
offences in
connection
with escape.

32.—(1) Every person who knowingly and unlawfully, under colour of any pretended authority, directs or procures the discharge of any prisoner not entitled to be so discharged shall be guilty of an offence and shall on

Causing
discharge of
prisoner
under
pretended
authority.

conviction thereof on indictment be liable to imprisonment for a term not exceeding five years.

(2) Any prisoner so discharged shall be deemed to have escaped.

Assisting escape by conveying things into prisons.

33. Any person who, with intent to facilitate the escape of any prisoner, conveys or throws or causes to be conveyed or thrown any thing into any prison or to a prisoner or places or throws or causes to be placed or thrown any thing anywhere inside or outside a prison with a view to its coming into the possession of a prisoner shall be guilty of felony and shall on conviction thereof on indictment be liable to imprisonment for a term not exceeding seven years.

Unlawful conveyance of spirits or tobacco into prisons.

34. Any person who, contrary to prison rules, brings or attempts to bring or throws or causes to be brought or thrown into the prison or to a prisoner any intoxicating liquor or tobacco, or places any such liquor or any tobacco anywhere outside the prison with intent that it shall come into the possession of a prisoner, and any officer who, contrary to prison rules, allows any such liquor or any tobacco to be sold or used in the prison, shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding fifty pounds or to both such imprisonment and such fine.

Unlawful introduction of other articles.

35. Any person who, contrary to prison rules, conveys or attempts to convey or throws or causes to be thrown any letter or any other thing into or out of the prison or to a prisoner or places it anywhere outside the prison with intent that it shall come into the possession of a prisoner shall, where he is not thereby guilty of an offence under either of the last two foregoing sections, be liable on summary conviction to a fine not exceeding fifty pounds.

Evidence in prosecution for escape, etc.

36. In any prosecution (whether under this Act or otherwise) for any escape, attempt to escape, rescue or attempt to rescue of any prisoner, either against the prisoner himself or against any person concerned therein, or aiding, abetting or assisting the prisoner, or for any other offence arising in relation to any prisoner, a certificate given by the clerk of the court in which the

prisoner was sentenced or was remanded in custody shall, together with proof of the identity of the prisoner, be sufficient evidence of the nature and fact of conviction or remand, as the case may be, and of the period of confinement to which such prisoner was sentenced or remanded.

37. If any person is charged with any offence under this Act the court may, if it thinks fit, order him to be remanded in custody or on bail, but save as aforesaid further proceedings on such a charge shall not be taken against him without the consent of the Attorney-General for Northern Ireland.

Restriction on prosecutions.

Miscellaneous.

38.—(1) A constable or a prison officer may arrest without warrant any person—

Arrest, etc., of persons unlawfully at large.

(a) whom he reasonably suspects of having committed, or attempted to commit, any offence against this Act; or

(b) whom he reasonably suspects of being unlawfully at large;

and convey him before a justice of the peace to be dealt with according to law, or take him to the place in which he is required by law to be detained.

(2) Where any person sentenced to imprisonment, corrective training, preventive detention or Borstal training is unlawfully at large at any time during the period for which he is liable to be detained in pursuance of the sentence, then, unless the Minister otherwise directs, no account shall be taken, in calculating the period for which he is liable to be so detained, of the time during which he is absent from prison.

(3) The provisions of the last foregoing sub-section shall not apply to any period during which any such person is detained in pursuance of any other sentence of any court in a prison or other institution, but shall apply in addition to any other provisions of this Act imposing any punishment for an escape.

(4) The provisions of the last foregoing sub-section shall apply to a person who is detained in custody in default of payment of any sum of money as if he were sentenced to imprisonment.

(5) For the purposes of this section a person who, after being temporarily released in pursuance of prison rules, is at large at any time during the period for which he is liable to be detained in pursuance of his sentence, shall be deemed to be unlawfully at large if the period for which he was temporarily released has expired or if an order recalling him has been made by the Minister in pursuance of the rules.

Notification of and inquiry into death of prisoner.

39.—(1) In the event of the death of a prisoner, the governor of a prison shall give immediate notice thereof to the coroner within whose area the prison is situated, and to the board of visitors or the visiting committee, as the case may be, and, where practicable, to the nearest relative of the prisoner.

(2) The coroner shall hold an inquest into the cause of death of any prisoner in a prison within his area, and, where practicable, sufficient time between the death and the holding of the inquest shall intervene to allow the attendance of the next-of-kin of the prisoner.

(3) No prison officer nor any person who is engaged in any sort of trade or dealing with a prison shall be a juror on such inquest.

Purchase of provisions by unconvicted prisoners.

40.—(1) Persons committed to a prison on remand or pending trial shall be maintained and provided for in like manner as prisoners sentenced to imprisonment, but, subject to such conditions as may be prescribed by prison rules, such persons may, if they so desire, purchase and provide for their own use and at their own expense foodstuffs which are already prepared for consumption.

(2) Such persons shall not be allowed to purchase, provide or have any intoxicating liquor except on the orders of the medical officer of the prison.

Re-settlement of released or discharged prisoners.

41.—(1) The Ministry, with the approval of the Ministry of Finance, may make and give effect to such schemes as the Ministry may think expedient for the re-settlement and re-habilitation of released or discharged prisoners.

(2) Such schemes may include the provision of grants to societies approved by the Ministry for the purpose of assisting released or discharged prisoners, and may require probation officers and other officers to perform duties in connection with the re-settlement and re-habilitation of released or discharged prisoners.

Supplemental.

42. Prison rules shall be laid before each House of Parliament as soon as may be after they are made and if either such House, within the statutory period next after the day on which such rules are laid before it, resolves that the rules be annulled, the rules shall thereupon cease to have effect, but without prejudice to the validity of anything previously done thereunder or to the making of new rules.

Laying of prison rules.

43. Expenses incurred by the Ministry with the approval of the Ministry of Finance under or for the purposes of this Act shall be defrayed out of moneys provided by Parliament.

Financial provisions.

44. Without prejudice to the operation of the Interpretation Act, 1889, with respect to repeals effected by an Act of the Parliament of Northern Ireland, the transitory provisions set out in the Fourth 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.

Transitory provisions. 52 & 53 Vict., c. 63.

45. Wherever any one or more than one of the following expressions, that is to say:—

house of correction, the city marshalsea, bridewell, district bridewell, sheriff's prison, penitentiary house, gaol, county gaol, common gaol, convict prison,

occurs or occur in any enactment in relation to the detention or punishment of any person, the word "prison" shall be substituted therefor, but, if in the said enactment the word "prison" is already used in conjunction with or as an alternative to any of the said expressions, that expression shall be omitted from the said enactment.

Adaptation of statutory references to former places of detention.

Provisions
as to
capital
punishment.

46.—(1) Nothing in this Act shall affect the jurisdiction or responsibility of an under-sheriff in respect of prisoners under sentence of death or his jurisdiction or control over the prison where such prisoners are confined, and over the officers thereof, so far as may be necessary for the purpose of carrying into effect the sentence of death, or for any purpose relating thereto; and in any prison in which sentence of death is required to be carried into effect on any prisoner, the under-sheriff shall, for the purposes of carrying the sentence into execution, be deemed to have the same jurisdiction with respect to such prison as he would by law have had if this Act had not been passed.

(2) References in the preceding sub-section to an under-sheriff shall include references to his lawful deputy.

31 & 32 Vict.,
c. 24.

(3) The Capital Punishment Amendment Act, 1868, shall have effect in Northern Ireland with the following modifications:—

- (a) for the word "sheriff" there shall be substituted the word "under-sheriff";
- (b) for the words "visiting justices" in sections three and six there shall be substituted the words "board of visitors";
- (c) for the words "One of Her Majesty's Principal Secretaries of State" there shall be substituted the words "The Minister of Home Affairs for Northern Ireland";
- (d) for the words "the sheriff may be performed by and shall be vested in his under-sheriff or other" in section eleven there shall be substituted the words "the under-sheriff may be performed by and shall be vested in his"; and
- (e) section fourteen shall be omitted.

Inter-
pretation.

47.—(1) For the purposes of this Act, unless the contrary intention appears, the following expressions have the meaning hereby respectively assigned to them, that is to say—

"governor" includes the person for the time being in charge of any prison;

"intoxicating liquor" includes any fermented, distilled or spirituous liquor which under the law for the time being in force is subject to an excise duty;

"land" includes land covered by water and any estate or interest in land;

"Minister" means the Minister of Home Affairs for Northern Ireland;

"Ministry" means the Ministry of Home Affairs for Northern Ireland;

"prison" includes any prison or Borstal institution or other institution for the treatment of offenders not being a remand home or training school within the meaning of the Children and Young Persons Act (Northern Ireland), 1950;

"prisoner" includes any person lawfully committed to any prison.

1950, c. 5.

(2) A reference in this Act to any institution for the treatment of offenders shall be construed as including a reference to all land and buildings used for the purposes of or in connection with that institution.

(3) For the purposes of this Act, a person committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated as undergoing a sentence of imprisonment for the term for which he is committed, and consecutive terms of imprisonment shall be treated as one term.

(4) References in this Act to any enactment shall, unless the contrary intention appears, be construed as references to that enactment as amended by any subsequent enactment including this Act.

(5) References to enactments of the Parliament of the United Kingdom shall, unless the contrary intention appears, be construed as references to those enactments as they apply in Northern Ireland.

48. The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Repeals.

49.—(1) This Act may be cited as the Prison Act (Northern Ireland), 1953.

Short title
and com-
mencement.

(2) This Act shall come into operation on the first day of October, nineteen hundred and fifty-three.

FIRST SCHEDULE.

RELEASE OF YOUNG OFFENDERS FROM PRISON ON LICENCE.

1. A person released on licence under section twenty of this Act shall until the expiration of his sentence be under the supervision of such body or person as may be specified in the licence and shall comply with such other requirements as may be so specified.

Provided that the Ministry may at any time modify or cancel any such requirements.

2. If before the expiration of his sentence the Ministry is satisfied that a person released as aforesaid has failed to comply with any requirement for the time being specified in the licence, it may by order recall him to a prison; and thereupon he shall be liable to be detained in the prison until the expiration of his sentence and, if at large, shall be deemed to be unlawfully at large.

3. Where the unexpired part of the sentence of a person released under the said section twenty is less than six months, the provisions of this Schedule shall apply to him subject to the following modifications:—

- (a) the period for which he is under supervision under paragraph 1, and is liable to recall under paragraph 2, shall be a period of six months from the date of his release under the said section twenty;
- (b) if he is recalled under paragraph 2, the period for which he may be detained thereunder shall be whichever is the shorter of the following, that is to say:—
- (i) the remainder of the said period of six months; or
 - (ii) the part of his sentence which was unexpired on the date of his release under the said section twenty, reduced by any time during which he has been so detained since that date.

SECOND SCHEDULE.

BORSTAL TRAINING.

1. A person sentenced to Borstal training shall be detained in a Borstal institution for such period, not extending beyond three years after the date of his sentence, as the Ministry may determine, and shall then be released:

Provided that the Ministry shall not in the absence of special circumstances release any such person from a Borstal institution before the expiration of nine months from the date of his sentence.

2. A person shall, after his release from a Borstal institution and until the expiration of three years from the date of his sentence, be under the supervision of such body or person as may be specified in a notice to be given to him by the Ministry on his release, and shall, while under that supervision, comply with such requirements as may be so specified:

Provided that the Ministry may at any time modify or cancel any of the said requirements or order that a person who is under supervision as aforesaid shall cease to be under supervision.

3. If before the expiration of three years from the date of his sentence the Ministry is satisfied that a person who is under supervision after his release from a Borstal institution under paragraph 1 of this Schedule has failed to comply with any requirement for the time being specified in the notice given to him under paragraph 2 of this Schedule, the Ministry may by order recall him to a Borstal institution; and thereupon he shall be liable to be detained in the Borstal institution until the expiration of three years from the date of his sentence, and, if at large, shall be deemed to be unlawfully at large:

Provided that the Ministry may at any time release a person who is detained in a Borstal institution under this paragraph; and the foregoing provisions of this Schedule shall apply as respects a person so released as they apply as respects a person released under paragraph 1 of this Schedule.

4. If any person while under supervision, or after his recall to a Borstal institution, as aforesaid, is sentenced by a court in Northern Ireland to corrective training or Borstal training his original sentence of Borstal training shall cease to have effect.

5. The Ministry in exercising its functions under this Schedule shall consider any report made to it by a visiting committee on the advisability of releasing a person from a Borstal institution.

THIRD SCHEDULE.

RELEASE ON LICENCE OF PERSONS SENTENCED TO CORRECTIVE TRAINING OR PREVENTIVE DETENTION.

1. The Ministry may release on licence a person sentenced to corrective training or preventive detention either at any time or after he has served such portion of his sentence as may be determined in accordance with prison rules.

2. A person shall, after his release on licence under paragraph 1 of this Schedule and until the expiration of his sentence, comply with such requirements as may be specified in the licence, including, if the Ministry thinks it expedient, a requirement that he shall be under the supervision of such body or person as may be so specified:

Provided that the Ministry may at any time modify or cancel any of the said requirements.

3. If before the expiration of his sentence the Ministry is satisfied that a person released on licence under paragraph 1 of this Schedule has failed to comply with any requirement for the time being specified in the licence, the Ministry may by order recall him to a prison; and thereupon he shall be liable to be detained in the prison until the expiration of his sentence, and, if at large, shall be deemed to be unlawfully at large.

4. A person detained in a prison under the last foregoing paragraph may be released on licence by the Ministry at any time before the expiration of his sentence; and the foregoing provisions of this Schedule shall apply as respects a person released under this paragraph as they apply as respects a person released under paragraph 1 of this Schedule.

5. If any person while released on licence, or after he is recalled to a prison, as aforesaid, is sentenced by a court in Northern Ireland to corrective training or preventive detention, the sentence by virtue of which he is on licence or has been recalled shall cease to have effect.

Section 44.

FOURTH SCHEDULE.

TRANSITORY PROVISIONS.

1.—(1) 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 by the Governor of Northern Ireland for an offence for which he was sentenced to death, 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 be deemed to have been released on licence under section twenty-three of this Act.

(2) 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 be treated as if his sentence had expired.

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 the Criminal Justice Act (Northern Ireland), 1953; and the provisions of this Act and that Act relating to preventive detention shall apply to him accordingly.

3.—(1) Where a person has been sentenced to detention in a Borstal institution, then, if immediately before the commencement of this Act he is or ought to be detained 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 Ministry under section six of that Act, he shall be deemed to have been sentenced to Borstal training under the Criminal Justice Act (Northern Ireland), 1953, or to be under supervision under the Second Schedule to this Act; and that Schedule in its application to him 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.

(2) Any person to whom, immediately before the commencement of this Act, Part I of the Prevention of Crime Act, 1908, applied 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.

4. For the purposes of this Act, 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 be prison rules made under this Act and may be varied or revoked accordingly.

5. Rules made under the Capital Punishment Amendment Act, 1868, shall be deemed to have been made by the Minister of Home Affairs under that Act as amended by this Act and may be varied or revoked accordingly.

6. Any person who at the passing of this Act is employed by the Ministry in the exercise of its functions under any enactment repealed by this Act shall be deemed to be employed by the Ministry in the exercise of its functions under this Act.

7. Any board of visitors or visiting committee in office at the commencement of this Act shall be deemed to have been appointed under this Act and shall continue in office until superseded by the appointment of a board or committee, as the case may be, under this Act.

8. 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 five of the Firearms Act, 1920, shall have effect as originally enacted and not as amended by the Criminal Justice Act (Northern Ireland), 1953.

FIFTH SCHEDULE.

Section 48.

REPEALS.

Session and Chapter.	Short Title.	Extent of Repeal.
28 Geo. 3, c. 38 (Ir.)	The Court Houses and Gaols Act (Ireland), 1788.	Section two.
31 Geo. 3, c. 17 (Ir.)	The Prisoners (Rescue) Act (Ireland), 1791.	The whole Act, so far as unrepealed.
48 Geo. 3, c. 113.	The Disused Public Buildings (Ireland) Act, 1808.	So much of the Act as relates to gaols.
57 Geo. 3, c. 56.	The Recognisances (Ireland) Act, 1817.	Sections eighteen and nineteen.
59 Geo. 3, c. 92.	The Conveyance of Offenders (Ireland) Act, 1819.	The whole Act, so far as unrepealed.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 4, c. 88.	The Rescue Act, 1821.	The whole Act, so far as unrepealed.
5 Geo. 4, c. 84.	The Transportation Act, 1824.	The whole Act, so far as unrepealed.
7 Geo. 4, c. 74.	The Prisons (Ireland) Act, 1826.	The whole Act, so far as unrepealed.
1 & 2 Will. 4, c. 44.	The Tumultuous Risings (Ireland) Act, 1831.	Sections four, five and seven.
1 & 2 Vict., c. 27.	The Criminal Lunatics (Ireland) Act, 1838.	Section two, so far as unrepealed.
3 & 4 Vict., c. 44.	The Prisons (Ireland) Act, 1840.	The whole Act, so far as unrepealed.
3 & 4 Vict., c. 102.	The Court Houses (Ireland) Act, 1840.	Section five.
8 & 9 Vict., c. 107.	The Central Criminal Lunatic Asylum (Ireland) Act, 1845.	Section twelve.
13 & 14 Vict., c. 85.	The Assizes (Ireland) Act, 1850.	In section one the words from " or to direct and order " to the end of the section ; in section two the words " house of correction, prison or common gaol of such county at large " ; and sections four and five.
17 & 18 Vict., c. 76.	The Convict Prisons (Ireland) Act, 1854.	The whole Act except section twenty-eight.
19 & 20 Vict., c. 68.	The Prisons (Ireland) Act, 1856.	The whole Act, so far as unrepealed.
20 & 21 Vict., c. 3.	The Penal Servitude Act, 1857.	Section five.
24 & 25 Vict., c. 49.	The Petty Sessions, Ireland, Amendment Act, 1861.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
27 & 28 Vict., c. 47.	The Penal Servitude Act, 1864.	The whole Act, so far as unrepealed.
31 & 32 Vict., c. 24.	The Capital Punishment Amendment Act, 1868.	Section fourteen.
34 & 35 Vict., c. 112.	The Prevention of Crimes Act, 1871.	Sections three, four and five, paragraphs (6), (9) and (10) of section six, and paragraph 4 of the proviso to section seventeen.
35 & 36 Vict., c. 58.	The Bankruptcy (Ireland) Amendment Act, 1872.	Section seventy-two.
36 & 37 Vict., c. 82.	The Small Penalties, (Ireland) Act, 1873.	Section five.
39 & 40 Vict., c. 23.	The Prevention of Crimes Amendment Act, 1876.	The whole Act, so far as unrepealed.
40 & 41 Vict., c. 49.	The General Prisons (Ireland) Act, 1877.	Sections four to thirty-one, forty to forty-seven, forty-nine, fifty, fifty-two to fifty-seven and sixty, so far as unrepealed.
42 & 43 Vict., c. 55.	The Prevention of Crime Act, 1879.	The whole Act, so far as unrepealed.
47 & 48 Vict., c. 36.	The Prisons (Ireland) Amendment Act, 1884.	The whole Act, so far as unrepealed.
54 & 55 Vict., c. 69.	The Penal Servitude Act, 1891.	Sub-section (2) of section one and sections two, three, four, five and eight.
61 & 62 Vict., c. 41.	The Prison Act, 1898.	Sections three and six, so far as unrepealed.
62 & 63 Vict., c. 11.	The Fine or Imprisonment (Scotland and Ireland) Act, 1899.	Paragraph (2) of section three.
7 Edw. 7, c. 19.	The Prisons (Ireland) Act, 1907.	The whole Act, so far as unrepealed.

Session or Year and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7, c. 59.	The Prevention of Crime Act, 1908.	Sections three to eight, fourteen to sixteen, section eighteen and the Schedule.
3 & 4 Geo. 5, c. 4.	The Prisoners (Temporary Discharge for Ill-health) Act, 1913.	The whole Act.
4 & 5 Geo. 5, c. 58.	The Criminal Justice Administration Act, 1914.	Sections seventeen and twenty-six.
20 Geo. 5, c. 19 (N.I.).	The Criminal Lunatics Act (Northern Ireland), 1929.	Sections one to three and five to seven.
20 & 21 Geo. 5, c. 3 (N.I.).	The Criminal Law and Prevention of Crime (Amendment) Act (Northern Ireland), 1930.	Section two.
20 & 21 Geo. 5, c. 45.	The Criminal Appeal (Northern Ireland) Act, 1930.	Sub-sections (2), (5) and (6) of section thirteen.
2 Geo. 6, c. 7 (N.I.).	The Criminal Lunatics Act (Northern Ireland), 1938.	The whole Act.
1945, c. 15.	The Criminal Justice Act (Northern Ireland), 1945.	In section seventeen the words from "and the expenses" to the end of the section.

1953. Chapter 19.

An Act to provide for the making of payments in connection with jury service; to abolish special juries and juries in the county court; to make provision with respect to the service of jurors' summonses and the challenge of jurors and for exempting practising veterinary surgeons, women over the age of sixty, Parliamentary staff and certain pharmaceutical chemists from jury service; and for purposes connected with the matters aforesaid. [19th May, 1953.]

BE it enacted by the Queen's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Payments in respect of jury service.

1.—(1) The Minister of Home Affairs (in this Act referred to as "the Minister") after consultation with the Lord Chief Justice shall by order provide for the making, subject to and in accordance with the order, of payments, of such amounts as may, with the approval of the Ministry of Finance, be prescribed in the order, for or in respect of jury service.

Payments to be made in respect of jury service.

(2) So much of any order made under this section as relates to any officer of the Supreme Court or to the method of making payments for or in respect of jury service at the Royal Courts of Justice (Ulster) shall require the prior approval of the Lord Chief Justice.

(3) An order under this section may provide for making payments in respect of attendance for jury service and may be made subject to such exceptions or conditions as may be specified therein and may be varied, altered or revoked by a subsequent order made under this section.

(4) An order under this section may contain such incidental or supplemental provisions as the Minister considers necessary or desirable for giving full effect to the terms thereof.

(5) The initial order made under this section shall include the provisions as to payments set out in the First Schedule to this Act and shall not require to be confirmed by a resolution of either House of Parliament but any subsequent order shall not have effect unless and until it has been confirmed by a resolution of each House of Parliament.

(6) Sums paid in pursuance of orders made under this section shall be defrayed out of moneys provided by Parliament.

(7) Nothing in this Act shall authorise or entitle any person to be paid in respect of his services as a grand juror or as a coroner's juror.

Year and Chapter.	Short Title.	Extent of Repeal.
1946, c. 4.	The Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland), 1946.	In section seventeen, the words "by means of Treasury Bills or otherwise".
1946, c. 18.	The Loans Guarantee and Borrowing Regulation Act (Northern Ireland), 1946.	In sub-section (4) of section one, the words from "by means of" to the end of the sub-section.
1946, c. 20.	The Housing (No. 2) Act (Northern Ireland), 1946.	In section eleven, the words "by means of Treasury Bills or otherwise".
1947, c. 3.	The Education Act (Northern Ireland), 1947.	Sub-section (10) of section ninety-four.
1948, c. 4.	The Development of Tourist Traffic Act (Northern Ireland), 1948.	In sub-section (6) of section thirty-one, the words "Government Loans Act (Northern Ireland), 1945, or by the".
1948, c. 9.	The Housing Act (Northern Ireland), 1948.	In sub-section (2) of section three, the words "Government Loans Act (Northern Ireland), 1945, or the".
1948, c. 25.	The Development Services Act (Northern Ireland), 1948.	In sub-section (4) of section five, the words "Government Loans Act (Northern Ireland), 1945, or by the"; in sub-section (2) of section eight, the words "by means of Treasury Bills or otherwise".
1949, c. 8.	The Ryegrass Seed (Temporary Provisions) Act (Northern Ireland), 1949.	In sub-section (5) of section six, the words "by means of Treasury Bills or otherwise".
1949, c. 10.	The Government Loans Act (Northern Ireland), 1949.	The whole Act, so far as unrepealed.

Year and Chapter.	Short Title.	Extent of Repeal.
1949, c. 21.	The Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland), 1949.	In sub-section (2) of section six, the words "Government Loans Act (Northern Ireland), 1945, or of the".
1950, c. 1.	The Education (Miscellaneous Provisions) Act (Northern Ireland), 1950.	In sub-section (2) of section eight, the words "by means of Treasury Bills or otherwise".

1953. Chapter 14.

An Act to abolish penal servitude, hard labour and prison divisions and to make further provision for dealing with offenders and for the administration of criminal justice; to amend the law relating to certain criminal offences; to confer powers on courts of quarter sessions with respect to the adjournment of criminal and other appeals pending in such courts; and for purposes connected with the aforesaid matters or any of them.

[5th May, 1953].

BE it enacted by the Queen's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

GENERAL PROVISIONS AS TO THE PUNISHMENT AND TREATMENT OF OFFENDERS.

Punishment generally.

1.—(1) No person shall be sentenced by a court to penal servitude; and every enactment which operates to empower a court to pass a sentence of penal servitude in any case shall operate so as to empower that court to

Abolition of penal servitude, hard labour and prison divisions.

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 which operates to empower a court to pass a sentence of imprisonment with hard labour in any case shall operate so as to empower that court 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 in force immediately before the commencement of this Act requires or permits prisoners to be kept to hard labour it shall cease to have effect and accordingly the words "with or without hard labour" wherever occurring in any enactment prescribing the punishment for an offence are hereby repealed.

(3) So far as any enactment in force immediately before the commencement of this Act 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. Where a person who has been sentenced to death has been pardoned on condition that he serves a term of imprisonment, that person shall be deemed to have been lawfully sentenced by the court before which he was convicted to imprisonment for the said term.

3. Any court before which an offender is convicted on indictment of felony (not being a felony for which the court is required by law to sentence the offender to death or imprisonment for life or to detention during the pleasure of the Governor of Northern Ireland) shall have power to fine the offender in lieu of or in addition to dealing with him in any other manner in which the court has power to deal with him.

4.—(1) Where a person, on being convicted of an offence, admits himself guilty of any other offence and asks the court to take it into consideration in imposing punishment, the court may, unless objection is made by or on behalf of the prosecutor or unless it is an offence in

Commutation of death sentence to sentence of imprisonment.

Power to fine on conviction of felony on indictment.

Taking of other offences into consideration in imposing punishment.

respect of which the court has not jurisdiction to award punishment, take it into consideration accordingly.

(2) If the court takes an offence into consideration, a note of that fact shall be made and filed with the record of the sentence, and the accused shall not be prosecuted for that offence, unless his conviction is reversed or quashed or otherwise annulled.

Persistent Offenders.

5.—(1) Where a person who is not less than twenty-one years of age—

- (a) is convicted on indictment of an offence punishable with imprisonment for a term of two years or more; and
- (b) has been convicted on at least two previous occasions since he attained the age of seventeen of offences punishable on indictment with such a sentence;

then, if the court is satisfied that it is expedient with a view to his reformation and the prevention of crime that he should receive training of a corrective character for a substantial time, followed by a period of supervision if released before the expiration of his sentence, the court may pass, in lieu of any other sentence, a sentence of corrective training for such term of not less than two nor more than seven years as the court may determine.

(2) Where a person who is not less than thirty years of age—

- (a) is convicted on indictment of an offence punishable with imprisonment for a term of two years or more; and
- (b) has on at least three previous occasions since he attained the age of seventeen been convicted on indictment of offences punishable on indictment with such a sentence, and was on at least two of those occasions sentenced to Borstal training, imprisonment or corrective training;

then, if the court is satisfied that it is expedient for the protection of the public that he should be detained in

Corrective training and preventive detention.

custody for a substantial time, followed by a period of supervision if released before the expiration of his sentence, the court may pass, in lieu of any other sentence, a sentence of preventive detention for such term of not less than three nor more than fourteen years as the court may determine.

(3) A person sentenced to corrective training or preventive detention shall be detained in a prison for the term of his sentence subject to his release on licence in accordance with the provisions of the Third Schedule to the Prison Act (Northern Ireland), 1953, and while so detained shall be treated in such manner as may be prescribed by prison rules made under the Prison Act (Northern Ireland), 1953.

(4) Before sentencing any offender to corrective training or preventive detention, the court shall consider any report or representations which may be made to the court by or on behalf of the Ministry of Home Affairs (in this Act referred to as "the Ministry") on the offender's physical and mental condition and his suitability for such a sentence.

(5) A copy of any report or representations in writing made to the court by the Ministry for the purposes of the last preceding sub-section shall be given by the court to the offender or his counsel or solicitor.

(6) For the purposes of this section, a person who has been convicted by a court of summary jurisdiction of an indictable offence triable summarily and has been sentenced by such a court or on appeal therefrom to Borstal training or imprisonment, shall be treated as if he had been convicted of that offence on indictment.

6.—(1) For the purpose of determining whether an offender is liable to be sentenced to corrective training or preventive detention, no account shall be taken of any previous conviction or sentence unless notice has been given to the offender or his solicitor and to the proper officer of the court at least three days before the trial that it is intended to prove the conviction or sentence.

(2) For the purposes of this section, evidence that a person has previously been sentenced to corrective training or preventive detention shall be evidence of the

Proof of previous convictions, etc., for the purposes of last preceding section.

convictions and sentences which rendered him liable to that sentence.

Young offenders.

7.—(1) Where a person is convicted (whether summarily or on indictment) of an offence punishable with imprisonment or which would be so punishable if he were not a child or a young person, then if on the day of his conviction he is not less than sixteen but under twenty-one years of age, and the court is satisfied having regard to his character and previous conduct, and to the circumstances of the offence, that it is expedient for his reformation and the prevention of crime that he should undergo a period of training in a Borstal institution, the court may, in lieu of any other sentence, pass a sentence of Borstal training.

Borstal training.

(2) Before a sentence of Borstal training is passed under this section the court shall consider any report or representation made by or on behalf of the Ministry on the offender's physical and mental condition and his suitability for the sentence; and if the court has not received such a report or representation it may after conviction remand the offender in custody for such a period or periods, not exceeding three weeks or extending beyond the next sitting of the court whichever shall be the longer, to enable the report or representation to be made.

(3) A copy of any report or representation in writing made to a court by the Ministry for the purposes of the last preceding sub-section shall be given by the court to the offender or his counsel or solicitor.

8. The following sub-section shall be substituted for sub-section (1) of section fifty-five of the Children and Young Persons Act (Northern Ireland), 1950:—

Restriction on sentence of death. 1950, c. 5.

"(1) Sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of eighteen years, but in lieu thereof the court shall sentence him to be detained during the pleasure of the Governor of Northern Ireland, and, if so sentenced, he shall be liable to be detained in

such place and under such conditions as the Minister of Home Affairs (in this Act referred to as "the Minister") may direct."

Property of convicted persons.

Amendments of Forfeiture Act, 1870, 33 & 34 Vict., c. 23.

9.—(1) Sections six to thirty of the Forfeiture Act, 1870 (which relate to the administration of the property of convicts) shall cease to have effect.

(2) Where any pension or superannuation allowance has been forfeited under section two of the 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, but nothing in this sub-section shall authorise or permit the making, on foot of any such pension or allowance, of a payment in respect of a period occurring before the commencement of this Act.

Other provisions as to property of convicted persons.

10.—(1) A court before which a person is convicted of an offence punishable with imprisonment for a term exceeding six months, corrective training, preventive detention or Borstal training, may make an order (in this section referred to as a "stay") prohibiting that person (in this section referred to as the "convicted prisoner") or any other person acting on his behalf from disposing of or dealing with all or any property of his, or held in trust for him or in his possession, custody or control at the time of his arrest, otherwise than in accordance with the judgment or order of a civil court of competent jurisdiction; and a stay shall, subject to the provisions of this section, have effect during such period as the court may think proper to enable all claims to or against such property to be determined and effectively enforced by civil process.

(2) A stay may be made on the application of the Crown or of any person who appears to the court to have—

- (a) any claim to or against any property which is or appears to be the property of or held in trust for the convicted prisoner or which is or appears to have been in his possession, custody or control; or
- (b) any good cause of action against the convicted prisoner.

(3) A stay may contain such directions and be subject to such conditions as the court may consider advisable for the purpose of ensuring that the property to which the stay relates is readily available to meet the claims of any persons alleged to have suffered loss of property or other injury as a result of an act of the convicted prisoner, or to be taken in execution by civil process.

(4) A copy of any stay made under this section may be sent by registered post addressed to any person or officer (including a person responsible for keeping any register or other record of moneys, stocks, shares, securities or other assets) appearing to be in any way concerned with any property referred to in the stay and if any person or officer to whom such copy is so sent knowingly and wilfully neglects or fails to comply with or acts in breach or contravention of such stay or of any direction or condition contained therein he shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine; or
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine.
- (5) In this section—
 "property" includes any thing in action, and any estate or interest in or right to or over real or personal property; and
 "possession" includes receipt of income, or rents and profits or the right to receive the same.

PART II.

PROCEDURE, EVIDENCE AND POWERS IN CRIMINAL MATTERS.

11. Where any person is entitled to copies of depositions taken under the Petty Sessions (Ireland) Act, 1851, as amended by any subsequent enactment, he shall be entitled also to copies of the information, if any, required by section nineteen of that Act to be transmitted with the depositions; and any enactment relating to the furnishing of copies of depositions shall accordingly apply to any such information as it applies to depositions.

Supply of copies of information to persons committed for trial. 14 & 15 Vict., c. 93.

Evidence by certificate.

12.—(1) In any criminal proceedings, a certificate purporting to be signed by a member of the Royal Ulster Constabulary, not below the rank of sergeant, or by a person appearing to the court to be suitably qualified, 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) In any proceedings for an offence under the Motor Vehicles and Road Traffic Acts (Northern Ireland), 1926 to 1945, or under any other enactment for the time being in force relating to the use of vehicles on roads, a certificate purporting to be signed by a member of the Royal Ulster Constabulary and certifying that a person specified in the certificate stated to that member of the Royal Ulster Constabulary—

- (a) that a particular motor vehicle was being driven by, or belonged to, that person on a particular occasion; or
- (b) that a particular motor vehicle belonged on a particular occasion to a firm in which that person also stated that he was at the time of the statement a partner; or
- (c) that a particular motor vehicle belonged on a particular occasion to a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven, or to whom it belonged, as the case may be, on that occasion.

(3) In any proceedings for an offence consisting of the stealing of goods in the possession of the Ulster Transport Authority or of the British Transport Commission or any Executive (other than the Hotels Executive) constituted under section five of the Transport Act, 1947, or of receiving goods so stolen knowing them to have been stolen, or for an offence under section twelve or section eighteen or sub-section (2) of section thirty-three of the Larceny Act, 1916, or sections fifty to fifty-six of the Post Office Act, 1908, a statutory declaration made by any person—

10 & 11 Geo. 6,
c. 49.

6 & 7 Geo. 5,
c. 50.
8 Edw. 7,
c. 48.

- (a) that he dispatched or received or failed to receive any goods or postal packet or that any goods or postal packet when dispatched or received by him were in a particular state or condition; or
- (b) that a vessel, vehicle or aircraft was at any time employed by or under the Post Office for the transmission of postal packets under contract,

shall be admissible as evidence of the facts stated in the declaration.

(4) Nothing in this section shall be deemed to make a certificate or statutory declaration admissible as evidence in proceedings for an offence except 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 or statutory declaration 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 on the person charged with the offence or on his solicitor, if any; or
- (b) if that person or his solicitor, 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 on the prosecutor or his solicitor requiring the attendance at the trial of the person who signed the certificate or the person by whom the declaration was made, as the case may be.

13.—(1) Where any person who has been taken into lawful custody is charged with an offence, a court of summary jurisdiction or any resident magistrate or justice of the peace sitting out of petty sessions may, on the application of a member of the Royal Ulster Constabulary not below the rank of sergeant, order that the finger-prints of that person shall be taken by a constable.

Taking of
finger-
prints by
order of
justices.

(2) Finger-prints taken in pursuance of an order made under this section shall be taken either in the presence of the court, resident magistrate or justice of the peace by whom the order was made or if the person to

whom the order relates is remanded in custody, at any place at which he is in custody, and a constable may use such reasonable force as may be necessary for that purpose.

(3) The provisions of this section shall be in addition to the provisions of any other enactment under which the finger-prints of any person may be taken.

(4) Where the finger-prints of any person have been taken in pursuance of an order made under this section, then if that person is acquitted or discharged under section fifteen of the Petty Sessions (Ireland) Act, 1851, or if the complaint against him is dismissed, the finger-prints and all copies and records thereof shall be destroyed.

14.—(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, 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 Inspector-General of the Royal Ulster Constabulary, containing particulars relating to a conviction extracted from the criminal records kept by or available to the Royal Ulster Constabulary, and certifying that the copies of the finger-prints referred to in the certificate are copies of the finger-prints appearing from the said records to have been taken in pursuance of prison rules made under the Prison Act (Northern Ireland), 1953, 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 referred to in 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, Borstal institution or other institution for the treatment of offenders in which any person has been detained in connection with any criminal proceedings, certifying that the finger-prints referred to in the certificate were taken from him while

Proof of previous convictions by finger-prints.

he was so detained, shall be evidence in those proceedings that the finger-prints referred to in the certificate are the finger-prints of that person.

(4) A certificate, purporting to be signed by or on behalf of the Inspector-General of the Royal Ulster Constabulary, and certifying that the finger-prints, copies of which are certified as aforesaid by or on behalf of the said Inspector-General 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.

PART III.

OFFENCES AND PENALTIES.

15. Section four of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1930, shall apply to any vehicle, including a pedal cycle, in like manner as it applies to motor cars within the meaning of that Act and references in that section to a motor car shall be construed accordingly.

Taking away pedal cycles, etc., without owner's consent or other authority to be an offence. 20 & 21 Geo. 5, c. 24.

16. The provisions of sub-section (2) of section three and sub-sections (1) and (2) of section fifty-two of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934, shall apply to the offences of being under the influence of drink or drugs when driving or attempting to drive a motor car in like manner as those provisions apply to the offence of being under the influence of drink or drugs while in charge of a motor car and, accordingly, in sub-section (2) of the said section three and in sub-section (3) of the said section fifty-two for the words "while in charge of" there shall be substituted the words "when driving or attempting to drive, or when in charge of,".

Extension of ss. 3 (2) and 52 of 24 & 25 Geo. 5, c. 15.

17. A person who by any false pretence, with intent to defraud, obtains any property or valuable

Obtaining by false pretences.

thing or causes it to be delivered to himself or to any other person for the use or benefit or on account of himself or any other person, shall be guilty of a misdemeanour and on conviction thereof on indictment shall be liable to imprisonment for a term not exceeding five years.

Demanding
with
menaces.

18.—(1) In section thirty of the Larceny Act, 1916, for the words "liable to penal servitude for any term not exceeding five years" there shall be substituted the words "liable to imprisonment for any term not exceeding ten years".

(2) The Larceny Act, 1916, shall have effect as if after the said section thirty the following section were added:—

"Demanding
with
menaces. 30A. Every person who without a claim of right made in good faith demands or attempts to demand of any person with menaces or by force any property or valuable thing shall be guilty of felony and on conviction thereof liable to imprisonment for any term not exceeding seven years."

Imitation,
etc., of
currency or
bank notes.

19.—(1) If any person makes, or causes to be made, or uses for any purpose whatsoever, or utters, any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, any currency or bank note, or any part thereof, he shall be guilty of an offence against this section and shall be liable on summary conviction to a fine not exceeding five pounds, and it shall be lawful for the court dealing with the case to order the document in respect of which the offence was committed, and any copies of that document, or any plates, blocks, dies or other instruments used for, or capable of being used for, printing or reproducing any such documents which are in the possession of the offender to be destroyed.

(2) If any person whose name appears on any document the making of which is an offence under this section refuses, without lawful excuse, to disclose to a member of the Royal Ulster Constabulary on being so required the name and address of the person by whom it was printed or otherwise made, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(3) Where the name of any person appears on any document in respect of which any person is charged with

an offence under sub-section (1) of this section, or on any other document used or distributed in connection with that document, it shall be prima facie evidence that that person caused the document to be made.

(4) In this section the expression "currency note" means a currency note issued under the Currency and Bank Notes Act, 1914, and includes any note of a similar character, by whatever name called, issued by or on behalf of the Government of any foreign state or of the Republic of Ireland or any part of Her Majesty's Dominions outside the United Kingdom, and the expression "bank note" has the same meaning as in the Forgery Act, 1913.

4 & 5 Geo. 5,
c. 14.

3 & 4 Geo. 5,
c. 27.

20.—(1) In section eight of the Constabulary and Police (Ireland) Act, 1919, for the words "on summary conviction, be liable to a fine not exceeding ten pounds" there shall be substituted the words—

Punishment
for pre-
tending to
be a member
of the Royal
Ulster Con-
stabulary.
9 & 10 Geo. 5,
c. 68.

- "(a) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds, or to both such imprisonment and such fine; and.
- (b) on conviction on indictment, be liable to imprisonment for a term not exceeding twelve months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine."

(2) Any person who falsely represents himself to be a member of the Royal Ulster Constabulary or to be a person who is or has been entitled to use or wear any uniform, decoration, medal, medal ribbon, badge or emblem officially supplied or authorised for the use of the Royal Ulster Constabulary or anything so nearly resembling any such uniform, decoration, medal, medal ribbon, badge or emblem as to be calculated to deceive shall—

- (a) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding twenty-five pounds, or to both such imprisonment and such fine; and
- (b) on conviction on indictment, be liable to imprisonment for a term not exceeding twelve

months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine :

Provided that this section shall not prevent persons from wearing any uniform or dress in the course of a stage play or music hall or circus performance.

Amendment
of the
Criminal
Law
Amendment
Act, 1885.
48 & 49 Vict.,
c. 69.

21. In sections two and three of the Criminal Law Amendment Act, 1885, the following words shall cease to have effect, that is to say :—

- (a) in paragraph 1 of the said section two (which deals with a person who procures a girl or woman under twenty-one, not being a common prostitute or of known immoral character, to have sexual intercourse with a third person, or who attempts to do so) the words "not being a common prostitute or of known immoral character" ;
- (b) in paragraph 4 of the said section two (which deals with a person who procures a woman or girl to leave her usual place of abode in the United Kingdom (such place not being a brothel) for a brothel, or who attempts to do so) the words "(such place not being a brothel)" ;
- (c) in paragraph 2 of the said section three (which deals with a person who procures a woman or girl, not being a common prostitute or of known immoral character, to have sexual intercourse with anyone by false pretences or false representations) the words "not being a common prostitute or of known immoral character" .

Amendment
as to
prosecution
of offences
under the
Punishment
of Incest
Act, 1908.
8 Edw. 7,
c. 45.

22. For section six of the Punishment of Incest Act, 1908, there shall be substituted the following section :—

"Consent of
Attorney-
General.

6. If any person is charged with any offence under this Act the court may, if it thinks fit, order him to be remanded in custody or on bail, but save as aforesaid further pro-

ceedings on such a charge shall not be taken against him without the consent of the Attorney-General for Northern Ireland."

23.—(1) For section forty-two of the Offences against the Person Act, 1861, there shall be substituted the following section :—

"Penalty for
persons
committing
common
assault or
battery.

42. Any person who unlawfully assaults or beats any other person shall be guilty of an offence under this section and shall, upon complaint made by or on behalf of the party aggrieved or by a police officer or constable, be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding ten pounds in addition to any costs which the court may order him to pay."

Amendment
of s. 42
of the
Offences
against the
Person Act,
1861.
24 & 25 Vict.,
c. 100.

(2) For the removal of doubt it is hereby declared that the references in section forty-six of the Summary Jurisdiction Act (Northern Ireland), 1953, or in any other enactment to the said section forty-two shall be construed as references to that section as amended by this section.

1953, c. 3.

(3) Sub-section (1) of section sixty of the Act of 1935 and section twenty-eight of the Act of 1945 shall cease to have effect.

PART IV.

MISCELLANEOUS AND GENERAL.

Adjournment of appeals to quarter sessions.

24.—(1) If the judge of the court of quarter sessions for any county or division of a county is satisfied that any appeal pending or to be brought before him can be more conveniently heard by him at any other courthouse in that county than that to which it has been returned (whether by virtue of any other Act or otherwise) for hearing, or if during the hearing of any such appeal he considers it desirable in the interests of justice to adjourn the further hearing thereof by him to another courthouse in that county, he may direct that such appeal may be heard at such other courthouse or he may adjourn the hearing of the appeal to such other courthouse and any

Power of
quarter
sessions to
adjourn
hearing of
appeals.

recognizances entered into in connection with the appeal shall be deemed to be varied accordingly.

(2) Where the judge of a court of quarter sessions exercises a power conferred by this section he may give directions as to the manner in which and the persons to whom notice with respect to the hearing or adjourned hearing, as the case may be, of the appeal is to be given and it shall be the duty of all persons to whom such directions are given to comply therewith.

(3) A direction under this section may relate to a particular appeal or may be given in general terms relating to all appeals from any court or courts of summary jurisdiction specified in the direction or to appeals of any class or classes specified in the direction and may be made subject to such conditions as may be specified in the direction and the power to give any such direction may be exercised notwithstanding anything to the contrary in section twenty-four of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935, or in any other enactment.

25 & 26 Geo. 5,
c. 13.

(4) Any decree or order made on any appeal directed to be heard at, or adjourned to, another court-house, pursuant to this section, shall have the like force and effect as if it were made on an appeal not so directed or adjourned.

(5) In this section—

“appeal” includes any appeal brought to a court of quarter sessions pursuant to the provisions of any enactment whether passed before or after the commencement of this Act; and

“hearing” includes the giving of any judgment or sentence.

(6) The provisions of this section shall extend as well to appeals in cases of a civil nature as to appeals in any criminal cause or matter.

Powers of Arrest.

25.—(1) A member of the Royal Ulster Constabulary may arrest without warrant any person whom he reasonably suspects of having or conveying in any manner anything stolen or unlawfully obtained.

Power to
arrest
without
warrant.

(2) Where a person is seen or found committing or attempting to commit or is reasonably suspected of committing or attempting to commit or is reasonably suspected of having committed or attempted to commit an offence against any of the following provisions:—

- (a) sections eighteen and nineteen of the Larceny Act, 1861; 24 & 25 Vict.,
c. 96.
- (b) section thirteen of the Debtors Act (Ireland), 1872; 35 & 36 Vict.,
c. 57.
- (c) sections twenty and thirty-two of the Larceny Act, 1916;
- (d) section fifty-nine of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935;
- (e) section twenty-eight of the Fire Services Act (Northern Ireland), 1947; 1947, c. 10.

a member of the Royal Ulster Constabulary may, without warrant, stop, detain, search and apprehend him.

(3) If any person obstructs or impedes a member of the Royal Ulster Constabulary in the execution of his duty under this section that member may, without warrant, apprehend such person, and that person shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

(4) No member of the Royal Ulster Constabulary shall be liable for any loss or damage occasioned by or in the course of the exercise of any of the powers conferred on him by this section, unless such loss or damage was caused by him wantonly or maliciously.

Supplemental.

26. Without prejudice to the operation of the Interpretation Act, 1889, as it applies to the repeals effected by an Act of the Parliament of Northern Ireland the transitory provisions set out in the First 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.

Transitory
provisions.
52 & 53 Vict.,
c. 63.

Inter-
pretation.

27. In this Act, unless the contrary intention appears, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“ a child or a young person ” means a person under the age of seventeen ;

“ court ” does not include a court-martial ;

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

“ member of the Royal Ulster Constabulary ” includes an officer of that force ;

“ Minister ” means the Minister of Home Affairs for Northern Ireland ;

“ Ministry ” means the Ministry of Home Affairs for Northern Ireland ;

“ prison rules ” has the meaning assigned to that expression by section thirteen of the Prison Act (Northern Ireland) 1953 ;

“ sentence ” includes an order for custody in a remand home under section fifty-six of the Children and Young Persons Act (Northern Ireland), 1950, and an order sending an offender to a training school (a school approved under section one hundred and six of the Children and Young Persons Act (Northern Ireland), 1950), but does not include a committal 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.

(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 the United Kingdom or the Republic of Ireland and to a previous sentence passed by any such court.

(3) References in this Act to an offence punishable with imprisonment shall not be construed as including an offence for which the court is required to impose a sentence of imprisonment for life.

(4) Where the age of any person at any time is material for the purposes of any provision of this Act, 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.

(5) 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, damages or compensation.

(6) 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.

28. The enactments mentioned in the first column of the Second 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).

Con-
sequential
and minor
amend-
ments.

29. The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Repeals.

30.—(1) This Act may be cited as the Criminal Justice Act (Northern Ireland), 1953.

Short title
and com-
mencement.

(2) This Act shall come into operation on the first day of October, nineteen hundred and fifty-three.

FIRST SCHEDULE.

TRANSITORY PROVISIONS.

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 Northern Ireland, or as a condition of a pardon granted by the Governor of Northern Ireland 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 under the Penal Servitude Acts, 1853 to 1891, shall, if he is or ought to be in custody 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. 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 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 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. Where a person has been sentenced to detention in a Borstal institution, then if immediately before the commencement of this Act he is or ought to be detained in a Borstal institution, or in a prison awaiting removal to such an institution, he shall be deemed to have been sentenced to Borstal training under this Act.

5. 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.

SECOND SCHEDULE.

CONSEQUENTIAL AND MINOR AMENDMENTS.

<i>Act to be amended</i>	<i>Amendments.</i>
The Refreshment Houses (Ireland) Act, 1860. 23 & 24 Vict., c. 107.	In section twenty-four the words "of felony or" shall cease to have effect.
The Forfeiture Act, 1870. 33 & 34 Vict., c. 23.	In section two, for the words "or penal servitude" there shall be substituted the words "preventive detention or corrective training" and the words "with hard labour, or" shall cease to have effect.
The Criminal Justice Administration Act, 1914. 4 & 5, Geo. 5, c. 58.	In section three, in sub-section (1) for the words from "a number of days" to the end of the sub-section there shall be substituted the words "such number of days as bears to the total number of days in the term less one day the proportion most nearly approximating to, without exceeding, the proportion which the part paid bears to the sum in respect of which the imprisonment is imposed."
The Firearms Act, 1920. 10 & 11 Geo. 5, c. 43.	In section five, in sub-section (1) for the words "penal servitude or" there shall be substituted the words "preventive detention or corrective training"; and for the words "the Penal Servitude Acts, 1853 to 1891, or the Prevention of Crime Act, 1908, or is subject to the supervision of the police," there shall be substituted the words "section twenty or twenty-three of the Prison Act (Northern Ireland), 1953, or the Second or Third Schedule to that Act, or section fifty-five of the Children and Young Persons Act (Northern Ireland), 1950"; and after the word "firearm" in the first place where it occurs there shall be inserted the words "or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm". In section eleven, in sub-section (1) for the words "penal

<i>Act to be amended</i>	<i>Amendments</i>
The Firearms Act, 1920. 10 & 11 Geo. 5, c. 43.—(Contd.).	servitude" there shall be substituted the words "preventive detention or corrective training", and the words "to be subject to police supervision or" shall cease to have effect, and after the word "firearm" in the first place where it occurs there shall be inserted the words "or is subject to a probation order containing a requirement that he shall not possess, use or carry a firearm".
The Criminal Justice Act (Northern Ireland), 1945. 1945, c. 15 (N.I.).	In section two, in paragraph (b) of sub-section (4) after the word "defendant" there shall be inserted the words "or the prosecutor". In section forty, in the proviso for the word "sub-section" there shall be substituted the word "section".
The Civil Defence Act (Northern Ireland), 1950. 1950, c. 11 (N.I.).	In section eight, in sub-section (1) for the words "penal servitude" in both places where they occur there shall be substituted the word "imprisonment".

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 3, c. 21 (Ir.).	The Whiteboy Act (Ireland), 1775.	Section twenty-seven.
38 Geo. 3, c. 26 (Ir.).	The Evidence Act (Ireland), 1798.	Section two.
3 Geo. 4, c. 114.	The Hard Labour Act, 1822.	The whole Act, so far as unrepealed.
5 Geo. 4, c. 84.	The Transportation Act, 1824.	Sections two to ten, twenty to twenty-eight.

s. 29.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Geo. 4, c. 54.	The Criminal Law (Ireland) Act, 1828.	Sections sixteen, seventeen and eighteen, so far as unrepealed. In section nineteen, the words "or to be imprisoned and kept to hard labour, in the common gaol or house of correction" and the words "or with such imprisonment with hard labour".
11 Geo. 4 & 1 Will. 4, c. 39.	The Transportation Act, 1830.	The whole Act, so far as unrepealed.
4 & 5 Will. 4, c. 67.	The Transportation Act, 1834.	The whole Act, so far as unrepealed.
5 & 6 Vict., c. 61.	The South Australia Act, 1842.	The whole Act, so far as unrepealed.
6 & 7 Vict., c. 7.	The Transportation Act, 1843.	The whole Act, so far as unrepealed.
10 & 11 Vict., c. 67.	The Transportation Act, 1847.	The whole Act, so far as unrepealed.
16 & 17 Vict., c. 99.	The Penal Servitude Act, 1853.	The whole Act, so far as unrepealed.
20 & 21 Vict., c. 3.	The Penal Servitude Act, 1857.	Sections three and four, so far as unrepealed.
24 & 25 Vict., c. 100.	The Offences Against the Person Act, 1861.	In section five, the words from "or to pay" to the end of the section.
33 & 34 Vict., c. 23.	The Forfeiture Act, 1870.	Sections six to thirty, so far as unrepealed.
34 & 35 Vict., c. 112.	The Prevention of Crimes Act, 1871.	Section eight.

Session or Year and Chapter.	Short Title.	Extent of Repeal.
48 & 49 Vict., c. 69.	The Criminal Law Amendment Act, 1885.	In paragraph (1) of section two and in paragraph (2) of section three, the words "not being a common prostitute or of known immoral character"; in paragraph (4) of section two, the words "(such place not being a brothel)".
54 & 55 Vict., c. 69.	The Penal Servitude Act, 1891.	Section six.
8 Edw. 7, c. 59.	The Prevention of Crime Act, 1908.	Sections one, ten, eleven, twelve and thirteen, so far as unrepealed.
3 & 4 Geo. 5, c. 27.	The Forgery Act, 1913.	In section twelve, sub-section (1); and in paragraph (b) of sub-section (2) the words "penal servitude or".
4 & 5 Geo. 5, c. 58.	The Criminal Justice Administration Act, 1914.	Sections ten, eleven and sixteen.
23 & 24 Geo. 5, c. 31 (N.I.).	The Criminal Justice Act (Northern Ireland), 1933.	Section one.
25 & 26 Geo. 5, c. 13 (N.I.).	The Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935.	Sub-section (1) of section sixty.
1945, c.15 (N.I.).	The Criminal Justice Act (Northern Ireland), 1945.	Section twenty-eight.
1948, c. 17 (N.I.).	The Mental Health Act (Northern Ireland), 1948.	In section thirty-six, in sub-section (1) the words "penal servitude or"; in section thirty-seven, in paragraph (b) the words "or penal servitude"; in section ninety-seven, the words "with or without hard labour" wherever they occur.
1950, c. 5 (N.I.).	The Children and Young Persons Act (Northern Ireland), 1950.	In section fifty-four, in sub-section (3) the words "or be sent to penal servitude"; sub-section (4) of section fifty-four.

1953. Chapter 15.

An Act to repeal sections twenty-seven and thirty-six of the Electricity (Supply) Act (Northern Ireland), 1948, and for purposes connected with that matter. [19th May, 1953.]

BE it enacted by the Queen's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Section twenty-seven of the Electricity (Supply) Act (Northern Ireland), 1948 (which limited the right of the Electricity Board for Northern Ireland to require the owner or occupier of certain premises to defray the whole or any part of the cost of the electric line necessary to connect, for the purposes of a supply of electricity, those premises with a distributing main) is hereby repealed.

Repeal of
s. 27 of
1948, c. 18.

(2) The repeal of section twenty-seven of the said Act of 1948 shall not affect any undertaking, given before the passing of this Act by the Electricity Board for Northern Ireland, to provide a supply of electricity to any premises to which section thirty-six of the said Act applied, so, however, that where—

- (a) any such undertaking has been so given, but a supply of electricity has not been provided to the premises in relation to which the undertaking was given; and
- (b) the person to whom the undertaking was given consents to any requirement, as a condition of the provision of a supply of electricity to the premises aforesaid, that he shall defray the whole or any part of the cost of the electric line necessary to connect, for the purposes of the supply, the premises aforesaid with a distributing main;

any such requirement may be made accordingly.

2.—(1) Section thirty-six of the Electricity (Supply) Act (Northern Ireland), 1948 (which made unenforceable certain stipulations in contracts relating to the supply of

Repeal of
s. 36 of
1948, c. 18.

THIRTEENTH SCHEDULE

THE MEDICINES, PHARMACY AND POISONS ACT (NORTHERN IRELAND), 1945

Order issued under Regulation 10 by the Ministry of Agriculture for the purchase of poisons included in Group D of the Fourth Schedule to the Regulations

I hereby authorise (a)..... of (b)..... to purchase within one month of the date hereof (c)..... for the treatment of Foul Brood disease in.....stocks of bees.

Date _____ Authorised Officer of the Ministry of Agriculture.

Insert (a) full name of intending purchaser; (b) full postal address and (c) quantity and name of poison.

NOTE:—This Order is valid for one purchase only and must be retained by the authorised seller of poisons.

FOURTEENTH SCHEDULE

MINISTRY OF AGRICULTURE

THE MEDICINES, PHARMACY AND POISONS ACT (NORTHERN IRELAND), 1945

Authority issued by a County Agricultural Executive Officer for the purchase of strychnine in pursuance of paragraph 1(e) of Regulation 30

I hereby authorise (a)..... of (b)..... to purchase, within three months of the date hereof, (c).....ounce of strychnine for the purpose of killing foxes.

Date..... County Agricultural Executive Officer for the County of.....

Insert (a) full name of intended purchaser; (b) full postal address, and (c) quantity which shall not exceed one ounce.

NOTE:—This Authority is valid for one purchase only and must be retained by the authorised seller of poisons.

FIFTEENTH SCHEDULE

Substances in which Poison is exempted by Regulation 4 from Section 27(2) of the Act

Poison	Substances in which exempted
Nicotine	Agricultural and horticultural insecticides consisting of nicotine dusts containing not more than four per cent. of nicotine.

SIXTEENTH SCHEDULE

Regulations revoked

- The Poisons Regulations (Northern Ireland), 1946.
- The Poisons Regulations (Northern Ireland), 1949.
- The Poisons Regulations (Northern Ireland), 1950.
- The Poisons Regulations (Northern Ireland), 1951.
- The Poisons Regulations (Northern Ireland), 1952.

PRISON RULES

RULES, DATED 19TH JANUARY, 1954, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION THIRTEEN OF THE PRISON ACT (NORTHERN IRELAND), 1953.

1954. No. 7

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Rules

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The Ministry of Home Affairs for Northern Ireland in pursuance of the powers vested in it by Section thirteen of the Prison Act (Northern Ireland), 1953, and all other powers it thereunto enabling hereby makes the following Prison Rules:—

PART I

PRELIMINARY

1.—(1) These Rules may be cited as the Prison Rules (Northern Ireland), 1954.

(2) These Rules shall come into force on 1st February 1954.

(3) The Interpretation Act, 1889, shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

(4) In these Rules, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them, that is to say—

“Appellant” means a prisoner who is an appellant within the meaning of the Criminal Appeal (Northern Ireland) Act, 1930.

“Board of Visitors” in the application of Parts I to VII of these Rules to Borstal Institutions or Borstal Prisoners means a Visiting Committee appointed under Section 11 of the Act, and in application to any other prison or prisoners means a Board of Visitors appointed under Section 10 of the Act.

“Borstal Prisoner” means a young offender sentenced to Borstal training under Section 7 of the Criminal Justice Act (Northern Ireland), 1953.

“Civil Prisoner” means a person detained in a prison who is not serving a sentence, is not imprisoned in default of payment of a sum adjudged to be paid on conviction and is not subject to special treatment under any of the provisions of the Rules under any other description.

“Corrective Trainee” means a prisoner undergoing a sentence of Corrective training under Sub-Section (1) of Section 5 of the Criminal Justice Act (Northern Ireland), 1953.

“Legal Adviser” means, in relation to a prisoner, the prisoner’s Counsel or solicitor.

“Officer” means any officer or servant of a prison.

“Preventive Detainee” means a prisoner undergoing a sentence of Preventive Detention under Sub-Section (2) of Section 5 of the Criminal Justice Act (Northern Ireland), 1953.

“Special Rule” means a Rule in Parts III to VI, inclusive, of these Rules.

“The Act” means the Prison Act (Northern Ireland), 1953.

“The Ministry” means the Ministry of Home Affairs for Northern Ireland.

Citation,
Commence-
ment, Inter-
pretation
and
Definitions

Repeals

2. All previous Rules with respect to prisons, prisoners, prison officers and the powers and duties of Visiting Committees or Boards of Visitors are hereby revoked.

PART II

GENERAL RULES FOR THE TREATMENT OF PRISONERS

Application of Part I

3. The Rules in this Part apply to all prisoners unless inconsistent with the Special Rules.

Classification

4.—(1) In order so far as possible to prevent moral contamination and to facilitate training the arrangements set out in the following paragraphs of this Rule shall be made in classifying convicted prisoners.

(2) Prisoners under 21 years of age shall be classified as Young Prisoners.

(3) Prisoners of 21 years of age and over who have not previously been in prison on conviction shall be classified as Star Prisoners unless the Governor considers that, in view of their record or character, they are likely to have a bad influence on others in that class. A prisoner of 21 years of age or over who has previously been in prison on conviction may also be classified as a Star Prisoner if the Governor is satisfied, having regard to the nature of the previous offence or to the length of time since it was committed, or to the prisoner's general record and character, that he is not likely to have a bad influence as aforesaid.

(4) Other prisoners shall be classified as Ordinary Prisoners.

(5) (a) The Governor may in his discretion at any time remove from the Young Prisoners' Class a prisoner of 17 years of age or over whom he regards as unsuitable by character for that class, and may transfer him to the Star Class.

(b) The Governor may in his discretion at any time transfer from the Star Class to the Ordinary Class a prisoner whose character has shown him to be unfit to associate with other prisoners of the Star Class.

(6) Arrangements shall be made to provide so far as practicable for the effective separation at all times of the three classes of convicted prisoners.

(7) The Ministry may set up such other classes of prisoners, or may authorise in particular cases such departures from the provisions of this Rule, as may in the opinion of the Ministry be desirable for the purposes of paragraph (1) of this Rule.

Privileges

5.—(1) The Ministry shall, in the interest of good conduct and training, establish at every prison such system or systems of privileges as may be appropriate for different classes of prisoners and different methods of training.

(2) Every such system may include arrangements under which money may be earned by prisoners under these Rules and may be spent on such articles and subject to such conditions as the Ministry may determine.

ACCOMMODATION

6.—(1) No sleeping accommodation for prisoners shall be used unless it is approved by the Ministry as being of such ^{Sleeping Accommodation} size and as being lighted, warmed, ventilated, and fitted in such a manner as is requisite for health, and is furnished with the means of enabling prisoners locked therein to communicate at any time with an officer.

(2) Except in a Borstal Institution sleeping accommodation shall be provided for each prisoner in a separate cell:

Provided that where it is necessary the Ministry may authorise the accommodating of three or more prisoners in a cell or ward.

7. Every prisoner shall be provided with a separate bed ^{Beds and Bedding} and with separate bedding adequate for warmth and health.

RECEPTION, REMOVAL AND DISCHARGE

Reception

8.—(1) Every prisoner shall be searched when taken into ^{Search} custody by an officer, on reception into prison, and at such subsequent times as the Ministry may determine, and all unauthorised articles shall be taken from him.

(2) The searching of a prisoner shall be conducted in as seemly a manner as is consistent with the effectiveness of the search.

(3) A prisoner shall not be stripped and searched in the sight of another prisoner.

(4) A prisoner shall be searched only by, and in the presence of, officers of the same sex as the prisoner.

9. All money, clothing, or other effects belonging to a ^{Retention of Property} prisoner which he is not allowed to retain shall be placed in the custody of the Governor, who shall keep an inventory thereof, which shall be signed by the prisoner.

10. The name, age, height, weight, particular marks, and ^{Recording of Particulars} such other measurements and particulars as may be required in regard to a prisoner shall upon his reception, and from time to time, be recorded in such manner as the Ministry may determine.

11. A convicted prisoner may be photographed and ^{Photographs and Finger-prints} finger-printed on reception and subsequently.

12. Every prisoner shall, unless exempted by the Governor ^{Baths} or Medical Officer, take a hot bath on reception.

Medical Examination 13. Every prisoner shall, as early as possible on the day of his reception, be separately examined by the Medical Officer, who shall record the state of health of the prisoner and such other particulars as may be directed.

Examination of Prisoners received late in day 14. Provided that if a prisoner is received too late to be examined on the day of his reception he shall be examined as soon as possible on the next day, and in any case within twenty-four hours of reception.

Information to Prisoners

Information to Prisoners 15.—(1) Arrangements shall be made to ensure that every prisoner on reception is provided, in his cell or ward, with an abstract of the Rules governing the treatment of prisoners of his class and of any other regulations of which he should have knowledge, including those relating to gratuities and privileges, to the proper methods of submitting petitions to the Minister and of making complaints, to food, clothing, bedding, and other necessities, and to the disciplinary requirements of the prison, sufficiently full to provide him with all necessary information.

(2) The Governor shall personally or through such officer as he may appoint ensure as soon as possible after reception, and in any case within twenty-four hours, that every prisoner who can read has had an opportunity of reading the information so provided. Where a prisoner cannot read or has difficulty in understanding the information so provided, his rights and obligations under the Rules shall be so explained to him.

Removal and Discharge

Custody during removal, etc. Protection from public view 16.—(1) A prisoner whom the Ministry has directed to be taken to any place shall while outside the prison be kept in the custody of prison officers:

Provided that a prisoner directed to be brought before a court of summary jurisdiction may while outside the prison be in the custody of police officers.

(2) When prisoners are being removed to or from prison, they shall be exposed to public view as little as possible.

Final-interview with Governor 17. Every prisoner shall before discharge or removal to another prison be interviewed by the Governor.

Final-interview with Medical Officer 18.—(1) Every prisoner shall as short a time as is practicable before discharge, or removal to another prison, be examined by the Medical Officer.

(2) A prisoner shall not be removed to another prison unless the Medical Officer certifies that he is fit for removal.

(3) A prisoner due for discharge who is suffering from an acute or dangerous illness shall not be required to leave the prison if, in the opinion of the Medical Officer, he cannot

be sent out without danger to himself, or, in the case of infectious or contagious illness, to other persons.

19. On the discharge of a prisoner, his own clothes shall be returned to him unless it has been found necessary to destroy or otherwise dispose of them, in which case proper clothing shall be provided. Return of clothes

20. Any gratuity granted to a prisoner on his discharge may be paid through a society approved by the Ministry under Section 41 of the Act, or in such manner and under such conditions as the Ministry may order for the purpose of preventing its being misapplied. Application of gratuity on discharge

21. Upon the death of a prisoner the Governor shall give immediate notice thereof to the Coroner having jurisdiction, to the Board of Visitors, to the Ministry, and where practicable to the nearest relative of the deceased. Notice to Coroner, etc.

DISCIPLINE AND CONTROL

General

22. The Rules in this section shall be applied in accordance with the following principles:— General principles

- (i) Discipline and order shall be maintained with firmness, but with no more rigour than is required for safe custody and well-ordered community life;
- (ii) an officer in dealing with prisoners shall not use force unnecessarily and, when the application of force is necessary, no more force than is necessary shall be used; and
- (iii) an officer shall not deliberately act in a manner calculated to provoke a prisoner.

23. A prisoner shall not be employed in any disciplinary capacity, but prisoners selected as suitable by the Governor, or, in a women's prison by the female Chief Officer, may be employed in positions of responsibility and leadership. Prisoners not to hold disciplinary posts

24.—(1) If at any time it appears to the Board of Visitors that it is desirable for the maintenance of good order or discipline or in the interests of a prisoner that that prisoner should not work in association with others, a recommendation to that effect may be made by the Board of Visitors to the Governor who will thereupon have authority to arrange for that prisoner to work temporarily in a cell and not in association. Temporary work in cell

(2) If the Governor is advised by the Medical Officer that, on medical grounds, it is desirable that a prisoner so withdrawn from work in association should again work in association, or if, for any other reason, the Governor is satisfied that this is desirable, he may arrange for the prisoner again to work in association from such date as he determines.

(3) He shall inform the Board of Visitors of any action taken under paragraphs (1) and (2) above.

(4) A prisoner shall not be withdrawn from work in association for a longer period than one month unless further authority is given from month to month by the Board of Visitors.

(5) If at any time the Governor considers it necessary, a prisoner may be withdrawn from work in association otherwise than as a punishment awarded under Rules 31 or 32, but in such case the Governor shall so inform the Board of Visitors and the withdrawal shall not continue for longer than one week unless authority for longer withdrawal is given by the Board of Visitors.

Remission

Conditions of remitting sentence

25. A prisoner sentenced to imprisonment for a period exceeding one month, including a person committed to prison in default of payment of a sum adjudged to be paid by a conviction, may by good conduct and industry become eligible for discharge when a portion of his sentence not exceeding one-fourth of the whole sentence has yet to run or when he has served a period of imprisonment not shorter than thirty-one days, whichever is the later date.

For the purpose of computing the period of imprisonment two or more consecutive sentences shall be counted as one sentence equal in duration to the sum of the several sentences.

Offences against discipline

Governor to deal with reports

26. A report against a prisoner shall not be dealt with by any officer except the Governor or an officer to whom authority to deal with such reports has been properly delegated by the Governor.

Separation of reported prisoner

27. When a prisoner has been reported for an offence the Governor may order him to be kept apart from other prisoners pending adjudication.

Information to reported prisoner

28. A prisoner shall, before a report against him is dealt with, be informed of the offence for which he has been reported and shall be given a proper opportunity of hearing the facts alleged against him and of presenting his case.

Unauthorised articles

29. The Governor may deprive a prisoner of any unauthorised article found in his cell or in his possession.

Offences

30.—(1) A prisoner who is guilty of any act or omission contrary to the security or good order of the prison shall be guilty of an offence against discipline and on his offence being reported to the Governor shall be dealt with as hereinafter provided in these Rules.

(2) Without prejudice to the generality of the provision of the foregoing paragraph (1) of this Rule, the term "offence against discipline" shall, for the purposes of these Rules, include the following offences:—

- (a) Idleness, carelessness, or negligence at work.
- (b) Abuse of any privilege.
- (c) Failure to conform strictly to any condition of any parole given to him in or outside the prison.
- (d) Irreverent behaviour at Divine Service or Prayers.
- (e) Disrespect towards any officer or any person authorised to visit the prison.
- (f) Making repeated and groundless complaints.
- (g) Making false or malicious allegations against an officer.
- (h) Indecency in language, act or gesture.

(3) An attempt to commit any offence shall be treated as though the attempted offence had been committed.

31.—(1) Save as provided by Rules 32 and 34 the Governor shall forthwith investigate every offence against discipline, and may determine thereupon and make one or more of the following awards:—

Investigation of offences, and awards by Governor

- (a) Caution.
- (b) Forfeiture of remission of sentence for a period not exceeding fourteen days.
- (c) Forfeiture or postponement of privileges for a period not exceeding twenty-eight days or three months in the case of evening association exercise.
- (d) Exclusion from associated work for a period not exceeding fourteen days.
- (e) Cellular confinement for a period not exceeding three days.
- (f) *Restricted diet No. 1 for a period not exceeding three days.
- (g) *Restricted diet No. 2 for a period not exceeding fifteen days.
- (h) Stoppage of earnings for a period not exceeding fourteen days.

(2) Every offence against discipline shall be reported forthwith by the officer having knowledge of it and the Governor shall investigate such reports not later than the following day, unless that day is a Sunday or a public holiday.

*For definitions of restricted diets see the Schedule.

Investigation and awards by the Ministry or Board of Visitors

32.—(1) Where a prisoner is reported for any of the following offences, namely:—

- (a) an offence under the Act;
- (b) gross personal violence against an officer;
- (c) gross personal violence to another prisoner; and
- (d) any serious or repeated offence against discipline for which such award as the Governor is authorised to make is deemed insufficient.

and the Governor considers after investigation that such an offence has been committed, he may, and in the case of an offence under (a) shall, report the matter to the Ministry.

(2) The Ministry shall thereupon inquire into the report (such inquiry if it thinks it desirable being on oath) and may make one or more of the following awards:—

- (a) forfeiture of remission of sentence for a period not exceeding six months;
- (b) forfeiture or postponement of privileges;
- (c) exclusion from associated work for a period not exceeding twenty-eight days;
- (d)*restricted diet No. 1 for a period not exceeding fifteen days;
- (e)*restricted diet No. 2 for a period not exceeding twenty-eight days;
- (f) cellular confinement for a period not exceeding fifteen days or, where the prisoner is found guilty of mutiny or incitement to mutiny, or of gross personal violence to an officer, not exceeding thirty days; and
- (g) stoppage of earnings for a period not exceeding twenty-eight days.

(3) The Ministry may delegate its powers under this Rule to the Board of Visitors in any particular case.

Especially grave offences

33.—(1) Where a male prisoner serving a sentence of Imprisonment, Corrective Training, or Preventive Detention has been reported by the Governor under Rule 32(1) and the Ministry is satisfied after an inquiry upon oath that such prisoner has been guilty of:—

(a) mutiny or incitement to mutiny; or

(b) gross personal violence against an officer;

the Ministry may, without prejudice to its powers under paragraph (2) of Rule 32 direct the infliction of corporal punishment.

*For definitions of restricted diets see the Schedule.

(2) Where an order for the infliction of corporal punishment is made, the order shall specify the number of strokes and the instrument with which they are to be inflicted, and shall be recorded in such manner as the Ministry may determine.

(3) Corporal punishment shall not be inflicted more than once for the same offence.

34.—(1) All corporal punishments shall be inflicted in the presence of the Governor and the Medical Officer. Corporal punishment

(2) The Medical Officer shall immediately before the punishment is inflicted examine the prisoner and satisfy himself that he is both mentally and physically fit to undergo the punishment, and shall make such recommendation for preventing injury to the prisoner's health as he may deem necessary, and the Governor shall carry such recommendations into effect.

(3) At any time after the infliction of the punishment has begun the Medical Officer may, if he deems it necessary in order to prevent injury to the prisoner's health, recommend that no further punishment be inflicted, and the Governor shall thereupon remit the remainder of the punishment.

(4) The Governor shall enter in the corporal punishment book the number of lashes or strokes inflicted and any remission which he may have ordered.

(5) Corporal punishment, in the case of a prisoner over 18 years of age, shall be inflicted either with a cat-o'-nine tails, a birch rod, or a cane and in the case of a prisoner under 18 years of age with a birch rod or a cane; the instrument in either case shall be of a pattern approved by the Ministry.

(6) Corporal punishment shall not be inflicted on any female prisoner.

35.—(1) An award of cellular confinement or restriction of diet shall in no case be given effect unless the Medical Officer has certified that the prisoner is in a fit condition of health to undergo it. Medical certificates, and visits by Governor, etc.

(2) Every prisoner undergoing cellular confinement or subjected to restricted diet No. 1 shall be visited at least once a day by the Governor and the Medical Officer, and if he is undergoing cellular confinement he shall be visited by an officer appointed for that purpose at intervals of not more than three hours during the day.

36. A disciplinary award under paragraph (1) of Rule 31 or paragraph (2) of Rule 32 may be determined or mitigated at any time by the authority responsible for the award. Remission and mitigation of awards

Restraints

Mechanical restraints

37.—(1) Mechanical restraints shall not be used as a punishment or for any purpose other than safe custody during removal, except on medical grounds by direction of the Medical Officer, or in the circumstances and under the conditions stated in the following paragraphs of this Rule.

(2) When it appears to the Governor that it is necessary to place a prisoner under mechanical restraint in order to prevent his injuring himself or others, or damaging property, or creating a disturbance, the Governor may, after consulting the Medical Officer, order him to be placed under mechanical restraint, and notice thereof shall forthwith be given to a member of the Board of Visitors.

(3) No prisoner shall be kept under mechanical restraint longer than is necessary, and in no case for a longer period than twenty-four hours unless an order in writing from a member of the Board of Visitors is given, specifying the cause thereof and the time during which the prisoner is to be so kept, which order shall be preserved by the Governor as his warrant.

(4) Particulars of every case of mechanical restraint shall be forthwith recorded by the Governor.

(5) No mechanical means of restraint shall be used except of such patterns and in such manner and under such conditions as may be approved by the Ministry.

Temporary confinement

38. The Governor may, for the purpose of preventing disturbance, damage or injury, order any refractory or violent prisoner to be temporarily confined in a special cell approved for the purpose by the Ministry, but a prisoner shall not be confined in such a cell as a punishment or after he has ceased to be refractory or violent.

Complaints by prisoners

Complaints to be recorded and put forward

39.—(1) Every request by a prisoner to see the Governor, an officer of the Ministry, or a member of the Board of Visitors, shall be recorded by the officer to whom it is made and communicated without delay to the Governor.

(2) The Governor shall at a convenient hour on every day, other than Sundays and public holidays, hear the applications of all prisoners who have made a request to see him, and shall inform the Ministry or the next member of the Board of Visitors who visits the prison, as may be appropriate, of any such request.

Prohibited articles

Prohibited articles generally

40. A person shall not without authority, convey into or throw into or deposit in a prison, or convey or throw out of a prison, or convey to a prisoner, or deposit in any place with intent that it shall come into the possession of a prisoner, any money, clothing, food, drink, tobacco, letter, paper, book, tool, or other article whatever.

Anything so conveyed, thrown, or deposited may be confiscated by the Governor.

41.—(1) A prisoner shall not be given or allowed to have any intoxicating liquor except in pursuance of a written order of the Medical Officer specifying the quantity to be given and the name of the prisoner for whose use it is ordered. ^{Drink and tobacco}

(2) A prisoner shall not be allowed to smoke or to have in his possession any tobacco except in accordance with such orders as may be given by the Governor with the approval of the Ministry.

Control of admission

42.—(1) No person may enter the prison, unless entitled to do so, without the permission of the Governor. ^{General restrictions}

(2) All persons and vehicles entering or leaving the prison may be examined and searched.

(3) A person suspected of bringing any prohibited article into the prison, or of carrying out a prohibited article or any property belonging to the prison, or while in a prison of being in possession of a prohibited article, or in improper possession of any property belonging to the prison, shall be stopped and immediate notice thereof shall be given to the Governor, who may order that he shall be examined and searched.

(4) The Governor may refuse admission to the prison of a person who is not willing to be examined and searched.

(5) The Governor may direct the removal from the prison of a person who while in the prison is not willing to be examined and searched or whose conduct is improper.

43.—(1) The Governor shall not, except as provided by statute, or as directed by the Ministry, allow any person to view the prison. ^{Visitors viewing prisons}

(2) The Governor shall ensure that no person authorised to view the prison makes a sketch, or takes a photograph or holds communication with a prisoner, unless authorised to do so by the Ministry.

WORK

44. Every prisoner shall be required to engage in useful work and so far as practicable at least eight hours shall be spent in associated or other work outside the cells. The maximum period of work in any one day shall not exceed ten hours. ^{General requirement of work}

Provided that the Governor may on a report of the Medical Officer excuse a prisoner from work, and no prisoner shall be set to any work unless he has been certified as fit for that type of work by the Medical Officer.

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PRISONS

Unauthorised work

45.—(1) A prisoner shall not be set to any type of work not authorised by the Ministry.

(2) Except with the authority of the Ministry no prisoner shall work in the service of another prisoner or of an officer, or for the private benefit of any person.

All labour if possible to be productive

46. The work of all prisoners shall, if possible, be productive, and the trades and industries taught and carried on shall, if practicable, be such as may fit the prisoner to earn his livelihood on release.

Employment on Sundays, etc.

47.—(1) A prisoner shall not be employed, save at work necessary for the maintenance and conduct of the prison, on Sundays, Christmas Day, Good Friday, 17th March, and days appointed for a general fast or thanksgiving.

(2) Paragraph (1) of this Rule shall not apply to a prisoner who is a Jew, but such a prisoner shall not be compelled to work on his Sabbath or on such days of Festival as may be recognised.

FEMALE PRISONERS

Accommodation.

48. Female prisoners shall be accommodated in a prison exclusively appropriated to the detention of female prisoners.

Custody and supervision

49. Female prisoners shall in all cases be in the custody of female officers and if working under a male instructor shall be supervised by a female officer.

Pregnancy and confinement

50.—(1) If possible, a female prisoner who is pregnant on committal and whose confinement is expected to take place before the end of her sentence shall be temporarily removed from the prison to a suitable hospital for such confinement and for such period following delivery as the Medical Officer may consider necessary.

(2) Notice shall be given to the Ministry of the impending confinement of such a prisoner stating the place whereto and the period for which it is proposed to remove her and the Ministry may thereupon give a direction for the removal and may state in such direction the conditions subject to which the removal is to be effected.

Babies

51. Subject to such conditions as the Ministry may determine, a female prisoner may have her baby with her in prison during the normal period of lactation and longer if required in special circumstances, and the baby may be supplied with clothing and necessaries at the public expense.

Female Chief Officer

52. The Governor of a prison for female prisoners shall exercise his general authority in regard to such prison through a female Chief Officer and when visiting those parts of the prison where female prisoners are accommodated or

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are at work shall at all times be accompanied by the Chief Officer, or, in her absence, by a female officer to whom she has delegated authority to accompany the Governor.

53.—(1) The female Chief Officer shall have the care and superintendence of all the prisoners in the prison. The keys of all the locks of the prison shall be in her custody. ^{Duties of female Chief Officer}

(2) She shall exercise a close and constant personal supervision over the whole of the prison; she shall visit and inspect daily all parts of the prison where the prisoners are working or accommodated, and she shall give special attention to every prisoner who is sick or under restraint or undergoing cellular confinement, or on restricted diet No. 1.

(3) At least twice a fortnight she shall during the night inspect the prison.

PHYSICAL WELFARE

Medical Services

54. At every prison either a separate hospital building or a suitable part of the prison shall be equipped and furnished in a manner proper for the medical care and treatment of sick prisoners, and staffed by suitably trained officers. ^{Hospital accommodation}

Hygiene

55. Arrangements shall be made for every prisoner to wash at all proper times, to have a hot bath at least once a week, and for men (unless excused or prohibited on medical or other grounds) to shave or be shaved daily and to have their hair cut as required. The hair of a male prisoner shall not be cut closer than may be necessary for purposes of health and cleanliness. ^{Washing, shaving and haircutting}

The hair of a female prisoner shall not be cut without her consent, except on account of vermin or dirt, or when the Medical Officer deems it necessary for health reasons.

56. Every prisoner shall be provided on admission with such toilet articles as are necessary for health and cleanliness, and arrangements shall be made for the replacement of these articles, when necessary. ^{Toilet articles}

57. Each prisoner shall keep his cell, utensils, books and other articles issued for his use, and his clothing and bedding, clean and neatly arranged, and shall clean and sweep the yards, passages, and other parts of the prison as may be directed. ^{Cleanliness of cell, etc.}

Exercise

58.—(1) A prisoner, when employed in cellular or indoor work, shall, when practicable, be permitted to take exercise daily in the open air for not less than one hour, or for any longer period which the Medical Officer may deem necessary for his health, having regard to the nature of the work and ^{Exercise to be regular}

the state of health of the prisoner. Means shall be provided, if possible, for exercise to take place, in wet weather, under cover.

(2) Prisoners of suitable age and physical condition shall, wherever practicable, receive physical training during some part of the daily exercise period.

(3) The Medical Officer may, on medical grounds, modify exercise or physical training, or exempt a prisoner from either or both.

Food

Food 59. Every prisoner shall be supplied with a sufficient quantity of plain and wholesome food in accordance with such dietary scales as may from time to time be authorised by the Ministry.

No private food 60. A prisoner shall not receive or have in his possession any food other than the allowance authorised by the dietary scales, except (a) with the authority of the Ministry or (b) with the authority of the Medical Officer if a variation of diet is desirable on medical grounds.

Alteration in food 61. The diet of any prisoner who persistently wastes his food may be reduced by the Governor after consultation with the Medical Officer.

Complaints as to food 62. A prisoner who desires to make a complaint regarding the food supplied to him must make it to the Officer on duty in charge of his class as soon as possible after he has received the food. The Officer receiving the complaint shall transmit it to the Governor, or in a Women's Prison, to the Chief Officer. If the prisoner so requests, the food shall (so far as its nature permits) be weighed or measured in his presence and in that of an officer deputed by the Governor for the purpose in order to determine whether the proper quantity has been supplied.

The making of repeated groundless requests for the weighing or measuring of food, with the evident purpose of giving trouble, will be deemed to be an offence against prison discipline.

Clothing

Prison dress 63. Every convicted prisoner shall be provided with clothing sufficient for warmth and health in accordance with a scale approved by the Ministry, and shall, except as otherwise approved by it, be required to wear such clothing.

Clothing to be worn at Court 64. When a convicted prisoner is brought before a Court of Justice to be tried on another charge or to give evidence, he shall be required to wear his own clothing, if it is decent. If his own clothing cannot be used he shall be provided with clothing different from prison dress, but such clothing shall remain prison property.

MEDICAL OFFICER

65. The Medical Officer shall conform to the Rules and Regulations of the prison, and shall support the Governor in the maintenance of discipline and order and the safe custody of the prisoners. Rules and Regulations

66. The Medical Officer shall have the general care of the health of the prisoners, and shall report to the Ministry, and make known to the Governor, any circumstances connected with the prison or the treatment of the prisoners which at any time appears to him to require consideration on medical grounds. Health of Prisoners

67. The Medical Officer shall oversee, and shall advise the Governor upon, the hygiene of the prison and the prisoners, including arrangements for cleanliness, sanitation, heating, lighting and ventilation. Supervision of Hygiene

68.—(1) The Medical Officer shall visit the prison at least once every day, and shall see every prisoner at least once a week, so as to ascertain his general state of health, and whether he is clean in his person and free from disease. Visiting prison and prisoners

(2) The Medical Officer shall every day see such prisoners as complain of illness, reporting to the Governor in writing their fitness or otherwise for work. He shall daily visit the sick in the prison hospital and at such times as may be necessary. He shall attend at once on receiving information of the serious illness of any prisoner.

(3) The Medical Officer shall once every day, or oftener, visit every prisoner under punishment, or under special discipline, or any other prisoner to whom his attention is specially directed.

(4) The Medical Officer shall frequently examine the washing places, baths and other facilities for purposes of cleanliness or sanitation, and see whether they are in efficient working order, and report at once to the Governor any defect or insufficiency therein.

69. The Medical Officer shall frequently inspect the food, cooked and uncooked, provided for prisoners, and shall report to the Governor on the condition and quality of the food. Inspection of food

70. As early as practicable in every month, the Medical Officer shall inspect every part of the prison, for the purpose of ascertaining that nothing exists therein likely to be injurious to the health of the prisoners, and especially that ventilation is sufficiently provided for and properly attended to. The result of this inspection shall be recorded in his journal. Monthly Inspection

71. The Medical Officer shall enter, day by day, in his journal, to be kept in the prison, an account of the state of Keeping Journal

every sick prisoner, the name of his disease, a description of the medicines and diet, and any other treatment which he orders for such prisoner.

Special observations of prisoners, and reports as to mental or physical disorder

72.—(1) When the Medical Officer has good reason to believe that the mental state of any prisoner is becoming impaired or enfeebled by continued imprisonment, or that there are signs of incipient insanity, he shall report the circumstances to the Governor for the information of the Ministry, stating, in cases of doubt, whether he desires any special or additional advice.

(2) Whenever the Medical Officer has reason to believe that a prisoner's health is likely to be injuriously affected by the discipline or treatment, he shall report the case in writing to the Governor, together with such recommendations as he thinks proper.

(3) The Medical Officer shall inform the Governor when any prisoner appears to him to be dangerously ill.

(4) Whenever the Medical Officer is of opinion that the life of any prisoner will be endangered by his continuance in prison, or that any sick prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline, or is in need of operation or treatment which cannot be given in the prison, he shall state the opinion, and the grounds thereof, in writing, together with any recommendation he may have to make, to the Governor, who shall duly forward such opinion and recommendation to the Ministry.

Power to call in additional medical aid

73. If in any case the Medical Officer considers it necessary, he may secure a second medical opinion, but every such case shall be specially reported to the Ministry, and where circumstances permit the prior approval of the Ministry shall be obtained.

Operation

74. Except in very urgent circumstances no serious surgical operation shall be performed in the prison.

Conditions as to application of painful test

75. Where the Medical Officer considers it necessary to apply any painful test to a prisoner to detect malingering or otherwise, the test shall only be applied by authority of an order from the Board of Visitors.

Infectious cases, etc.

76. The Medical Officer shall give directions in writing for separating from the other prisoners any prisoner suffering from any infectious, contagious, or mental disease, or suspected thereof, and shall immediately take such steps as may be necessary to prevent the spread of any contagious or infectious disease.

Identification of prisoners

77. The Medical Officer shall inform the Governor of any particular physical characteristic of which he may become aware in regard to any prisoner which might usefully be noted on the record made under Rule 10 to assist in his future identification.

78. The Medical Officer shall forthwith, on the death of any prisoner, enter in his journal the following particulars:—

- (a) at what time the deceased was taken ill;
- (b) when the illness was first communicated to him;
- (c) the nature of the disease;
- (d) when the prisoner died; and
- (e) in cases where a post-mortem examination is made, a report as to the findings therefrom, together with any special remarks that appear to him to be required.

79.—(1) The Medical Officer shall keep such statistical records and furnish such returns as may be directed to the health and medical treatment of prisoners, and to the sanitary condition of the quarters of the officers and of the prison buildings.

(2) The Medical Officer shall as soon as possible after the 31st December in each year make a report to the Ministry concerning the execution of his duties during the twelve months ended on that day together with returns showing sickness, mortality, removals on medical grounds, insanity, suicide, and hospital treatment among the prisoners, and such other particulars as may be directed.

(3) The Medical Officer may at any time offer any suggestion for improvements or for the advantage of the prison service, and need not reserve it for his annual report.

The Medical Officer shall, when required by the Ministry, furnish a report as to the physical fitness of any candidate for employment in the Prison Service, and shall also, from time to time, furnish to the Civil Service Commissioners such detailed information in reference to the health, etc., of candidates as such Commissioners consider necessary, in order to enable them to issue their certificate of qualification.

80. Leave of absence will be given by the Ministry, and when absent on such leave or in case of sickness or necessary engagement, the Medical Officer shall appoint a substitute approved by the Ministry. The name and residence of the substitute shall be entered in his journal.

RELIGIOUS MINISTRATION

81. The religious denomination of every prisoner shall be ascertained and recorded on his reception and he shall be regarded as a member of the denomination then recorded unless and until he satisfies the Board of Visitors that he has good grounds for desiring the record to be altered.

Religious books and services

82.—(1) Each prisoner shall be furnished with a Bible, and where appropriate a Prayer Book, such as is approved for the denomination to which he belongs.

(2) Such books or printed papers intended for the religious instruction of prisoners as may be approved by the Ministry shall be admitted to the prison, but only those chosen by a minister of the denomination to which a prisoner belongs shall be made available to him unless with the permission of the Governor given after consideration of a special request made to him by the prisoner. Where any difference of opinion arises between a minister appointed to the prison or allowed to visit prisoners and the Ministry with respect to books or papers proposed to be admitted for the religious instruction of a prisoner of his denomination reference shall be had to the bishop of the diocese in which the prison is situated or other appropriate ecclesiastical authority, whose decision shall be final.

(3) Prisoners shall attend religious Services when such are provided for them, unless allowed by the Governor to be absent, provided that no prisoner shall be compelled or requested to attend any such service held or performed by any person who is not of his religious persuasion.

Conformity to Rules

83. A minister of a religious denomination appointed to the prison under Section 9(1) of the Act shall conform to the Rules, hereinafter set out, relating to Chaplains, as well as to the general Rules and Regulations of the Prison concerning the maintenance of order and discipline and the conduct of persons therein. It shall be his duty to support the Governor in his enforcement of such Rules and Regulations.

To visit the sick and prisoners in punishment cells at least three times a week

84. A chaplain shall visit at least three times a week the prisoners of his denomination who are sick or confined in punishment cells, and shall pay special attention to young prisoners.

Interviews, visits to sick etc., and Divine Services

85. A chaplain shall—

- (a) interview individually every prisoner recorded as belonging to his denomination, who is willing to be interviewed, as soon as possible after the prisoner's reception, a short time before his discharge, and from time to time as often as practicable during his imprisonment;
- (b) give such religious instruction as may be practicable to any prisoner of his denomination desiring it; and
- (c) conduct divine service for prisoners of his denomination at such times as may be arranged.

To attend Prisoners ordered for execution

86. A chaplain shall more particularly afford his spiritual assistance to all prisoners of his denomination under order for execution or committed on charges punishable with death.

87. A chaplain shall communicate to the Governor any abuse or impropriety in the prison which may come to his knowledge and shall enter the same in his journal. Chaplain to communicate abuses to Governor

88. Each chaplain shall keep a journal noting his attendance and the several duties performed by him, and shall lay it before the Board of Visitors at their visits. Journal

89. Each chaplain shall keep an accurate register of the burials of all prisoners belonging to his denomination who may die in the prison, and he shall, if required, attend at the interment of such prisoners. Burials

90. Each chaplain shall, as soon as possible after the 31st December in each year, submit to the Ministry a report with reference to the year ended on that day, on the religious and moral condition of the prisoners of his denomination. periodical reports

91.—(1) The Ministry may, upon the application of any chaplain, approve of clergymen designated by name, not exceeding three in number, of the same religious denomination as such chaplain from whom he may appoint a substitute or substitutes, or accept assistance, under the circumstances and in the cases hereinafter provided. Chaplains' substitutes to be approved by Ministry

(2) The Ministry may withdraw any such approval so granted. Withdrawal of approval of substitute

92. A chaplain shall insert the names and residences of the clergymen so approved in his journal. Names of substitutes be entered in journal

93. A chaplain, when he is absent on leave or when, from sickness or other sufficient cause, he is prevented from performing his duties in person, may nominate one or more of the clergymen so approved as his substitute or substitutes, or may accept the assistance of any of the said clergymen in performance of his duty. Nomination by chaplain of substitutes

94. In the event of the death of any chaplain, the Governor shall, in consultation with the appropriate Church Authority, provide a substitute, and report the vacancy to the Ministry. Substitute on death of chaplain

95.—(1) If any prisoner so requests, the Governor, after satisfying himself as to the reasons for the request, may permit the prisoner to be interviewed or visited by a minister of a denomination other than that to which the prisoner is recorded as belonging. Prisoner may, on request, be visited by other chaplains

(2) When permission is so granted the Governor shall inform the chaplain of the prisoner's recorded denomination.

(3) Save as aforesaid, no minister of any religious denomination shall hold communication with any prisoner other than one of his own denomination.

Visits by ministers of denominations for which no minister appointed

96.—(1) If any prisoner, who is of a religious denomination other than one of those of the ministers appointed to the prison under Section 9(1) of the Act, so requests, the Governor shall permit a minister of that denomination to visit that prisoner at proper and reasonable times. The Governor shall cause such prisoners to be made acquainted with this privilege on their admission.

(2) A minister of a religious denomination who is permitted by the Governor under paragraph (1) hereof or by the Ministry under Section 9(2) of the Act to visit a prisoner shall acquaint himself with the general Rules and Regulations of the prison relating to the maintenance of order and discipline and the conduct of persons therein. He shall conform to these Rules and Regulations as well as to any conditions subject to which his visits may be allowed. Provided that no Rule or Regulation shall have effect so as to require that his permitted visits shall be in sight and hearing of any third party.

EDUCATION AND LIBRARIES

Education

Evening classes, etc.

97.—(1) At every prison programmes of evening educational classes shall be arranged, and reasonable facilities, under such conditions as the Ministry may determine, shall be allowed to prisoners who wish in their leisure time to improve their education by correspondence courses or private study, or to practise handicrafts.

(2) Special attention shall be paid to the education of illiterate prisoners, if necessary within the hours normally allotted to work.

(3) Every prisoner able to profit by the educational facilities provided shall be encouraged to do so.

Libraries

Library

98. A library shall be provided in every prison, and subject to such conditions as the Ministry may determine every prisoner shall be allowed to have library books and to exchange them as often as practicable.

Books, etc., from outside

99. Prisoners may receive books, periodicals or newspapers from outside the prison under such conditions as the Ministry may determine.

Catalogue

100. The Governor shall keep a catalogue of all books and printed papers (including books and printed papers for religious instruction) admitted to the prison.

Provision of books

101. Such arrangements as may be approved by the Ministry may be made by the Governor with the Librarian of any public or private library for the loan of books for use in the prison library and for the periodical revision of the contents of the library.

SOCIAL RELATIONS, LETTERS AND VISITS

Social Relations

102.—(1) Special attention shall be paid to the maintenance of such relations between a prisoner and his family as are desirable in the best interests of both.

(2) So far as is practicable and in the opinion of the Governor desirable, a prisoner shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the prison as may promote the best interests of his family or the social rehabilitation of the prisoner.

(3) The Governor may at any time communicate to a prisoner, or to his family or friends, any matter of importance to such prisoner.

(4) When a prisoner is eligible to receive a visit the Governor may, on the prisoner's request, communicate with such friends as the prisoner may desire to visit him.

103. From the beginning of the sentence of every prisoner consideration shall be given, in consultation with the appropriate officer or body whose concern the prisoner will become on release, to the future of the prisoner and the assistance to be given to him on and after his discharge.

104. If a prisoner dies, becomes seriously ill, is certified as insane or mentally defective or sustains a serious accident the Governor shall at once inform the nearest relative whose address is known, and any other person whom the prisoner has requested may be so informed.

105.—(1) Every prisoner shall be allowed to write and receive a letter on reception and thereafter once in four weeks and to receive a visit once in four weeks.

(2) The letters and visits to which a prisoner is entitled under the foregoing paragraph of this Rule shall not be liable to forfeiture under Rules 33 and 34.

106. Visits to a prisoner shall not, except in an emergency, take place on Sunday and, except as hereafter provided in these Rules, in the case of a legal adviser or certain medical advisers, shall be in the sight and, if required by the Ministry in any particular case, in the hearing of a prison officer.

107. The Ministry may allow such additional letters or visits as it may determine, as a privilege for any class of prisoners.

108. The Governor may allow a prisoner who is entitled to a visit to write a letter and receive a reply instead of such visit.

Discretionary letters and visits

109. A prisoner may be allowed, at the discretion of the Governor, to have special letters and visits if, in the Governor's opinion, the circumstances warrant.

General or special restrictions on letters and visits

110.—(1) The Ministry may at any time impose such special restrictions on letters and visits as it may consider necessary for securing discipline and good order and for the prevention of crime and criminal associations.

(2) The Governor may at any time, having regard to circumstances obtaining or expected to obtain in the prison, suspend all or any visits to prisoners for such period as the Ministry may approve.

(3) Except as provided in these Rules, no person shall be allowed to communicate with a prisoner without special authority.

(4) Every letter to or from a prisoner shall (except as specially provided in the Rules in the case of certain communications to a legal adviser) be read by the Governor or by a responsible officer deputed by him for the purpose, and it shall be within the discretion of the Governor to stop any letter on the ground that its contents are objectionable.

Visits for Special Purposes

Visits by police

111. An officer of police may visit any prisoner who is willing to see him on production of an order issued by or on behalf of a proper police or Magisterial Authority, and any such visit shall be additional to those allowed under the foregoing Rules.

Persons imprisoned on default of payment

112. A person committed to prison in default of the payment of a sum which in pursuance of any conviction or order he is required to pay shall be allowed to have an interview with his friends on a week-day at any reasonable hour, or to communicate by letter with them for the purpose of providing for a payment which would procure his release from prison, and every such prisoner shall on his reception be informed of this Rule.

Visits by legal adviser

113.—(1) Reasonable facilities shall be allowed for the legal adviser of a prisoner who is party to legal proceedings, civil or criminal, to interview the prisoner with reference to those proceedings in the sight but not in the hearing of an officer.

(2) The legal adviser of a prisoner may, with the permission of the Ministry, interview the prisoner with reference to any other legal business in the sight but not in the hearing of an officer.

Special purpose visits not to be forfeited

114. The visits for special purposes to which the last two foregoing Rules refer shall be additional to the visits allowed under any other of the foregoing Rules, and shall not be liable to forfeiture under Rules 31 and 32.

Control of Visitors

115. The Governor may demand the name and address of any visitor to a prisoner; and when he has ground for suspicion may search or cause to be searched male visitors, and may direct a female officer to search female visitors, the search not to be in the presence of any prisoner or of another visitor; and, in case of any visitor refusing to be searched, the Governor may deny him or her admission. The Governor shall enter in his journal the grounds and particulars of any such proceeding.

116.—(1) If there are reasonable grounds for suspecting that any person who comes to the prison for the purpose of seeing a prisoner brings in or takes out any articles for an improper purpose, or contrary to the prison rules, or that his conduct may tend to subvert the discipline or good order necessary to be maintained in the prison, the Governor may suspend his visit and remove him from the prison, duly recording the fact in his journal, and reporting it to the Ministry.

(2) A copy of the law regarding the introduction of prohibited articles shall be exhibited in the place set apart for visits and, before the prisoner is introduced, the attention of the visitor shall be called thereto.

Temporary Release

117.—(1) A prisoner serving a sentence of imprisonment, corrective training, preventive detention or Borstal training may be allowed by the Ministry, on conditions approved by it, to be temporarily absent from prison on parole for a stated length of time.

(2) If the Ministry is satisfied that a prisoner absent on parole has broken any of the said conditions, he shall, notwithstanding that the stated length of time has not expired, be liable to be recalled to prison.

PART III

SPECIAL RULES RELATING TO CERTAIN CATEGORIES OF PRISONERS

UNTRIED PRISONERS

General

118. The following Rules shall apply to any person (in these Rules referred to as "an untried prisoner") committed to prison for safe custody in any of the following circumstances:—

- (a) On his committal for trial for any indictable offence.
- (b) Pending the preliminary hearing before a Court of Summary Jurisdiction of a charge against him of an indictable offence, or pending the hearing of an information or complaint against him.
- (c) Awaiting sentence.

Bath 119. An untried prisoner shall not be required to take a bath on reception, if, on the application of the prisoner, the Governor decides that it is unnecessary.

Photo-graphing, measuring and finger-printing 120.—(1) An untried prisoner shall not be photographed, measured or finger-printed while in prison except with the authority of the Ministry, or in pursuance of an order made under Section 13 of the Criminal Justice Act (N.I.), 1953.

(2) When an untried prisoner who has not been previously convicted of crime shall have been photographed, measured and finger-printed under the preceding regulation, if he be discharged by the magistrate or acquitted upon his trial, all photographs (both negatives and copies), finger-print impressions, and records of measurements so taken, shall forthwith be destroyed.

Separation from each other 121. In order to prevent untried prisoners from being morally contaminated by each other, or endeavouring to defeat the ends of justice, they shall be kept separate, and shall not be permitted to communicate together.

Separation from convicted prisoners 122. Untried prisoners shall be kept apart from convicted prisoners, and while attending religious services and at other times shall, if possible, be placed so that they may not be in view of the convicted prisoners.

Power to modify routine 123. The Governor or Board of Visitors may modify the routine of the prison in regard to an untried prisoner so far as to dispense with any practice which, in the opinion of the Governor or Board of Visitors, is clearly unnecessary in the case of that particular prisoner.

Application of prisoner's money 124. Any money in the hands of the Governor belonging to an untried prisoner may be applied to the purpose of making special provision for him in cases where the prisoner is, by these rules, required to make any payment in respect of such special provision.

Food, Clothing, etc.

Clothing 125.—(1) An untried prisoner shall wear his own clothes in prison unless they are insufficient or unfit for use or have to be preserved for the purposes of justice.

If for any of the reasons aforesaid, clothing is provided for him it shall be different from prison dress.

(2) The medical officer may, for the purpose of preventing the introduction or spread of infectious disease, order that the clothing of an untried prisoner be disinfected before being worn in prison. While his own clothing is being disinfected the prisoner shall be provided with sufficient suitable clothing for decency and comfort.

(3) If an untried prisoner is unable to arrange at his own expense for change of underclothes a sufficient supply of underclothes of the type used by convicted prisoners shall be issued to him.

(4) Any outer or underclothing issued to an untried prisoner while in custody shall remain prison property and shall be surrendered by the prisoner before discharge from custody unless it has been found necessary to destroy all, or any article of, his own clothing, in which case he shall, on discharge, be permitted to retain one set of the corresponding articles issued to him.

126.—(1) An untried prisoner may procure for himself, or receive at proper hours, food, clothing, or other necessities, subject to examination and to such conditions as may be approved by the Ministry; and any articles so procured may be paid for out of the money belonging to the prisoner in the hands of the Governor. If the prisoner does not provide himself with food, he shall receive the allowance of food allotted to prisoners awaiting trial by the Rules of the prison. Power to procure food, clothing, or bedding

127.—(1) If an untried prisoner prefers to provide his own food for any meal, he shall give notice thereof beforehand. The Governor shall not, except where it may seem to him proper, permit any such prisoner to receive any prison allowance of food for the meal for which he procures or receives food at his own expense. Notice as to provision of food

(2) Articles of food shall be received by an untried prisoner only at such hours as may be specified from time to time. Restrictions on provision of food

128. An untried prisoner shall not sell or transfer to any other person any article whatsoever allowed to be introduced for his use; and any prisoner transgressing this Rule shall be prohibited from procuring any such article for such period as the Ministry may deem proper. Prohibition of sale

129. The Governor shall permit any untried prisoner to smoke. Smoking

Appearance; Cleanliness; Health

130.—(1) So far as practicable an untried prisoner shall not so change his external appearance as to impede identification, and when brought to trial he shall, as nearly as possible, present the same external appearance as when committed. To this end he shall not be permitted to remove a beard or moustache worn when committed but his hair shall be cut and he shall shave, or be shaved, as may be necessary to maintain his appearance as on committal. Appearance

(2) Notwithstanding the provisions of the preceding paragraph, effect shall be given to any order by the medical officer as to the removal of beard, etc., haircutting or shaving for the elimination of vermin or on the ground of health and cleanliness.

131. If an untried prisoner desires the attendance of his usual medical attendant or dentist, the Board of Visitors Medical attendance

shall, if they are satisfied that the application is bona fide, permit him to be treated by that medical attendant or dentist at his own expense, but proper precautions shall in all cases be observed to prevent abuse of this privilege.

Books, etc.

Books, newspapers, etc.

132.—(1) An untried prisoner shall be permitted to have supplied to him, at his own expense, such books, newspapers, or other means of occupation, other than those furnished by the prison, as are not, in the opinion of the Board of Visitors, or in their absence, and pending their approval, in the opinion of the Governor, of an objectionable kind.

(2) If the privilege allowed by this Rule is abused it may at any time be withdrawn by the Governor, or the Board of Visitors.

Private property

133. The Governor may, on the application of an untried prisoner, allow him, so far as is consistent with discipline and the good order of the prison, to have in his room or cell any articles which were in his possession at the time of arrest and are not required for purposes of justice or reasonably suspected of forming part of property improperly acquired by him.

Work

Employment

134. An untried prisoner shall have the option of employment, but shall not be compelled to perform any work.

Light in cell

135. The Governor may permit the light to remain burning in the cell of an untried prisoner to enable the prisoner to continue to read or write, or to work and follow his trade, until the final locking-up of the prison.

Visits and Communications

Visits

136.—(1) Persons with whom an untried prisoner desires to communicate shall be admitted, during such hours and under such restrictions as the Governor, with the approval of the Ministry, may fix.

(2) An untried prisoner shall be permitted to be visited by one person or (if circumstances permit) by two persons, at the same time, for a quarter of an hour on any week-day, during such hours as the Governor, with the approval of the Ministry, may fix. The Ministry may suspend or withdraw the permission hereby granted in any case if it considers it necessary so to do for the purposes of the security, good order, and government of the prison and prisoners therein, or for the purposes of preventing any tampering with evidence, or any plans for escape, or other like considerations.

(3) The Governor may, in any special case, for special reasons, prolong the period of the visit allowed to an untried prisoner, or allow him to be visited by more than two persons at the same time.

(4) Every endeavour shall be made to provide that an untried prisoner be not, when being visited, exposed to the view of the friends of other prisoners, and to prevent the friends of one prisoner from coming in contact with the friends of another while in the prison.

137. An untried prisoner shall, at his request, be allowed to see his legal adviser on any week-day, at any reasonable hour. Such visit shall not be in the hearing nor, so far as is consistent with security and the interests of Justice, in the sight of any officer or other person, unless the prisoner or his legal adviser so desires.

138. An untried prisoner may for the purposes of his defence receive a visit from a registered medical practitioner selected by him or by his friends or legal adviser, under the same conditions as apply to a visit by his legal adviser.

139. An untried prisoner, who is in prison in default of bail, shall be permitted to see any of his friends, on any week-day at any reasonable hour, for the bona fide purpose of providing bail.

140.—(1) Writing materials to such extent as the Governor decides reasonable shall be furnished to an untried prisoner who requires them for the purpose of communicating with friends or preparing a defence.

(2) A confidential written communication prepared as instructions for the legal adviser of an untried prisoner may be delivered personally to him or may be sealed by the prisoner and delivered by, or on behalf of, the Governor with seal unbroken to a messenger authorised by the legal adviser in writing to receive it and shall not be treated as a letter to which paragraph (3) of Rule 110 applies, unless the Governor has reason to suppose that it contains matter not relating to such instructions.

(3) All other written communications by or to an untried prisoner shall be treated as letters to which paragraph (3) of Rule 110 applies.

APPELLANTS.

141. An appellant when absent from the prison for purposes connected with his appeal shall wear his own clothing or, if his own clothing cannot be used, shall be provided with clothing different from prison dress. Clothing so provided shall remain prison property and shall be surrendered by the appellant on his return to prison or, in the event of his sentence being quashed by the Court, before his discharge from custody.

142. An appellant may, on any week-day at any hour previously approved by the Governor, be visited by his legal adviser for the purposes of his appeal under the same conditions as those laid down for untried prisoners in Rule 137.

Private
medical
adviser

143. An appellant may for the purposes of his appeal receive a visit from a registered medical practitioner selected by him or by his friends or by his legal adviser, under the same conditions as apply to a visit by his legal adviser.

Other
visitors

144. An appellant may for the purposes of his appeal receive a visit from any other person.

Letters and
other
facilities
for appeal

145.—(1) Writing materials to such extent as the Governor decides reasonable shall be furnished to an appellant who requires them for the purpose of preparing his appeal.

(2) An appellant may write letters to his legal adviser or other persons for the purpose of his appeal.

(3) A confidential written communication prepared as instructions for the legal adviser of an appellant may be delivered personally to such legal adviser or may be sealed by the appellant and delivered by, or on behalf of the Governor, with seal unbroken by a messenger authorised by the legal adviser to receive it, and shall not be treated as a letter to which paragraph (3) of Rule 110 applies, unless the Governor has reason to suppose that it contains matter not relating to such instructions.

Appellants
under
sentence
of death

146. Rules 141 to 145 inclusive in their application to prisoners who are under sentence of death shall be subject to the Special Rules applying to such prisoners.

CONVICTED PRISONERS AWAITING SENTENCE,
OR REMANDED FOR INQUIRY

Facilities
for making
representa-
tions

147. A prisoner to whom this Rule applies shall, if he so desires, for the purpose of preparing any representations to the Court before which he is to appear to be sentenced or otherwise dealt with, be granted any or all of the facilities which are accorded to appellants under Rules 142 to 145 of these Rules.

YOUNG PRISONERS

Training

148. Special attention shall be paid to the moral, mental and physical training of young prisoners.

Visits

149. The Ministry may make such modifications in the application to any young prisoner of the Rules relating to visits and communications as may be considered desirable in relation to his welfare.

INSANE OR MENTALLY DEFECTIVE PRISONERS

Medical
attention
and care

150. A person detained in a prison after being found guilty but insane, or insane upon arraignment or while awaiting an examination by a registered medical practitioner as to his mental condition, shall receive the special attention

of the Medical Officer and until such person is removed to an appropriate hospital or institution such steps for his care and accommodation shall be taken as the Medical Officer considers necessary.

PRISONERS UNDER SENTENCE OF DEATH

151. Every prisoner under warrant or order for execution shall, immediately on his arrival in the prison after sentence, be searched, and all articles shall be taken from him which the Governor deems dangerous or inexpedient to leave in his possession. He shall be confined in a cell apart from all other prisoners, and shall be placed by day and night under the constant charge of two officers. He shall be allowed such a dietary and amount of exercise as the Governor, with the approval of the Ministry, may direct. A minister of religion authorised to visit prisoners of his denomination shall have free access to every such prisoner, and free access shall also be allowed to any other minister of religion whom such prisoner desires to see.

Rules as to
prisoner
under
sentence of
death

152.—(1) A prisoner under sentence of death may be visited by such of his relations, friends and legal advisers as he desires to see, and are authorised to visit him by an order in writing from a member of the Board of Visitors or from the Ministry.

Visits and
conferences

(2) If any person satisfies a member of the Board of Visitors or the Ministry that he has important business to transact with a prisoner under sentence of death, that member or the Ministry may by order in writing authorise that person to visit the prisoner.

(3) All visits to prisoners under sentence of death shall take place in the sight and hearing of an officer notwithstanding that such visit is by the prisoner's legal adviser or is in relation to an appeal.

(4) A prisoner under sentence of death shall be allowed special facilities to correspond with his legal advisers, his relatives, and friends.

153. No person other than a member of the Board of Visitors or an officer of the prison shall have access to a prisoner under sentence of death except as provided in Rules 151 and 152.

Access to
prisoner
under
sentence of
death

CIVIL PRISONERS

154.—(1) Civil prisoners may associate among themselves at such times and in such manner as the Ministry may determine.

Association

(2) They shall not be allowed to associate with any prisoners other than civil prisoners except as provided by paragraph (3) of this Rule.

(3) Where owing to the small numbers of civil prisoners or otherwise suitable arrangements for association of such prisoners cannot be made, such a prisoner may if he so desires, with the approval of the Governor, be allowed to associate with prisoners of the Star Class at such times and in such manner as the Ministry may determine.

Clothing

155.—(1) A civil prisoner may, if he so desires, wear his own clothing and have necessary changes of his own under-clothing supplied from time to time provided that—

- (a) the clothing is sufficient and suitable; and
- (b) it shall be disinfected if the Medical Officer so requires.

(2) A civil prisoner who does not wear his own clothing may be required to wear prison dress.

(3) The privilege of wearing his own clothing may be forfeited by a civil prisoner if, having regard to any conduct of the prisoner, the Governor considers withdrawal of this privilege necessary or desirable.

Remission

156. The general Rules relating to remission shall not apply to civil prisoners.

Visits and letters

157.—(1) A civil prisoner may be visited during such hours and under such restrictions as the Ministry may determine, and may write one letter and receive one letter in each week:

Provided that the Governor or the Board of Visitors may, in a special case for special reasons, allow additional letters to such reasonable extent as he or they may deem advisable.

(2) These privileges shall be liable to forfeiture under Rules 31 and 32, provided that notwithstanding such a forfeiture the writing or receiving of one letter and the receiving of one visit in four weeks shall be allowed.

PART IV

SPECIAL RULES FOR PRISONERS SENTENCED TO CORRECTIVE TRAINING

Segregation

158. Corrective trainees shall be segregated from other prisoners to such extent and in such manner as may appear desirable and be practicable.

Hours of Work

159. Of the eight hours per day referred to in Rule 44, a corrective trainee shall, for at least six hours per day, be employed on work which could be of assistance to him in earning a livelihood after release.

Work in open conditions

160. After the expiry of not less than five-eighths of his sentence or 2 years, whichever may be the sooner, a corrective trainee may, on the recommendation of the Governor and

with the approval of the Ministry, receive his training under progressively modified security.

161. The Ministry shall appoint a Reviewing Body consisting of the Governor and such other persons as the Ministry may consider desirable. ^{Reviewing Body}

The conduct and progress towards rehabilitation of every corrective trainee shall be considered once in every three months after the expiration of the first six months of his sentence by this Body and minutes of its proceedings at each meeting shall be taken, and shall be kept in the custody of the Governor.

162. A corrective trainee may, on the recommendation of the Reviewing Body and with the approval of the Ministry, be granted the following special privileges:— ^{Special privileges}

- (i) The practice, in the prisoner's own time, of arts or crafts of such kinds and in such manner as may be approved and the provision of channels for the disposal of the products of such arts or crafts for the prisoner's benefit.
- (ii) The cultivation of a garden plot and the use or sale of the produce in such manner as may be approved.

163.—(1) A corrective trainee shall not be eligible for release on licence until he has served three-quarters of his sentence: provided always that the Ministry may, in special circumstances, release a corrective trainee on licence at any time. ^{Release on licence}

(2) Before releasing any corrective trainee the Ministry shall have regard to the minutes of the Reviewing Body relating to him.

PART V

SPECIAL RULES FOR PRISONERS SENTENCED TO PREVENTIVE DETENTION

164. A sentence of preventive detention shall be served in three stages, viz:— ^{Stages}

- (a) First stage in which the preventive detainee shall be treated in all respects as an ordinary prisoner;
- (b) Second stage in which the preventive detainee will, so far as practicable, be accommodated in a separate part of the prison; and
- (c) Third stage in which the preventive detainee will be at liberty on licence under the supervision of an appropriate body.

165. In addition to any privileges for which, under a general scheme, he may become eligible, a second-stage preventive detainee may earn additional privileges which may include:— ^{Special privileges}

- (a) The practice in his own time of arts, crafts or studies of such kind and in such manner as may be approved by the Ministry.
- (b) The cultivation of a garden plot.
- (c) The disposal of the products of arts or crafts, and the use or sale of garden produce, for his own benefit.
- (d) In exceptional cases, and only during a period of approximately six months before release on licence, work in open conditions.

Reviewing
Body

166.—(1) The Ministry shall appoint a Reviewing Body consisting of the Governor and such other persons as the Ministry may consider desirable.

(2) The conduct and progress towards rehabilitation of every preventive detainee shall be considered once in every six months after the expiration of the first twelve months of his sentence by the Reviewing Body and minutes of its proceedings at each meeting shall be taken, and shall be kept in the custody of the Governor.

(3) As soon as the Reviewing Body is satisfied that a preventive detainee in First Stage has shown fitness to be removed to Second Stage, the Reviewing Body shall so report to the Ministry which may thereupon authorise his removal to Second Stage.

(4) In the granting of any special privileges or treatment for which, under these Rules or under any scheme approved by the Ministry, second-stage preventive detainees may be eligible, the Governor shall be guided by the recommendations of the Reviewing Body.

(5) On the expiry of two-thirds of the sentence of a preventive detainee, the Reviewing Body shall, at each subsequent review of his case, give special consideration to:—

- (a) his suitability before release on licence for work under such open conditions as may be provided in a scheme approved by the Ministry; and
- (b) his suitability for release on licence.

(6) The Reviewing Body shall report its conclusions under (5) above to the Ministry, which will give to the Governor such directions thereon as it deems appropriate.

Release on
licence

167. A preventive detainee shall not normally be eligible for release on licence until he has served five-sixths of his sentence, provided always that the Ministry may, in any case in which special circumstances so warrant, release a preventive detainee on licence at such earlier date as it may determine.

Recall from
licence

168. A preventive detainee, whose conduct on licence necessitates his recall to prison, shall on recommitment revert

to First Stage and shall not be removed therefrom except on the direction of the Ministry.

PART VI

SPECIAL RULES FOR BORSTAL PRISONERS

169. The following Rules shall not apply to Borstal Prisoners, viz:—
Rules 4, 5, 19, 24, 25, 31, 32, 33 and 112.

Rules which
do not
apply

170.—(1) A young offender sentenced to Borstal Training shall be kept in custody in a prison until arrangements can be made for his removal to a Borstal Institution.

Removal to
Borstal
Institution

(2) While in custody in a prison a Borstal Prisoner shall be kept separate from other prisoners. Prison dress shall not be worn.

(3) In the case of a male Borstal Prisoner removal to the Borstal Institution shall be effected within 24 hours of sentence and in the case of a female Borstal Prisoner as soon as practicable.

171.—(1) The requirements of Rules 8, 9, 10, and 11 shall be given effect in the prison before the removal of a Borstal Prisoner to the Borstal Institution.

Procedure on
Reception

(2) In the application of Rule 9, the prisoner shall be permitted to wear his own clothing during removal and the other property held in the custody of the Governor of the Prison shall be transferred, with the prisoner, to the custody of the Governor of the Borstal Institution.

(3) Whether or not effect has already been given to Rules 12 and 13 before removal these Rules shall apply to a Borstal Prisoner on his reception into the Borstal Institution.

172. In the application of Rule 15 to the Borstal Institution it shall be sufficient if:—

Information
to Prisoners

- (a) copies of the Abstract therein referred to are provided in the Institution in two or more places, selected by the Governor, to which all the prisoners have frequent access; and
- (b) the Governor shall, from time to time as he considers necessary, bring specially to the notice of, and explain to, the prisoners in the Institution the whole or selected parts of the information contained in the Abstract, and shall, if he receives a request from any prisoner, at any time explain to such prisoner any of the matters referred to in the Abstract.

173. In the application of Rules 17, 18 (1) and (2) and 20 to a Borstal Prisoner the term "discharge" shall be interpreted as including release under the Second Schedule to the Act.

Application
of Rules
17, 18 and 20

OFFENCES AND PUNISHMENTS

Investigation of offences and awards by Governor

174. Save as provided by Rule 175, the Governor shall forthwith investigate every offence against discipline and may determine thereupon and make one or more of the following awards:—

- (a) Caution.
- (b) Removal from such activity or activities of the Institution, other than work, as are specified in the Award.
- (c) Extra work or fatigues outside normal working hours for not more than two hours on any one day for a period not exceeding twenty-eight days.
- (d) Forfeiture of any additional letters or visits which have been allowed in pursuance of Rule 107.
- (e) Stoppage of gratuity or earnings paid under any scheme or the withdrawal of any facilities enjoyed by the prisoner for spending any such earnings for a period not exceeding fourteen days.
- (f) Reduction in grade, or delay in promotion to a higher grade, for a period not exceeding two months.
- (g) Confinement to a room for a period not exceeding three days.

Offences for which Governor shall not make an award

175.—(1) Where a Borstal prisoner is reported for any of the following offences, namely:—

- (a) an offence under the Act,
- (b) mutiny or incitement to mutiny,
- (c) assault upon an officer,
- (d) gross personal violence to an officer,
- (e) gross personal violence to another prisoner,
- (f) any serious or repeated offence against discipline for which such award as the Governor is authorised to make is deemed insufficient,

and the Governor considers after investigation that such an offence has been committed he may, and in the case of an offence under (a) shall, report the matter to the Ministry.

(2) The Ministry shall thereupon inquire into the report (such inquiry, if it thinks it desirable, being on oath) and may make one or more of the following awards:—

- (i) (a), (b), (c) and (d) in Rule 174.
- (ii) Stoppage of gratuity or earnings paid under any scheme, or the withdrawal of any facilities enjoyed by the prisoner for spending any such earnings for a period not exceeding twenty-eight days.
- (iii) Reduction in grade or delay in promotion to a higher grade for a period not exceeding three months.

(iv) Confinement to a room for a period not exceeding fourteen days.

(3) The Ministry may delegate its powers under these Rules to the Visiting Committee in any particular case and such powers may thereupon be exercised by any two or more members of the Committee.

(4) If the Committee, after consideration of full particulars of the offence, consider that the circumstances warrant, they may, in addition to, or in substitution for, any other award set out in paragraph (2) order the infliction of corporal punishment not exceeding twelve strokes of a cane.

176.—(1) To encourage the progressive development of responsibility, Borstal Prisoners shall be placed in Grades in accordance with a scheme of grading approved by the Ministry.

(2) Borstal Prisoners in any grade shall be entitled to enjoy any special privileges allotted to the grade by the scheme and prisoners promoted to an appropriate grade may, in addition to any other privileges, be given such positions of special responsibility and leadership as may be specified in the scheme.

(3) A scheme of grading may provide that money may be earned by a Borstal Prisoner and may be paid to the prisoner in one sum as a gratuity on his release or may, in whole or in part, be spent by the prisoner in the Institution on such articles and subject to such Conditions as the Ministry may determine.

177.—(1) The conduct and progress towards rehabilitation of any Borstal prisoner shall be periodically considered by a Reviewing Body consisting of the Governor and such other persons as may be appointed by the Ministry.

(2) The Reviewing Body shall consider the history and circumstances of each Borstal prisoner as soon as practicable after his reception and shall interview him for the purpose of amplifying the available information about any points in his history and circumstances bearing upon the treatment or training to be applied to him in the Institution.

(3) The Reviewing Body shall, thereafter, review the case of each Borstal prisoner at intervals of not longer than three months and shall determine his suitability for promotion through the grades in accordance with the approved scheme of Grading.

(4) After the expiry of twelve months of the sentence of a Borstal prisoner the Reviewing Body shall devote special attention to his suitability for special treatment as provided in Rule 178.

(5) When the Reviewing Body is of opinion that a Borstal prisoner is suitable for special treatment as aforesaid it shall so specially report to the Ministry.

(6) When the Reviewing Body is of opinion that a Borstal prisoner is suitable for release, it shall so report to the Visiting Committee, and shall make available to the Committee all available information relating to the prisoner and his conduct in the Institution.

(7) The Reviewing Body shall at each of its meetings take minutes of the proceedings and of its findings, from time to time, in relation to each prisoner, and such minutes shall be kept in the custody of the Governor. The minutes shall be open to inspection by an officer of the Ministry at any time and they, or any part of them, shall be submitted to the Ministry if required, but they shall not be made available to any other person except a member, for the time being, of the Reviewing Body or the Visiting Committee.

Special treatment

178.—(1) A Borstal prisoner shall not normally be recommended by the Reviewing Body for special treatment until fifteen months at least of his sentence have expired, but in cases of exceptional merit a prisoner may be so recommended after the expiry of not less than twelve months of his sentence.

(2) A Borstal prisoner recommended by the Reviewing Body shall be eligible, on the direction of the Ministry, to be accorded special treatment which may include any one or more of the following, that is to say:—

- (a) Work or recreation without supervision within the precincts of the Institution.
- (b) Permission to be absent from the Institution on parole for such periods and for such purposes as the Ministry may determine.
- (c) Employment on parole in open conditions outside the Institution as the Ministry may determine.

Release

179.—(1) A Borstal prisoner shall not normally be recommended by the Reviewing Body to the Visiting Committee as suitable for release until he has served two years of his sentence, but in an exceptional case in which special treatment under Rule 178 has been granted the Reviewing Body may specially recommend release before the normal date.

(2) On receiving a recommendation from the Reviewing Body under paragraph (6) of Rule 177, the Visiting Committee at its next meeting shall consider the case and shall report thereon to the Ministry.

(3) A Borstal prisoner shall not be released until the Ministry is satisfied that suitable arrangements for his resettlement after release have been made.

PART VII

PRISON STAFF

GENERAL RULES RELATING TO ALL OFFICERS.

180.—(1) Every officer shall conform to the Rules, and to General orders issued by the Ministry and by the Governor for the government of the prison, and shall support the Governor in maintaining them. ^{General obligations}

(2) Every officer shall obey the lawful instructions of the Governor.

(3) Every officer shall without delay report to the Governor any breach of the Rules or any abuse or impropriety which may come to his knowledge.

181. A Code of Discipline setting out the offences against discipline, the procedure for dealing therewith, and the awards therefor, shall be formulated by the Ministry and shall apply to such classes of officers as are stated in the Code. ^{Code of Discipline}

182. An officer shall direct the attention of the Governor to any prisoner who appears to be unwell or whose state of mind appears to require special notice and care, so that the Governor may without delay bring such case to the notice of the Medical Officer. ^{Sick Prisoners}

183. An officer shall not allow any undue familiarity on the part of a prisoner towards himself or any other officer or servant of the prison; nor shall he discuss his duties or any matters of discipline or of prison arrangements within the hearing of a prisoner. ^{Dealings with prisoners}

184.—(1) An officer shall not carry out any pecuniary or business transaction with or on behalf of any prisoner. ^{Business transactions}

(2) An officer shall not unless specially instructed to do so by the Governor bring in or carry out, or attempt to bring in or carry out, or knowingly allow to be brought in or carried out, to or for any prisoner any article whatsoever.

185.—(1) An officer shall not receive any fee, gratuity or other consideration in connection with his duties as a prison officer, other than the emolument prescribed for his office. ^{Gratuities}

(2) An officer shall not receive any fee, gratuity or other consideration in connection with the admission of any visitors to the prison or to prisoners.

186. Except with the permission of the Governor, an officer shall not knowingly communicate with any prisoner, or with the friends or relatives of any prisoner or ex-prisoner. ^{Ex-prisoners, etc.}

Contracts 187. An officer shall not, directly or indirectly, have any interest in any contract in connection with the prison; nor shall he receive, directly or indirectly, under any pretence whatever, any fee, gratuity or other consideration from any contractor or from any person tendering or any other person whatever in connection with any such contract or tender, provided that an officer may, if the terms of the contract permit it, purchase from any contractor provisions for the use of himself and his family at the contract rates.

Communications to press, etc. 188. An officer shall not, directly or indirectly, make any communication to representatives of the press or other persons relating to prisons or prisoners, or to matters which have become known to him in the course of his official duties unless so authorised by the Ministry.

SPECIAL RULES RELATING TO GOVERNORS

General position of Governor 189. The Governor shall be in command of the prison. He shall be responsible for the safe custody of all prisoners committed to his custody from the time of committal until they are discharged from his custody by expiration of sentence or by order of a Court or of the Ministry. He shall be responsible for their treatment according to law, for the safeguarding of their rights and for the maintenance of discipline among them. He shall have authority over all other officers and employees on the staff of the prison. He shall be responsible for the safe custody and proper disposal or use of all monies, equipment and materials in the prison.

Deputy Governor to act during absence of Governor 190.—(1) In a prison for which a Deputy Governor has been appointed the Deputy Governor shall, during the absence of the Governor, act for the Governor.

(2) All Rules conferring powers or imposing duties on the Governor shall apply to a Deputy Governor acting during the absence of the Governor and, in so far as they relate to matters delegated to such an officer under Rule 192, to a Chief Officer appointed to be in charge of any prison.

Limited delegation of authority to Chief Officer in absence of both Governor and Deputy Governor 191. During the absence of the Deputy Governor the Governor, or during the absence of the Governor the Deputy Governor, may empower the Chief Officer (or if there are more Chief Officers than one, the senior Chief Officer) to act for him during his temporary absence from the prison, but in such event the Governor or the Deputy Governor as the case may be shall, notwithstanding such temporary absence, continue to be responsible in all matters relating to the prison.

Delegation of powers to Chief Officer-in-Charge 192. In a prison for which a Chief Officer-in-Charge has been appointed, the Governor shall delegate to such Chief Officer such powers and duties as may be specified by him and approved by the Ministry. In respect of such delegated matters the Chief Officer shall have power and responsibility as though he were a Deputy Governor acting in the absence

of the Governor and the Governor shall not be held personally responsible therefor, but in respect of all other matters the Governor shall have personal responsibility and, notwithstanding such partial delegation of power and responsibility, shall continue to be in command of the prison.

193.—(1) In a prison for which a Chief Officer-in-Charge has been appointed one other officer shall from time to time be designated, with the approval of the Ministry, to perform the duties of the Chief Officer-in-Charge during that officer's absence.

(2) The Chief Officer-in-Charge and the designated officer shall not be absent from the prison simultaneously.

194. The Governor of a prison for which a Deputy Governor has been appointed may from time to time, and for either a fixed or an indefinite period, delegate to the Deputy Governor such of his powers and duties as may be approved by the Ministry and thereupon any Rules conferring powers or imposing duties on the Governor in relation to the matters as delegated shall apply to the Deputy Governor.

195. The Governor shall take the action stated in relation to the following matters:—

- Special provisions relating to Staff**
- (a) In cases of misconduct he may suspend any officer. He shall, without delay, report the matter fully to the Ministry and shall carry out any directions given by the Ministry in relation thereto.
 - (b) He shall forward to the Ministry any report or complaint against an officer with which he is not competent or willing to deal; but in every such case the officer shall be permitted to see the charge and evidence against him, and to reply thereto for the information of the Ministry.
 - (c) He shall forward without delay any report or complaint which any officer of the prison desires to make to the Ministry. He shall not suppress any such report or complaint, but he may offer any explanation with it which it may seem to require.
 - (d) He shall enter in a book called the "Governor's Order Book" all his orders relative to the management and discipline of the prison, and shall cause such orders to be communicated to the proper officers.
 - (e) He shall keep such records as the Ministry may determine of the conduct of officers.
 - (f) He shall make available, in such manner as he considers most fitting, to all officers and other staff of the prison, copies of the Code of Discipline, Ministry Circulars and other documents having reference to their duties, rights and responsibilities and shall ensure that they have adequate

opportunity to become aware of the contents thereof.

Duties in relation to the Medical Officer

196. In relation to the Medical Officer, the Governor shall, in addition to any other duty imposed by any Rule, have the duties hereinafter set out:—

- (a) He shall without delay call the attention of the Medical Officer to any prisoner whose state of mind or body appears to require attention.
- (b) He shall without delay notify the Medical Officer of the illness of any officer or prisoner, and shall furnish to him daily a list of the prisoners reported sick in the prison.
- (c) He shall furnish to the Medical Officer a list of prisoners under punishment.
- (d) He shall at all times support the Medical Officer in his care of the health of the prisoners and to this end shall give as full effect as may be practicable to the recommendations of the Medical Officer in regard to such matters as the alteration of the discipline or treatment of any prisoner, the supply of additional diets to a prisoner on medical grounds, the separation from other prisoners of any prisoner suffering, or suspected of suffering, from any infectious, contagious or mental disease and, generally, the taking of steps to prevent the spread of any contagious or infectious disease.

Reporting cases of mental disorder or dangerous physical condition

197. The Governor shall, without delay, report to the Ministry any case of insanity or apparent insanity occurring among the prisoners, or any case in which the Medical Officer is of opinion that the life of any prisoner will be endangered by further imprisonment, or that any such prisoner will not survive his sentence, or is totally and permanently unfit for prison discipline, or any case in which the Medical Officer has reason to believe that the mental state of any prisoner is becoming impaired or enfeebled by continued imprisonment.

Visit to hospital daily

198. The Governor shall visit the hospital daily, and see all prisoners therein and shall take care that proper arrangements are made for the safe custody of the sick prisoners and that discipline is maintained, so far as is consistent with the medical treatment prescribed for them.

Dangerous illness of prisoner

199.—(1) If any prisoner has, in the opinion of the Medical Officer, become dangerously ill, the Governor shall, wherever practicable, inform the relatives of such prisoner.

(2) The Governor shall inform the appropriate chaplain, if any, when any prisoner recorded as of his denomination is dangerously ill and shall permit any such prisoner to receive the attendance and spiritual service of any minister of any religious persuasion whom the prisoner expresses a wish to see.

200.—(1) The Governor shall supply to the Coroner holding an inquest on the body of any prisoner who has died while in his custody the name of any prisoner who claims to be in a position to give relevant evidence and is willing to give such evidence.

(2) The Governor shall furnish the Ministry with a report on any inquest held in the prison, setting out the Coroner's finding thereon.

201.—(1) (a) Before granting any permission for any purpose to any prisoner by authority of these Rules applicable to the class to which the prisoner belongs or of any scheme made under the Rules and approved by the Ministry, the Governor shall satisfy himself that it can be granted without interfering with the security, good order and government of the prison and the prisoners therein, and if after it has been granted, its continuance seems likely to cause any such interference, or the prisoner has abused such permission, or has been guilty of any misconduct, the Governor may suspend or withdraw such permission.

(b) Where pursuant to the Rules, any such permission has been granted by the Board of Visitors, the Governor may in the like circumstances suspend it if the case is urgent, but shall, in that event, report the suspension to the Board within 24 hours.

(c) In all cases in which such permission has been granted, suspended or withdrawn, the Governor shall enter particulars in his journal stating the reasons for the action taken.

202.—(1) To assist in the identification of prisoners, the Governor shall, on request, furnish to the Governors of other prisons and to the police any information within his power.

(2) The Governor shall keep a journal, written with his own hand, and record in it every occurrence of importance or of an unusual nature with the time thereof, as well as any other matters specially required by any Rule to be recorded. Each entry shall be made within 12 hours of the occurrence of the matter to which it relates.

(3) In the Governor's absence the journal shall be kept by the officer acting in his place.

(4) It shall be the duty of the Governor to ensure that all records and accounts required to be kept in the prison are properly kept.

(5) The Governor shall from time to time keep the Ministry informed as to all important events in the prison and shall submit to the Ministry, as soon as possible after 31st December in each year, with reference to the year ended on that date, an Annual Report dealing with the conduct of the subordinate officers; the number of prisoners admitted to his custody and their disposal; the conduct of

the prisoners and the number of punishments and restraints imposed on them; the number of escapes or attempts to escape; the work in which the prisoners have been employed; the particulars of their work and the value thereof; the state and condition of the buildings, fences, etc.; the repairs and alterations which have been made in the prison buildings; and such other particulars as the Ministry may direct; together with a certificate, signed by himself, stating whether the Rules laid down for the government of the prison have been complied with except in so far as non-compliance has been specially reported to or brought to the notice of the Ministry.

PART VIII

POWERS AND DUTIES OF COMMITTEES

(Boards of Visitors and Visiting Committees)

Term of
Office, etc.

203.—(1) The members of a Board of Visitors appointed under Section ten of the Act shall hold office for a period of twelve months.

(2) The first business of a Board of Visitors on appointment shall be the election of a Chairman.

(3) The Chairman of a Board of Visitors shall hold office during the term of office of the Board.

204.—(1) The members of a Visiting Committee appointed under Section eleven of the Act shall hold office for a period of three years.

(2) The first business at the first meeting of a Visiting Committee after appointment shall be the election of a Chairman.

(3) The Chairman of a Visiting Committee may be elected for the whole term of office of the Committee, or, at the discretion of the Committee, a Chairman may be elected annually.

(4) The members shall continue in office until the date of the first meeting of their successors.

205. In the remainder of this Part of these Rules the expression "committee" means a Visiting Committee or a Board of Visitors and the word "member" shall be construed accordingly.

206. A Committee may elect for such term of office as they may decide a Deputy Chairman who shall preside at any meeting at which the Chairman is not present.

207.—(1) The quorum at a meeting of a Committee shall be three.

(2) The powers of a Committee shall not be affected by vacancies.

(3) A Committee shall keep minutes of its proceedings and a copy of these minutes shall be forwarded to the Ministry as soon as practicable after the meeting to which they refer.

208.—(1) A Committee shall meet at the prison once in each month to discharge its functions under these Rules. Meetings and Visits to Prison

(2) The prison shall be visited by at least one member of the Committee not less frequently than once in each fortnight.

(3) At each meeting a Committee shall select the members to visit the prison during the ensuing month. The members so selected shall report on their visits to the prison to the Committee.

209.—(1) A Committee jointly and its members severally shall have free access to all parts of the prison for which it is appointed, and to all prisoners, and may, if they so desire, interview any prisoner either in his cell or in a room out of sight and hearing of officers. Access to Prison and Prisoners

(2) They shall hear and investigate any application which a prisoner desires to make to them and, if necessary, shall report it, with their opinion, to the Ministry.

210. A Committee shall immediately bring to the notice of the Ministry any abuse in connection with the prison which comes to their knowledge. Abuses

211. A Committee shall from time to time inspect the food of prisoners and if they find the quality unsatisfactory they shall report the matter to the Governor. Diet

212.—(1) A Committee shall investigate any report of an alleged offence against discipline referred to it by the Ministry under Rule 32 or Rule 175 and if satisfied that the offence is proved may award any one or more of the punishments set out in paragraph (2) of the said Rule. Offences and punishments

(2) The Committee shall record each such case and the award made in their minutes and shall also specially report thereon to the Ministry.

(3) The powers of a Committee under this Rule shall be exercised at a special meeting at which not less than two members shall be present.

213. A Committee shall investigate and decide on every application made to them by a prisoner to change the record of his religious denomination. Before granting any such application, they shall satisfy themselves that it is made from conscientious motives and not from caprice. Denominational records

Prisoners under sentence of death

214. A member of a Committee shall consider any representations made to him by any person under paragraphs (1) and (2) of Rule 152 and may, if satisfied that it is proper to do so, give an order in writing as provided in the said paragraphs.

Buildings

215. A Committee may inquire into the state of the prison buildings and if any repairs, additions or alterations appear to them to be necessary, they shall submit their advice and suggestions thereon to the Ministry.

Annual and other reports

216.—(1) A Committee shall as soon as practicable after 31st December in any year make a report to the Ministry in respect of the year ended on that date with regard to all or any of the matters with which they are concerned under these Rules, together, where appropriate, with their advice and suggestions upon any such matter.

(2) A Committee shall from time to time make such other reports to the Ministry as they consider necessary concerning any matter relating to the prison to which, in their opinion, attention should be drawn.

Books

217. A Committee may at any time inspect any of the books of the prison and a note of such inspection shall be made in their minutes.

General and Miscellaneous

218.—(1) A Committee shall co-operate with the Ministry and with the Governor in promoting the efficiency of the prison and shall inquire into any matter referred to them by the Ministry.

(2) In the exercise of any of their powers a Committee shall satisfy themselves, by consultation with the Governor, that the power can be exercised without interfering with the security, good order and proper government of the prison and the prisoners therein.

(3) A Committee may assist the Ministry in the selection of library books for the use of prisoners and in the provision of special facilities for study by prisoners.

Release of Borstal Prisoners

219. The Visiting Committee for a Borstal Institution shall from time to time consider recommendations made to them by the Reviewing Body of the Institution as to the suitability of specified Borstal Prisoners for release and shall report thereon to the Ministry.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 19th day of January, Nineteen Hundred and Fifty-four, in the presence of

(L.S.)

A. Robinson,
Secretary.

SCHEDULE
RESTRICTED DIETS

The restricted diets which may be awarded under Rules 31 and 32 shall be as follows:—

No. 1 DIET

(a) This diet, when given for a period of three days, or less, shall consist of:—

12 ozs. bread and 8 ozs. potatoes per diem with water and 1 pint of tea morning and night and 1 pint soup mid-day.

(b) This diet when given for more than three days shall consist for alternate period of three days of:—

(i) 12 ozs. bread and 8 ozs. potatoes per diem with water and 1 pint of tea morning and night and 1 pint soup mid-day.

(ii) the diet prescribed for prisoners employed on ordinary industrial labour according to sex.

(c) No task of labour be enforced on any one of the days on which bread and water constitute the sole food supplied to the prisoner, who may, nevertheless, be allowed the option of performing suitable labour in the cell.

(d) No prisoner who has been on No. 1 diet shall be placed upon this diet for a fresh offence until an interval has elapsed equal to the period already passed by the prisoner on No. 1 diet.

No. 2 DIET

(a) This diet shall consist of:—

Breakfast

Porridge, 1 pint, containing 3 ozs. oatmeal.

Bread, 3 ozs.

Margarine, $\frac{1}{2}$ oz.

Cocoa, 1 pint, containing $\frac{3}{4}$ oz. cocoa and 1 fluid oz. milk.

Dinner

Bread, 4 ozs.

Soup, $1\frac{1}{2}$ pints, containing 3 ozs. split peas; 3 ozs. dried beans; 4 ozs. potatoes; 4 ozs. carrots; salt; and, on any day on which meat is included in the normal diet of a prisoner, so much meat as is so included.

Supper

Bread, 3 ozs.

Margarine, $\frac{1}{2}$ oz.

Cocoa, 1 pint, containing $\frac{3}{4}$ oz. cocoa and 1 fluid oz. milk.

(b) If a prisoner while on No. 2 diet is guilty of misconduct, No. 2 diet may be temporarily interrupted and the prisoner may be placed on No. 1 diet for a period not exceeding three days; on the expiration of the period awarded on No. 1 diet the prisoner shall resume the diet originally ordered, and the period passed upon the No. 1 diet shall count as part of the period originally ordered on No. 2 diet.

RULES, DATED 8TH SEPTEMBER, 1954, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION THIRTEEN OF THE PRISON ACT (NORTHERN IRELAND), 1953.

1954. No. 139

The Ministry of Home Affairs for Northern Ireland, in pursuance of the powers vested in it by section thirteen of the Prison Act (Northern Ireland), 1953, and all other powers it thereunto enabling, hereby makes the following Prison Rules:—

1. At the end of Rule 48 of the Prison Rules (Northern Ireland), 1954, there shall be inserted the following proviso—

**Malone and Whiteabbey Training
Schools Act (Northern Ireland),
1956.**

[1956. Ch. 4].

ARRANGEMENT OF SECTIONS.

*Establishment and Functions of the Malone and
Whiteabbey Training Schools Management Board.*

Section.

1. Establishment of Malone and Whiteabbey Training Schools Management Board.
2. Functions of Board.

Malone and Balmoral Training Schools.

3. Amalgamation of Malone and Balmoral Training Schools.
4. Cesser of Borstal Institution at Malone Training School.

Premises and Equipment.

5. Malone and Whiteabbey Training School premises.
6. Balmoral Training School premises.
7. Transfer of supplies, fittings and equipment.

Officers.

8. Staff.
9. Manager of Malone Training School.
10. Pensionable officers.
11. Compensation.
12. Superannuation.

Financial and Supplemental Provisions.

13. Expenses of Ministry.
14. Expenses of members of Board.
15. Borrowing power of Board.
16. Discharge of existing liabilities.
17. Substitution of Board for Ministry or Council.
18. Supplementary provisions.
19. Interpretation.
20. Repeals.
21. Short title and commencement.

SCHEDULES :—

FIRST SCHEDULE—CONSTITUTION AND PROCEEDINGS OF THE BOARD.

SECOND SCHEDULE—ENACTMENTS REPEALED.

1956 *Malone and Whiteabbey Training Schools Ch. 4*
Act

5 Eliz. 2.



1956. Chapter 4.

An Act to make further and better provision for the management of the Malone Training School, the Girls Training School, Whiteabbey, and the Balmoral Training School; to amalgamate the Malone Training School and the Balmoral Training School; to enable certain other training schools to be established if needed; to discontinue the Borstal Institution at the Malone Training School; and for purposes connected with the matters aforesaid.

[12th June, 1956.]

BE it enacted by the Queen's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

Establishment and Functions of the Malone and Whiteabbey Training Schools Management Board.

1.—(1) For the purposes of this Act there shall be established as soon as may be after the passing of this Act a Board of Management (in this Act referred to as "the Board") which shall be a body corporate by the name of the Malone and Whiteabbey Training Schools Management Board with perpetual succession, and section nineteen of the Interpretation Act (Northern Ireland), 1954, shall apply to the Board.

Establishment of Malone and Whiteabbey Training Schools Management Board.

1954, c. 33

Ch. 4 *Malone and Whiteabbey Training Schools* 1956
Act

(2) The Board shall be constituted and its proceedings conducted in accordance with the First Schedule.

Functions of Board.

2.—(1) On the appointed day, subject to the provisions of this Act, the functions of—

- (a) the Ministry of Home Affairs (in this Act referred to as “the Ministry”) as managers of the Malone Training School and the Girls Training School, Whiteabbey, in the County of Antrim (in this Act referred to as “the Whiteabbey Training School”), and
- (b) the Council of the County Borough of Belfast (in this Act referred to as “the Council”) as managers of the Balmoral Training School.

shall be transferred to the Board.

(2) Subject to the provisions of this Act the Board shall, from the appointed day, have the general management and control of the Malone, Whiteabbey and Balmoral Training Schools and for that purpose shall have and perform all the functions of managers of training schools under the Act of 1950.

(3) The Board may, with the approval of the Ministry, undertake the purchase, establishment, building, alteration, enlargement, rebuilding or management of other training schools, and in respect of any such school the Board shall subject to sub-section (4) have and perform all the functions of managers of a training school under the Act of 1950.

(4) Sub-section (3) of section one hundred and six of the Act of 1950 (which deals with the power of the managers of a training school to surrender the certificate of approval of the school) shall not apply to the Board.

Malone and Balmoral Training Schools.

3. On the appointed day the Malone and Balmoral Training Schools shall be amalgamated and from that day shall be known as the Malone Training School.

4. On the appointed day the Borstal Institution for Northern Ireland at the Malone Training School established under the Malone Training School Act (Northern Ireland), 1926, shall be discontinued.

Amalgama-
tion of
Malone and
Balmoral
Training
Schools.
Cesser of
Borstal
Institution
at Malone
Training
School.

16&17Geo.5,
c. 22.

1956 *Malone and Whiteabbey Training Schools* Ch. 4
Act

Premises and Equipment.

5.--(1) Subject to the provisions of this Act, the Ministry shall continue to hold the lands and premises occupied immediately before the appointed day by the Malone and Whiteabbey Training Schools for the same estate and interest and subject to the same covenants and conditions as those for and to which they were then held by the Ministry and may hold such land and premises for such greater estate or interest as the Ministry may hereafter acquire therein.

Malone and
Whiteabbey
Training
School
premises.

(2) Without prejudice to sub-section (1) the Ministry may, where it appears to it to be necessary or expedient for the purposes of the said Schools, acquire, whether by agreement or otherwise, any land, and where the Ministry so desires to acquire any such land otherwise than by agreement the Ministry shall have power to make an order (in this Act referred to as a "vesting order") vesting such land in the Ministry and the provisions of the Third Schedule to the Drainage Act (Northern Ireland), 1947, shall, with the modifications thereof specified in sub-section (3), apply for the purpose of the making of vesting orders under this section, and shall have effect in relation to every vesting order so made as if the said provisions as so modified were incorporated in this Act and in terms made applicable thereto.

1947, c. 9.

(3) The said provisions as applied for the purpose aforesaid shall have effect as if—

- (a) references therein to the Ministry of Agriculture were references to the Ministry; and
- (b) references therein to the said Drainage Act (Northern Ireland), 1947, were references to this Act.

(4) The Ministry may licence the Board to use and occupy for the purpose of their functions the whole or any part of the lands and premises aforesaid for such period at such charges and subject to such conditions as may be agreed between the Ministry and the Board, so, however, that, notwithstanding anything contained in the terms of the licence or in any enactment, the licence shall not operate by way of tenancy nor so as to create the relationship of landlord and tenant.

(5) The Board may, with the approval of the

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Act

Ministry, undertake the alteration, enlargement or re-building of the said premises.

(6) In paragraph (a) of sub-section (2) of section one of the Malone Training School Act (Northern Ireland), 1926 after the words " modified by this Act " add the words " and by the Malone and Whiteabbey Training Schools Act (Northern Ireland), 1956".

Balmoral
Training
School
premises.

6.—(1) The premises occupied by the Balmoral Training School immediately before the appointed day shall remain the property of the Council.

(2) The Council shall, if so requested by the Board, permit the Board to use the said premises as a training school free of rent, rates, taxes and other outgoings, for a period, not exceeding two years from the appointed day, to be agreed upon between the Council and the Board, or, in default of such agreement, to be fixed by the Ministry.

Transfer of
supplies,
fittings and
equipment.

7. All supplies, furniture, fittings and equipment in or upon the Malone, Whiteabbey and Balmoral Training Schools on the appointed day which immediately before that day belonged either to the Ministry or the Council shall vest in the Board, and on and after that day the Board shall, to the exclusion of the Ministry and the Council, have all such rights and be subject to all such liabilities in respect thereof as the Ministry or the Council had or to which the Ministry or the Council were subject immediately before that day.

Officers.

Staff.

8. Subject to the provisions of sections nine and ten the numbers, grades, remuneration and conditions of employment of members of the staff of the Board shall be such as the Board, with the approval of the Ministry, may determine.

Manager of
Malone
Training
School.

9.—(1) If the officer who on the first day of January, nineteen hundred and fifty-five, held the office of governor of the Malone Training School, continues to hold that office immediately before the appointed day, he shall, if he so desires and subject to the provisions of this section, be employed both by the Ministry as an officer in the prison service and by the Board as manager of the

1956 *Malone and Whiteabbey Training Schools* Ch. 4
Act

Malone Training School on such terms and conditions as may, with the approval of the Ministry of Finance, be agreed upon between the Ministry and the Board.

(2) The Superannuation Acts (Northern Ireland), 1921 to 1951, shall continue to apply to the said officer in respect of his service as an officer in the prison service notwithstanding any concurrent employment by the Board as manager of the Malone Training School.

10.—(1) On the appointed day subject to section nine— Pensionable officers.

- (a) any pensionable officer who immediately before that day is employed by the Ministry, as managers of the Whiteabbey Training School, or by the Council, as managers of the Balmoral Training School, and
- (b) the officer who on the first day of January, nineteen hundred and fifty-five, held the post of welfare officer at the Malone Training School, if he continues to hold that post immediately before the appointed day

shall, if the Board so resolves, be transferred to and employed by the Board, on the like terms and conditions (including conditions relating to remuneration and superannuation benefits) as those on which he is employed by the Ministry or the Council, as the case may be, immediately before that day and any officer so transferred is in this Act referred to as a "transferred officer".

(2) Where any pensionable officer employed immediately before the appointed day by the Council as managers of the Balmoral Training School is not transferred to the Board under the provisions of sub-section (1) then the Council may continue to employ such officer on terms and conditions of employment not less advantageous to such officer than those under which he would have been employed if this Act had not passed, and subject to the approval of the Ministry the Board shall pay to the Council a sum calculated in accordance with a method approved by the Ministry in respect of the pension rights of such an officer accrued immediately before the appointed day.

11.—(1) Any officer who might be transferred to the Board under sub-section (1) of section ten and who in Compensation.

Ch. 4 *Malone and Whiteabbey Training Schools* 1956
Act

consequence of the passing of this Act suffers any direct pecuniary loss shall be entitled to compensation under this Act for that loss.

(2) For the purposes of this section such an officer shall only be deemed to have suffered a direct pecuniary loss if—

- (a) he is neither transferred to the Board nor is employed by the Council under the provisions of section ten ; or
- (b) being a transferred officer he relinquishes his office within two years from the appointed day by reason of his having been required by the Board to perform duties which are not analogous, or which are an unreasonable addition to, those which he was or might have been required to perform immediately before that day ; or
- (c) being a transferred officer his employment is terminated within two years from the appointed day on grounds other than his misconduct, incapacity or having attained the age of sixty-five years.

(3) Any officer entitled to compensation under this section shall, subject to the provisions of this section, be entitled to receive from the Ministry an allowance equal to the allowance which could have been paid to him under sub-section (1) of section six of the Superannuation Act, 1909, if—

- (a) he had been a civil servant ; and
- (b) he had been removed from the public service in consequence of the abolition of his office ;

and for the purposes of this section a certificate issued by the Ministry of Finance to the effect that the amount of the allowance specified in the certificate is the amount which could have been so paid under the said section six shall be conclusive evidence thereof, so, however, that the amount of compensation payable to any such officer under this section shall not be less than that to which he would have been entitled had he suffered loss of office on the day immediately preceding the appointed day.

9 Edw. 7.
c. 10.

Super-
annuation.

12.—(1) Any liability of the Council to pay any pension, gratuity or other allowance by way of super-

1956 *Malone and Whiteabbey Training Schools* Ch. 4
Act

annuation to, or in respect of the services of, a transferred officer shall as from the appointed day be transferred to and discharged by the Board, and any such transferred officer shall be entitled to receive from the Board the like pension, gratuity, or other allowance by way of superannuation as would have been payable to or in respect of him if he had continued in his former employment.

(2) Where, immediately before the appointed day, a transferred officer contributes to the superannuation fund under the Belfast Corporation Superannuation Scheme, 1951, the Council shall within six months of the appointed day pay to the Board a transfer value and any such transferred officer shall pay to the Board the same contributions in respect of superannuation benefits as he would have been liable to pay if he had remained in his former employment.

(3) Where, immediately before the appointed day, the Council would have been liable to pay to any body a transfer value in respect of an officer who, having become a transferred officer, subsequently enters the employment of that body, then as from the appointed day the Board shall, upon that officer entering that employment, be liable to pay to that body a sum calculated in accordance with a method approved by the Ministry in respect of the transferred officer's accrued pension rights at the time he left the employment of the Board.

(4) The amount of any pension payable by the Board under this section shall be deemed to be an expense incurred by the Board as managers of the Malone Training School and shall be defrayed in the same manner as any other such expense.

(5) Sub-section (1) of this section shall not apply in relation to a transferred officer who, on ceasing to be employed by the Council, becomes entitled under any rules made under section one of the Superannuation (Miscellaneous Provisions) Act (Northern Ireland), 1951, to participate in superannuation benefits provided under the Teachers (Superannuation) Acts (Northern Ireland), 1950 and 1951.

1951, c. 28.

Financial and Supplemental Provisions.

13. Any expenses incurred by the Ministry for the purposes of this Act shall be defrayed out of moneys provided by Parliament.

Expenses of
Ministry.

Ch. 4 *Malone and Whiteabbey Training Schools* 1956
Act

Expenses of
members of
Board.

14. No salary shall be paid to any member of the Board, but there may be paid to any member allowances for travelling and other out-of-pocket expenses incurred by him in connection with the business of the Board at such rates as the Ministry, with the approval of the Ministry of Finance, may determine.

Borrowing
power of
Board.

15. The Board shall have power to borrow money on such terms and for such purposes as the Ministry, after consultation with the Ministry of Finance, may approve.

Discharge
of existing
liabilities.

16. On the appointed day any liability incurred before that day by the Ministry as managers of the Malone or Whiteabbey Training Schools, or by the Council as managers of the Balmoral Training School and not then liquidated shall be transferred to and become the liability of the Board :

Provided that nothing in the foregoing provisions of this Act shall affect the liability of the Council under a deed of trust made between the Lord Mayor, Aldermen and Citizens of the City of Belfast of the one part and the Ministry of the other part and dated the fifth day of December, nineteen hundred and fifty-one (registered in the Registry of Deeds, Belfast, on the fourth day of January, nineteen hundred and fifty-two, book one, number one hundred and forty-four) to make any payment or repayment consequent upon the cesser of the use as a training school of the premises occupied by the Balmoral Training School at the passing of this Act.

Substitution
of Board for
Ministry or
Council.

17. In the construction and for the purposes of any Act, rule, regulation, byelaw, judgment, decree, order, award, deed, contract or other document passed or made before the transfer to the Board of any functions by or under this Act but so far only as may be necessary for the purpose or in consequence of such transfer, the name of the Board shall be substituted for the name of the Ministry or the Council or any officer thereof.

Supple-
mentary
provisions.

18. The Minister may by order, which shall be subject to negative resolution, make such incidental, consequential and supplementary provisions as appear to him to be necessary or expedient for the purpose of—
(a) ensuring the continued effective operation of the Malone and Whiteabbey Training Schools ;

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Act.

- (b) giving full effect to any transfer of functions by or under this Act, including provisions for the transfer of any property, rights and liabilities held, enjoyed or incurred by the Ministry or the Council in connection with any functions so transferred, and provisions to facilitate the performance by the Board of any functions so transferred ; and
- (c) securing the recovery by the Ministry from the Board of any expenses (including administrative expenses and expenses incurred in connection with the payment of superannuation and other allowances) incurred by the Ministry of Home Affairs or the Ministry of Finance in making available to the Board any services of an officer in the prison service.

19. In this Act—

- “ Act of 1950 ” means the Children and Young Persons Act (Northern Ireland), 1950 ;
- “ appointed day ” means, in relation to any provision of this Act, such day as may be appointed under section twenty-one for the coming into operation of that provision ;
- “ enactment ” has the same meaning as in section one of the Interpretation Act (Northern Ireland), 1954 ;
- “ equipment ” includes any machinery, apparatus or appliance, whether fixed or not, and any vehicle ;
- “ officer ” includes servant ;
- “ pensionable officer ” means any officer whose service qualifies or entitles him, or would if it continued for a sufficient period qualify or entitle him, to receive a pension, gratuity or other allowance by way of superannuation ;
- “ perform ”, in relation to any functions, includes exercise ;
- “ the Balmoral Training School ” means the training school provided by the Council at Ballysillan in the County Borough of Belfast ;
- “ the Minister ” means the Minister of Home Affairs ;

Interpreta-
tion.
1950, c. 5.

Ch. 4 *Malone and Whiteabbey Training Schools* 1956
Act

“ training school ” means a school approved by the Ministry under section one hundred and six of the Act of 1950 ;

“ transfer value ” means a transfer value calculated in accordance with the Belfast Corporation Superannuation Scheme, 1951 ;

“ transferred officer ” has the meaning assigned to it by sub-section (1) of section ten.

Repeals.

20. The enactments set out in the first and second column of the Second Schedule are hereby repealed to the extent specified in the third column of that Schedule.

Short title
and
commence-
ment.

21.—(1) This Act may be cited as the *Malone and Whiteabbey Training Schools Act (Northern Ireland), 1956*.

(2) This section and sections one, five, eight, thirteen, fourteen, fifteen, seventeen, eighteen and nineteen shall come into operation on the passing of this Act and the other provisions of this Act shall come into operation on such day or days as the Minister may appoint.

1956 *Malone and Whiteabbey Training Schools* Ch. 4
Act

FIRST SCHEDULE.

Section 1.

CONSTITUTION AND PROCEEDINGS OF THE BOARD.

Constitution of Board.

1.—(1) The Board shall consist of the members appointed to it by the Minister and the members co-opted by the Board, if any, in accordance with the provisions of this paragraph.

(2) The Minister shall appoint to the Board twelve members who shall include—

- (a) four members to be appointed from the Council after consultation with the Council ; and
- (b) at least three women.

(3) If a resolution, requesting the Minister to appoint certain other persons having special qualifications for or experience in the care of children, is passed by a majority of the members appointed under sub-paragraph (2) the Minister may in addition appoint not more than three such persons.

(4) If a casual vacancy occurs amongst the members of the Board the Board may with the approval of the Minister co-opt a person to fill the vacancy by a resolution passed by a majority of them.

(5) No defect in the appointment of any person acting as a member of the Board shall vitiate any proceedings of the Board in which he has taken part.

Term of Office of Members.

2. The term of office of members of the Board appointed under sub-paragraph (2) of paragraph 1 shall be three years, and at the end of such term all other members of the Board, if any, shall also vacate their office.

Chairman.

3.—(1) The Minister shall appoint one of the members of the Board to be the first chairman of the Board and shall appoint another of the members of the Board to be the first vice-chairman of the Board.

(2) The first chairman and vice-chairman shall hold office until the end of the first year of their term of office.

(3) At the end of that year and at the end of the following year the Board shall elect a chairman and a vice-chairman from amongst its members for a period of one year ; and on the occurrence of a casual vacancy in the office of chairman or vice-chairman the Board shall elect a chairman or vice-chairman, as the case may be, who shall hold office until the end of the year in which he is elected.

Re-appointment of Members and Chairman and Vice-Chairman.

4.—(1) At the end of each triennial period for which the members of the Board hold office the Minister shall, in accordance with the

Ch. 4 *Malone and Whiteabbey Training Schools* 1956
Act

procedure set out in paragraphs 1 and 3, appoint new members and a new chairman and a new vice-chairman.

(2) An outgoing member, chairman or vice-chairman may be re-appointed.

Resignation and Removal of Members.

5. A member may be removed from office by, and may resign by letter addressed to, the Minister.

Procedure and Business at Meetings.

6.—(1) The quorum for a meeting of the Board shall be five.

(2) Every question at a meeting shall be decided by the votes of the majority of members present and voting.

(3) In case of an equal division of votes at a meeting the chairman of that meeting shall have a second or casting vote.

(4) The Board may act notwithstanding vacancies in its number so long as that number is not reduced below three.

(5) Subject to the provisions of this Act, the Board may regulate, by standing orders or otherwise, its procedure and business.

Common Seal.

7. The common seal of the Board shall, when applied to a document, be attested by the signature of two members of the Board.

Contracts and Instruments not under Seal.

8. Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board for that purpose.

Disclosure of Interests in Contracts.

9. It shall be the duty of every member of the Board who is in any way either directly or indirectly interested in any contract made or proposed to be made by the Board to disclose at the first opportunity the nature of his interest at a meeting of the Board and the disclosure shall forthwith be recorded in the minutes of the Board and the member who is so interested shall not take part in any deliberation or decision of the Board with respect to that contract.

Minutes.

10. The Board shall keep minutes of its proceedings and each member of the Board shall have the right to inspect and make extracts from the minutes.

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Act

SECOND SCHEDULE.

Section 20.

ENACTMENTS REPEALED.

Session or Year and Chapter.	Short Title.	Extent of Repeal.
16 & 17 Geo. 5, c. 22.	The Malone Training School Act (Northern Ireland), 1926.	In paragraph (b) of sub-section (2) of section one the words from "and shall be carried on by the Ministry" to the words "in relation to the said School", paragraph (c) of sub-section (2) of section one, sub-section (3) of section one, sections two and three.
1949, c. 13.	The Superannuation Act (Northern Ireland), 1949.	In sub-section (1) of section forty the words "and in the Malone Training School;"
1950, c. 5.	The Children and Young Persons Act (Northern Ireland), 1950.	Section one hundred and seven.

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for any reference therein to the thirty-first day of December, 1947, there were substituted a reference to the first day of July, 1949; and

- (b) the Second Schedule to the Act shall have effect as if at the end of that Schedule there were added the following paragraph:—

"8. Where a relevant pension is reduced in amount or is not payable on account of the payment of any benefit under the National Insurance Acts (Northern Ireland), 1946(a), the basic rate of that pension shall be calculated for the purpose of this Schedule as if no such benefit under the said Acts were payable."

Sealed with the Official Seal of the Ministry of Home Affairs this twenty-fifth day of November, Nineteen hundred and fifty-seven, in the presence of

(L.S.)

W. F. Stout,
Assistant Secretary.

The Ministry of Finance hereby consents to the making of the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this twenty-ninth day of November, Nineteen hundred and fifty-seven, in the presence of

(L.S.)

W. W. Arthur,
Assistant Secretary.

POISONS

REGULATIONS DATED 15TH NOVEMBER, 1957, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION THIRTY-TWO OF THE MEDICINES, PHARMACY AND POISONS ACT (NORTHERN IRELAND), 1945.

1957. No. 224

[C]

I, the Right Honourable W. W. B. Topping, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers vested in me by Section thirty-two of the Medicines, Pharmacy and Poisons Act (Northern Ireland), 1945, (b) (hereinafter referred to as "the Act") and of all other powers me thereunto enabling, do hereby make the following Regulations:—

1. The purchase of an article by any person at the request of the Ministry of Home Affairs or of the Inspector appointed under Section eight of the Pharmacy and Poisons Act (Northern Ireland), 1925, (c) for the purpose of securing compliance with the provisions of Part III of the Act and the Regulations made

(a) 1946. c. 21 and 1946. c. 23.
(b) 9 Geo. VI. c. 9.

(c) 15 & 16 Geo. V. c. 8.

thereunder shall be deemed not to be a purchase within the meaning of paragraph (b) of sub-section (5) of Section twenty-nine of the Act.

2. These Regulations may be cited as the Poison Regulations (Northern Ireland), 1957, and shall remain in force for a period of one year from the 1st December, 1957, unless sooner revoked.

Dated this 15th day of November, 1957.

W. W. B. Topping,
Minister of Home Affairs.

PRISON RULES

RULES, DATED 8TH AUGUST, 1957, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION THIRTEEN OF THE PRISON ACT (NORTHERN IRELAND), 1953.

1957. No. 156

[C]

The Ministry of Home Affairs in exercise of the powers conferred on it by section thirteen of the Prison Act (Northern Ireland), 1953 (a), and of all other powers enabling it on that behalf, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Prison (Amendment) Rules (Northern Ireland), 1957, and shall come into operation on the 1st day of September, 1957.

(2) In these Rules the expression "the Principal Rules" means the Prison Rules (Northern Ireland), 1954 (b), as amended by the Prison (Amendment) Rules (Northern Ireland), 1955 (c).

2. For the word "three" in the proviso to paragraph (2) of Rule 6 of the Principal Rules there shall be substituted the word "two".

3. For Rule 25 of the Principal Rules there shall be substituted the following Rule:—

"Remission

25.—(1) A prisoner sentenced to imprisonment for a period exceeding one month, including a person committed to prison in default of payment of a sum adjudged to be paid by a conviction, may by good conduct and industry become eligible for discharge when a portion of his sentence not exceeding one-fourth of the whole sentence has yet to run or when he has served a period of imprisonment not shorter than thirty-one days, whichever is the later date.

(a) 1953. c. 18.

(b) S.R. & O. 1954, No. 7.

(c) S.R. & O. 1955, No. 107.

(2) Where, however, a prisoner has been sentenced to imprisonment for a period of two years or upwards he may become eligible for discharge as aforesaid when a portion of his sentence not exceeding one-third of the whole sentence has yet to run.

(3) For the purpose of computing the period of imprisonment two or more consecutive sentences shall be counted as one sentence equal in duration to the sum of the several sentences."

4. For Part IV of the Principal Rules there shall be substituted the following part:—

"PART IV

SPECIAL RULES FOR PRISONERS SENTENCED TO CORRECTIVE TRAINING

Segregation.

158. Corrective trainees shall be segregated from other prisoners to such extent and in such manner as may appear desirable and be practicable.

Hours of Work.

159. Of the eight hours per day referred to in Rule 44, a corrective trainee shall, for at least six hours per day, be employed on work which could be of assistance to him in earning a livelihood after release.

Appointment of Reviewing Body.

160. The Ministry shall appoint a Reviewing Body consisting of the Governor and such other persons as the Ministry may consider desirable.

Minutes of its proceedings at each meeting shall be taken and shall be kept in the custody of the Governor.

Duties of Reviewing Body.

161. The Reviewing Body shall consider the conduct, training and progress towards rehabilitation of each corrective trainee and make such recommendations to the Ministry as it thinks fit regarding his treatment (including training outside the prison) and his release on licence.

162. The Reviewing Body shall interview each corrective trainee after he has served six months of his sentence and thereafter once in every three months.

Release on Licence.

163. A corrective trainee shall not normally be eligible for release on licence until he has served two-thirds of his sentence."

5. For Part V of the Principal Rules there shall be substituted the following Part:—

"PART V

SPECIAL RULES FOR PRISONERS SENTENCED TO PREVENTIVE DETENTION

Stages.

164. A sentence of preventive detention shall be served in three stages, viz:—

- (a) First Stage, in which the preventive detainee shall be treated in all respects as an ordinary prisoner who has been sentenced to a term of imprisonment of two years or under;
- (b) Second Stage, in which the preventive detainee will, so far as practicable, be accommodated in a separate part of the prison and will become eligible for such privileges as are appropriate to an ordinary prisoner sentenced to a term of imprisonment of over two years; and
- (c) Third Stage, in which the preventive detainee will be at liberty on licence under the supervision of an appropriate body.

165. A preventive detainee in Second Stage, irrespective of any of the privileges to which he may become eligible under paragraph (b) of Rule 164, shall be entitled to special privileges which may include:—

- (a) The practice in his own time of arts, crafts or studies of such kind and in such manner as may be approved by the Ministry;
- (b) The cultivation of a garden plot;
- (c) The disposal of the products of arts or crafts, and the use or sale of garden produce, for his own benefit.

166. The Reviewing Body appointed by the Ministry under Rule 160 shall interview each preventive detainee after the expiration of the first twelve months of his sentence and at least once in each subsequent six months and shall consider his conduct and progress towards rehabilitation.

167.—(1) A preventive detainee shall normally be removed to the Second Stage after he has served 12 months of his sentence. If, however, the Reviewing Body is of opinion that the preventive detainee by reason of his conduct in prison is not fit for removal it shall so report to the Ministry and the Ministry may order the detention of the preventive detainee in the First Stage until such time as it is satisfied that the preventive detainee is fit for removal to the Second Stage.

(2) After the preventive detainee has served two years or one-half of his sentence, whichever is the greater, the Reviewing Body shall consider and make recommendations to the Ministry on the suitability of the preventive detainee for removal to Third Stage.

(3) If a preventive detainee has not been recommended for removal to Third Stage, he shall, nevertheless, be eligible for release on licence after he has served five-sixths of his sentence.

168. A preventive detainee whose conduct on licence necessitates his recall to prison shall on recommitment revert to First Stage.

6. For paragraph (f) of Rule 174 of the Principal Rules there shall be substituted the following paragraph:—

“(f) Such reduction in grade as may be appropriate.”

7. For sub-paragraph (iii) of paragraph (2) of Rule 175 of the Principal Rules there shall be substituted the following sub-paragraph:—

“(iii) Such reduction in grade as may be appropriate.”

8. At the end of paragraph (3) of Rule 177 of the Principal Rules there shall be inserted the following paragraphs:—

“(3A) At the first meeting following the reduction in grade of a Borstal prisoner under Rules 174 or 175, the Reviewing Body shall summon the prisoner to appear before them, and shall inform him that his conduct and work will be specially watched and that his advancement towards eventual restoration of his lost grading will be at the discretion of the Reviewing Body.”

(3B) The Reviewing Body shall, thereafter, at intervals of not longer than one month, review the grading of any prisoner in respect of whom a reduction in grade is in force, in the light of his work and conduct since the award of the punishment.”

9. At the end of paragraph (3) of Rule 179 of the Principal Rules there shall be added the following paragraph:—

“(4) The fact that a Borstal prisoner has during his detention in a Borstal Institution suffered a reduction in grade under Rules 174 or 175 shall not, of itself, affect the period of his detention in the Institution.”

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 8th day of August, Nineteen Hundred and Fifty-seven, in the presence of

(L.S.)

J. B. O'Neill,

Assistant Secretary.

PUBLIC RECORD OFFICE

Public Use of the Records

RULES DATED 16TH DECEMBER, 1957, MADE BY THE MINISTER OF FINANCE UNDER SECTION 9 OF THE PUBLIC RECORDS ACT (NORTHERN IRELAND), 1923.

1957. No. 249

[C]

I, Captain the Right Honourable Terence Marne O'Neill, Minister of Finance, in exercise of the powers conferred on me by section 9 of the Public Records Act (Northern Ireland), 1923(a), hereby make the following rules:—

1.—(1) These rules may be cited as the Public Record Office (Public Use of the Records) Amendment Rules (Northern Ireland), 1957, and shall come into operation on the 23rd day of December, 1957.

(2) The Public Record Office (Public Use of the Records) Rules (Northern Ireland), 1953, (hereinafter referred to as “the principal rules”) (b) and these rules may be cited together as the Public Record Office (Public Use of the Records) Rules (Northern Ireland), 1953 and 1957.

2. For rule 1 of the principal rules there shall be substituted the following rule:—

“1. The Public Search Room shall be open to persons desiring to consult indexes, catalogues and calendars or to inspect records on every day except Saturdays, Sundays, Bank Holidays and such other public or privilege holidays as may be observed in the Civil Service of Northern Ireland.

The hours of admission and attendance shall be from 9.30 a.m. to 5 p.m.”

Signed this sixteenth day of December, 1957.

Terence O'Neill,

Minister of Finance for Northern Ireland.

EXPLANATORY NOTE

(This note is not part of the Rules but is intended to explain their general purport)

Section 9 of the Public Records Act (Northern Ireland), 1923 provides for the making by the Minister of Finance of rules for the management of the Public Record Office of Northern Ireland.

These Rules amend the Public Record Office (Public Use of the Records) Rules (Northern Ireland), 1953 to provide for the closing of the Public Record Office on Saturdays in conformity with the similar arrangements now in operation for other Government Offices.

(a) 13 & 14 Geo. 5 (N.I.) c. 20.

(b) S.R. & O. (N.I.) 1953, No. 71.



Criminal Justice Act 1961

1961 CHAPTER 39

An Act to amend the law with respect to the powers of courts in respect of young offenders; to make further provision as to the treatment of prisoners and other persons committed to custody, including provision for their supervision after discharge, and the management of prisons, approved schools and other institutions; to re-enact with modifications and additions certain statutory provisions relating to the removal, return and supervision of prisoners within the British Islands; and for purposes connected with the matters aforesaid. [19th July, 1961]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

POWERS OF COURTS IN RESPECT OF YOUNG OFFENDERS

Borstal Training and Imprisonment

1 Conditions for and term of sentence of borstal training

- (1) The minimum age at conviction which qualifies for a sentence of borstal training under section twenty of the Criminal Justice Act, 1948, shall be fifteen instead of sixteen years.
- (2) The power of a court to pass a sentence of borstal training under the said section twenty in the case of a person convicted as therein mentioned shall be exercisable in any case where the court is of opinion, having regard to the circumstances of the offence and after taking into account the offender's character and previous conduct, that it is expedient that he should be detained for training for not less than six months:

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Provided that such a sentence shall not be passed on a person who is under seventeen years of age on the day of his conviction unless the court is of opinion that no other method of dealing with him is appropriate.

- (3) Before passing a sentence of borstal training in the case of an offender of any age, the court shall consider any report made in respect of him by or on behalf of the Prison Commissioners, and section thirty-seven of this Act shall apply accordingly.
- (4) The foregoing provisions of this section shall apply in relation to committal for a sentence of borstal training under section twenty-eight of the Magistrates' Courts Act, 1952, as they apply to the passing of such a sentence under section twenty of the Criminal Justice Act, 1948.
- (5) Subsections (7) and (8) of section twenty of the Criminal Justice Act, 1948, and subsections (2) and (3) of section twenty-eight of the Magistrates' Courts Act, 1952, shall cease to have effect.

2 **Serious offences by children and young persons**

- (1) In subsection (2) of section fifty-three of the Children and Young Persons Act, 1933 (which provides for the passing of a sentence of detention for a specified period in the case of children or young persons convicted on indictment of certain grave crimes therein mentioned) for the words from " an attempt to murder" to " grievous bodily harm" there shall be substituted the words

“any offence punishable in the case of an adult with imprisonment for fourteen years or more, not being an offence the sentence for which is fixed by law”.

- (2) In subsection (1) of section seventeen of the Criminal Justice Act, 1948 (which precludes a court of assize or quarter sessions from imposing imprisonment on a person under fifteen years of age) for the words " fifteen years " there shall be substituted the words

“seventeen years”.

3 **Elimination of intermediate and short prison sentences**

- (1) Without prejudice to any other enactment prohibiting or restricting the imposition of imprisonment on persons of any age, a sentence of imprisonment shall not be passed by any court on a person within the limits of age which qualify for a sentence of borstal training except—
 - (a) for a term not exceeding six months ; or
 - (b) (where the court has power to pass such a sentence) for a term of not less than three years.
- (2) Subsection (1) of this section shall not apply in the case of a person who is serving a sentence of imprisonment at the time when the court passes sentence; and for the purpose of this subsection a person sentenced to imprisonment who has been recalled or returned to prison after being released subject to supervision or on licence, and has not been released again or discharged, shall be treated as serving the sentence.
- (3) In relation to a person who has served a previous sentence of imprisonment for a term of not less than six months, or a previous sentence of borstal training, subsection (1) of this section shall have effect as if for the reference to three years there were

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substituted a reference to eighteen months; and for the purpose of this subsection a person sentenced to borstal training shall be treated as having served the sentence if he has been released subject to supervision, whether or not he has subsequently been recalled or returned to a borstal institution.

- (4) The foregoing provisions of this section, so far as they affect the passing of consecutive sentences by magistrates' courts, shall have effect notwithstanding anything in section one hundred and eight of the Magistrates' Courts Act, 1952 (which authorises such courts in specified circumstances to impose consecutive sentences of imprisonment totalling more than six months).
- (5) Her Majesty may by Order in Council direct that paragraph (a) of subsection (1) of this section shall be repealed, either generally or so far as it relates to persons, or male or female persons, of any age described in the Order:

Provided that—

- (a) an Order in Council shall not be made under this subsection unless the Secretary of State is satisfied that sufficient accommodation is available in detention centres for the numbers of offenders for whom such accommodation is likely to be required in consequence of the Order;
- (b) no recommendation shall be made to Her Majesty in Council to make an Order under this subsection unless a draft of the Order has been laid before Parliament and has been approved by resolution of each House of Parliament.

Detention Centre and Remand Home

4 Detention of offenders aged 14 to 20

- (1) In any case where a court has power, or would have power but for the statutory restrictions upon the imprisonment of young offenders, to pass sentence of imprisonment on an offender under twenty-one but not less than fourteen years of age, the court may, subject to the provisions of this section, order him to be detained in a detention centre.
- (2) An order for the detention of an offender under this section may be made for the following term, that is to say—
- (a) where the offender has attained the age of seventeen or is convicted before a court of assize or of quarter sessions, and the maximum term of imprisonment for which the court could (or could but for any such restriction) pass sentence in his case exceeds three months, any term of not less than three nor more than six months;
- (b) in any other case, a term of three months.
- (3) An order under this section shall not be made in respect of any person unless the court has been notified by the Secretary of State that a detention centre is available for the reception from that court of persons of his class or description, or an Order in Council under subsection (5) of section three of this Act is in force in respect of persons of his age and sex.
- (4) An order under this section shall not be made in respect of a person who is serving or has served a sentence of imprisonment for a term of not less than six months or a sentence of borstal training unless it appears to the court that there are special circumstances (whether relating to the offence or to the offender) which warrant the

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making of such an order in his case; and before making such an order in respect of such an offender the court shall—

- (a) in any case, consider any report made in respect of him by or on behalf of the Prison Commissioners,
- (b) if the court is a magistrates' court and has not received any such report, adjourn the hearing under 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 ;

and section thirty-seven of this Act shall apply accordingly.

5 Detention of defaulters aged 14 to 16

- (1) In any case where a court has power, or would have power but for the statutory restrictions upon the imprisonment of young offenders, to commit to prison for any default a person under seventeen but not less than fourteen years of age, the court may, subject to the provisions of this section, commit him to a detention centre or to a remand home for any term not exceeding the term for which he could but for any such restriction have been committed to prison.
- (2) Except as provided by the following provisions of this Part of this Act, a person shall not be committed under this section to a detention centre—
 - (a) for a term of one month or less; or
 - (b) for any term exceeding six months,
 and shall not be committed thereunder to a remand home for a term exceeding one month.
- (3) Subsection (3) of section four of this Act shall apply in relation to the committal of any person to a detention centre under this section as it applies in relation to the making of an order for the detention of an offender under that section.
- (4) This section applies in relation to the fixing of a term of imprisonment to be served in the event of default of payment of a fine or other sum of money as it applies in relation to committal to prison in default of such payment; and in any such case subsection (2) of this section shall apply in relation to the term fixed by the court, and not to that term as reduced by virtue of any subsequent payment.
- (5) Subject to the foregoing provisions of this section, Part III of the Magistrates' Courts Act, 1952, and sections fourteen and fifteen of the Criminal Justice Act, 1948, shall have effect as if references to imprisonment included references to detention under this section ; and references in those enactments, or in any other enactment relating to the satisfaction and enforcement of fines, recognizances and orders, to a prison or to the governor of a prison shall be construed accordingly.

6 Defaulters already detained in detention centre

- (1) Section five of this Act (so far as it relates to detention centres) shall apply in relation to any person who has attained the age of seventeen years and who, at the material time, is detained in a detention centre under a previous sentence or warrant, as it applies in relation to a person under that age.
- (2) In relation to a person of any age who is detained as aforesaid, the said section five shall have effect subject to the following modifications, that is to say:—

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- (a) so much of that section as relates to committal to a remand home shall not apply;
 - (b) paragraph (a) of subsection (2) and subsection (3) shall be omitted.
- (3) Where, after a warrant or order has been issued or made by a magistrates' court—
- (a) committing a person to prison, or ordering him to be committed to custody in a remand home, for any default; or
 - (b) fixing a term of imprisonment, or of detention in a remand home, to be served by him in the event of any default,

it is made to appear to a justice of the peace that that person is for the time being detained in a detention centre, the justice may amend the warrant or order by substituting that centre for the prison or remand home named therein and, where a prison is so named and the term of imprisonment specified in the warrant or order exceeds six months, by reducing that term to six months.

7 Consecutive terms and aggregate periods of detention

- (1) Subject to the provisions of this section, any court which makes an order or issues a warrant for the detention of any person in a detention centre may direct that the term of detention under the order or warrant shall commence on the expiration of any other term for which that person is liable to be detained in a detention centre by virtue of an order or warrant made or issued by that or any other court.
- (2) A direction shall not be given under subsection (1) of this section in connection with the making of an order under section four of this Act where the offender is under seventeen years of age.
- (3) Where a direction under subsection (1) of this section is given in connection with the making of an order under section four of this Act, the term of detention specified in that order may, if the court thinks fit, be a term of less than three months; and where a direction under that subsection is given in connection with the making of an order or the issue of a warrant under section five of this Act in respect of a person under seventeen years of age, the term of detention specified in that order or warrant may, if the court thinks fit, be a term of less than one month.
- (4) The aggregate of the terms for which a person may be ordered to be detained in a detention centre by virtue of any two or more orders made by the same court on the same occasion shall not in any case exceed six months.
- (5) Without prejudice to subsection (4) of this section, the total term for which a person may be detained in a detention centre shall not exceed nine months at a time; and accordingly so much of any term for which a person is ordered to be so detained as, together with any other term on which it is wholly or partly consecutive, exceeds nine months shall be treated as remitted.

Fine, Probation and Attendance Centre

8 Fines for young offenders

- (1) The limit imposed by section thirty-two of the Magistrates' Courts Act, 1952, upon the amount of the fine which may be imposed by a magistrates' court on finding guilty an offender under fourteen years of age shall be raised from forty shillings to ten pounds.

- (2) The limit imposed by subsection (5) of section twenty of the said Act upon the amount of the fine which may be imposed by a magistrates' court on finding guilty a person under seventeen but not less than fourteen years of age who is charged with an offence other than a summary offence shall be raised from ten pounds to fifty pounds.
- (3) Where a person under seventeen years of age is found guilty by a magistrates' court of an offence for which, apart from this subsection, the court would have power to impose a fine of an amount exceeding fifty pounds, the amount of any fine imposed by the court shall not exceed fifty pounds.
- (4) Subsection (1) of section fifty-five of the Children and Young Persons Act, 1933 (which provides for the payment by parents or guardians of fines, damages or costs incurred by children or young persons) shall apply in relation to compensation for loss under subsection (2) of section eleven of the Criminal Justice Act, 1948, and to any sums which the court has power to award under section four of the Forfeiture Act, 1870, or section thirty-four of the Magistrates' Courts Act, 1952, as it applies in relation to damages or costs.

9 Breach of probation, etc.

Where a probation order under section three of the Criminal Justice Act, 1948, or an order for conditional discharge under section seven of that Act, has been made by a magistrates' court in the case of an offender under seventeen years of age in respect of an offence not being a summary offence or an offence which, in the case of an adult, could have been tried summarily with his consent under section nineteen of the Magistrates' Courts Act, 1952, any powers exercisable by that or any other court in respect of the offender after he has attained the age of seventeen years under any of the following enactments, that is to say—

- (a) paragraph (a) of subsection (3) of section six of the said Act of 1948 (which relates to breach of the requirements of a probation order);
- (b) subsections (5) to (7) of section eight of that Act (Which relate to further offences committed during the probation period or during the period of conditional discharge),

shall be those which would be exercisable if that offence were an offence which could have been tried summarily under the said section nineteen with the offender's consent, and had been so tried.

10 Attendance at attendance centres

- (1) The minimum age at which a person may be ordered to attend at an attendance centre under section nineteen of the Criminal Justice Act, 1948, shall be ten instead of twelve years.
- (2) The aggregate number of hours for which a person may be required to attend at an attendance centre by virtue of an order under the said section nineteen—
 - (a) shall not be less than twelve except where he is under fourteen years of age and the court is of opinion, having regard to his age or any other circumstances, that twelve hours would be excessive ; and
 - (b) shall not exceed twelve except where the court is of opinion, having regard to all the circumstances, that twelve hours would be inadequate, and in that case shall not exceed twenty-four hours.

- (3) An order shall not be made under the said section nineteen unless the court is satisfied that the attendance centre to be specified in the order is reasonably accessible to the person concerned, having regard to his age, the means of access available to him and any other circumstances.

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.

Approved Schools

14 Release and supervision

- (1) At any time during the period of a person's detention in an approved school the managers of the school may, and if the Secretary of State so directs shall, release him:

Provided that a person shall not be released within the first six months of the period without the consent of the Secretary of State.

- (2) A person who, after the commencement of this section, is released from an approved school (whether under subsection (1) of this section or at the expiration of the period of his detention, and whether he has been released on any previous occasion or not) shall, after his release, be subject to supervision under Part I of the Second Schedule to this Act.
- (3) Part II of the Second Schedule to this Act shall have effect for the purpose of enabling the managers of an approved school to exercise certain supervisory powers in relation to a person who has been under their supervision under Part I of that Schedule, if requested by him to do so.
- (4) Section seventy-four of the Children and Young Persons Act, 1933, and paragraph 6 of the Fourth Schedule to that Act, shall cease to have effect.

15 Temporary removal from approved school

- (1) If, on information on oath laid by or on behalf of the managers of an approved school, it appears to a justice of the peace on whom jurisdiction is hereinafter conferred that any person not less than fifteen years of age who is detained in the school is so seriously unruly or subversive that it is necessary for maintaining the discipline of the school that he should forthwith be removed therefrom pending inquiry as to the best means of dealing with him, the justice may issue a warrant directing him to be removed by a constable from the school to another approved school or to a remand centre or remand home, and there detained for a period of twenty-eight days unless sooner dealt with according to law.

- (2) A justice shall have jurisdiction for the purposes of subsection (1) of this section if he is a justice for the county or borough in which the approved school first mentioned in that subsection is situated, and is not one of the managers of that school.
- (3) The institution to which a person is to be removed in pursuance of a warrant under subsection (1) of this section may be specified either in the warrant as issued or by the subsequent endorsement of any justice of the peace, in either case upon intimation that arrangements have been made for the reception of that person therein; and where the institution is to be specified by endorsement, the warrant shall include directions for the removal of the person in respect of whom it is issued to a police station, and for his detention therein for a period not exceeding forty-eight hours pending his further removal pursuant to the endorsement.
- (4) Where a person has been removed to any such institution as is mentioned in subsection (1) of this section in pursuance of a warrant under that subsection, any justice of the peace may, upon intimation that arrangements have been made for the reception of that person in any other such institution, issue a warrant directing him to be removed by any person named in that behalf in the warrant, or by a constable, to that other institution and there detained for the unexpired portion of the period of twenty-eight days which began with the day on which he was first detained in any such institution under this section.
- (5) Where a person is detained in an institution or police station by virtue of a warrant under this section, then, without prejudice to any other power exercisable in relation to that person by the Secretary of State, the Secretary of State may direct that, before the expiration of the period for which that person is authorised to be so detained, he shall be returned to the school from which he was removed, or first removed.
- (6) If at the expiration of any period for which a person is authorised to be detained in an institution or police station by virtue of a warrant under this section that person has not been otherwise dealt with according to law (whether by virtue of the last foregoing subsection or any other enactment), he shall be returned to the school from which he was removed, or first removed, and the warrant shall include such directions as may be necessary for that purpose.
- (7) A person removed under this section to an approved school shall, while liable to be detained therein, be treated as if he were so liable by virtue of an approved school order; and, without prejudice to the foregoing provision, the enactments relating to persons detained in approved schools shall apply in relation to any person removed from an approved school in pursuance of a warrant under subsection (1) of this section as if he were detained in and under the care of the managers of that school.

16 Removal to borstal institution

- (1) The managers of an approved school may, with the consent of the Secretary of State, bring before a magistrates' court any person not less than fifteen years of age who is detained in the school as an offender and who, in the opinion of the managers, ought to be removed from the school to a borstal institution under this section.
- (2) Where a person detained in an approved school is brought before a court under this section and the court, having regard to his conduct while in that or any other approved school—

- (a) is satisfied that his continued detention in an approved school would be ineffective for the purposes of his own reformation or would be detrimental to the training or welfare of other persons therein ; and
- (b) is of opinion that it is in his interests that he should receive training in a borstal institution,

the court may order him to be removed to such an institution.

- (3) Where an order is made under this section for the removal of any person to a borstal institution, that person shall thereafter be treated for all purposes as if he had been sentenced to borstal training on the date of the order, except that—
 - (a) where the period for which he would have been liable to be detained in an approved school would have expired within two years from that date, he shall not be liable to be detained in a borstal institution after the expiration of the first-mentioned period ; and
 - (b) subsection (4) of section forty-five of the Prison Act, 1952, shall apply to him as if for the reference to the period of two years from the date of his sentence there were substituted a reference to the period for which he is liable to be detained under this subsection.
- (4) On the making of an order under this section in respect of a person detained in an approved school, the order under which he was so detained shall cease to have effect.
- (5) The reference in this section to a person detained in an approved school as an offender is a reference to a person who is for the time being subject to an approved school order under section fifty-seven of the Children and Young Persons Act, 1933, or an order of the Secretary of State under section fifty-eight of that Act, or an approved school order under any other enactment made by virtue of his being or having been subject to an order under either of those sections, and includes a person who, being subject to any such order as aforesaid, is for the time being detained in an approved school in pursuance of a warrant under section fifteen of this Act.

17 Proceedings for removal under s. 16

- (1) Proceedings under section sixteen of this Act for the removal of any person from an approved school may be taken—
 - (a) in any case, before a magistrates' court having jurisdiction where that school is situate ;
 - (b) if that person has already been removed from that school to another approved school in pursuance of a warrant under section fifteen of this Act, before a magistrates' court having jurisdiction where that other school is situate;

and where that person is detained in another approved school in pursuance of a warrant under the said section fifteen, such proceedings may be taken either by the managers of the school from which he was removed, or first removed, under the said section fifteen or by the managers of the school in which he is detained.
- (2) If the court before which a person is brought under the said section sixteen is not in a position to decide whether to make an order under that section in his case, the court may make such interim order as it thinks fit for his detention or further detention for a period not exceeding twenty-one days in another approved school or in a remand centre or remand home; and subsection (3) of section fifteen of this Act shall apply in relation to any such order as it applies in relation to a warrant under that section.

- (3) An interim order under subsection (2) of this section may from time to time be varied or extended by the court which made the order or by a magistrates' court acting for the same petty sessions area; but a person shall not be detained by virtue of an interim order (whether in the same institution or in different institutions) for a period exceeding eight weeks in all.
- (4) Where a court having power under subsection (3) of this section to vary or extend an interim order made under subsection (2) of this section in the case of any person is satisfied on any occasion that, by reason of illness or accident, that person is unable to appear personally before the court, the court may exercise the said power on that occasion in his absence.
- (5) Subject to the provisions of this section, the provisions of the Magistrates' Courts Act, 1952, and of any other enactment relating to summary proceedings (other than provisions relating to remand) shall apply in relation to proceedings for the removal of any person under the said section sixteen as they apply in relation to proceedings against a person charged with a summary offence.

18 Directions as to management of approved schools

- (1) If it appears to the Secretary of State that the provision made in any approved school with regard to any matter relating to—
 - (a) the premises or equipment of the school,
 - (b) the number or grades of the staff employed in the school,or
 - (c) the education, training or welfare of persons under the care of the managers, is inadequate or unsuitable, he may give to the managers such directions as he thinks necessary for securing that proper provision is made with respect thereto.
- (2) Where it appears to the Secretary of State that the managers of an approved school have failed to give effect to any directions under this section, subsection (2) of section seventy-nine of the Children and Young Persons Act, 1933 (which empowers the Secretary of State in certain circumstances to withdraw his certificate of approval) shall apply as it applies where he is dissatisfied as mentioned in that section.

19 Constitution of managers

- (1) The Secretary of State may by order make provision for regulating the constitution and proceedings of the managers of any approved school other than a school provided by a local authority or by a joint committee representing two or more local authorities ; and any such order shall have effect notwithstanding anything in any trust deed relating to the school.
- (2) Before making an order under the foregoing subsection in respect of any school, the Secretary of State shall afford to the managers of the school an opportunity for making representations with respect to the proposed order ; and in making any such order the Secretary of State shall have regard to all the circumstances of the school, and to the manner in which it has been managed theretofore.
- (3) If in the case of an approved school, other than a school provided by a local authority or by a joint committee representing two or more local authorities, the Secretary of State is satisfied that by reason of special circumstances it is necessary to do so in

the interests of the efficient management of the school, he may appoint one or more persons as additional members of the body constituting the managers of the school; and any person so appointed shall, notwithstanding anything in any trust deed relating to the school or in any order made in respect of the school under subsection (1) of this section, be one of the managers of the school until such time as his appointment is terminated by the Secretary of State or under subsection (4) of this section.

- (4) Any order or appointment made under this section in respect of an approved school shall cease to have effect if that school ceases to be an approved school; but nothing in this subsection shall affect the validity of anything done while the order or appointment was in force.
- (5) In this section " trust deed ", in relation to any school, includes any instrument (not being an order under this section) regulating the constitution of the school, or its maintenance, management or conduct, or the constitution or proceedings of its managers.

Miscellaneous

20 Supervision of certain prisoners after release

- (1) The provisions of Part I of the Third Schedule to this Act shall have effect with respect to the supervision after release from prison of persons to whom this section applies, and the return to prison of such persons in the event of failure to comply with the requirements of their supervision.
- (2) This section applies to persons serving the following sentences of imprisonment (being sentences commencing after such date as may be prescribed by order of the Secretary of State), that is to say—
- (a) a sentence for a term of four years or more;
 - (b) a sentence for a term of six months or more passed on a person who has served at least one previous sentence, being a sentence of imprisonment for a term of three months or more or a sentence of corrective training, preventive detention or borstal training; and
 - (c) a sentence for a term of six months or more passed on a person appearing to the Prison Commissioners to have been under the age of twenty-six at the commencement of the sentence,
- but does not apply to a person serving a sentence of imprisonment for life.
- (3) Different dates may be prescribed by order under this section in respect of sentences described in paragraphs (a), (b) and (c) respectively of subsection (2) of this section ; and different dates may be so prescribed in respect of different sentences comprised in the said paragraph (b), either according to the length of the term of the relevant sentence or to the previous sentences of the person on whom it is passed, or to both.

21 Repeal of provisions for notifying address

Section twenty-two of the Criminal Justice Act, 1948, section twenty-nine of the Prison Act, 1952, and the First Schedule to the last mentioned Act (which contain provisions requiring certain discharged prisoners to notify their addresses) shall cease to have effect.

22 Penalties for assisting escape from prison, etc.

- (1) The maximum term of imprisonment which may be imposed for an offence under section thirty-nine of the Prison Act, 1952 (which relates to assisting prisoners to escape) shall be five years instead of two years.
- (2) If any person knowingly harbours a person who has escaped from a prison or other institution to which the said section thirty-nine applies, or who, having been sentenced in any part of the United Kingdom or in any of the Channel Islands or the Isle of Man to imprisonment or detention, is otherwise unlawfully at large, or gives to any such person any assistance with intent to prevent, hinder or interfere with his being taken into custody, he shall be liable—
 - (a) on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both ;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine, or to both.
- (3) In the following enactments (which make provision for the application of sections thirty-nine to forty-two of the Prison Act, 1952) that is to say, subsection (3) of section one hundred and twenty-two of the Army Act, 1955, subsection (3) of section one hundred and twenty-two of the Air Force Act, 1955, and subsection (3) of section eighty-two of the Naval Discipline Act, 1957, references to the said section thirty-nine shall be construed as including references to subsection (2) of this section.
- (4) The maximum term of imprisonment and the maximum fine which may be imposed for an offence under subsection (4) of section seventy-two, subsection (4) of section seventy-eight or subsection (4) of section eighty-two of the Children and Young Persons Act, 1933 (which relate to assisting persons to escape from approved schools and remand homes, and other like offences), shall be respectively six months and one hundred pounds instead of two months and twenty pounds.

23 Prison Rules

- (1) For the purposes of rules under section forty-seven of the Prison Act, 1952 (which authorises the making of rules for the regulation and management of prisons and the discipline and control of persons required to be detained therein) any offence against the rules committed by a prisoner may be treated as committed in the prison in which he is for the time being confined.
- (2) Without prejudice to any power to make provision by rules under the said section forty-seven for the confiscation of money or articles conveyed or deposited in contravention of the said Act or of the rules, provision may be made by such rules for the withholding from prisoners (subject to such exceptions as may be prescribed by the rules) of any money or other article sent to them through the post office, and for the disposal of any such money or article either by returning it to the sender (where the sender's name and address are known) or in such other manner as may be prescribed by or determined under the rules:

Provided that in relation to a prisoner committed to prison in default of payment of any sum of money, the rules shall provide for the application of any money withheld as aforesaid in or towards the satisfaction of the amount due from him unless, upon being informed of the receipt of the money, he objects to its being so applied.

- (3) A prisoner who would, apart from this subsection, be discharged on any of the days to which this subsection applies in his case shall be discharged on the next preceding day

which is not one of those days. The days to which this subsection applies are Sunday, Christmas Day, Good Friday and any day which under the Bank Holidays Act, 1871, is a bank holiday in England and Wales and, in the case of a person who is serving a term of more than one month, any Saturday.

- (4) In this section the references to prisons and prisoners include references respectively to borstal institutions, detention centres and remand centres and to persons detained therein.

24 Management of prisons, etc.

- (1) Subject to the provisions of this section, Her Majesty may by Order in Council make provision for transferring to the Secretary of State any or all of the functions of the Prison Commissioners (in this section referred to as " the Commissioners ").
- (2) An Order in Council under this section may contain such incidental, consequential and supplemental provisions as may be necessary or expedient in connection with the transfer effected by that or any previous Order thereunder, including provisions—
- (a) for the transfer of any property, rights or liabilities to which the Commissioners are entitled or subject, and for the vesting in the person from time to time holding office as Secretary of State of land or other property transferred by any such Order, or acquired under powers so transferred;
 - (b) for the carrying on and completion by or under the authority of the Secretary of State of anything begun by or under the authority of the Commissioners before the date of transfer ;
 - (c) for the substitution of the Secretary of State for the Commissioners in any instrument, contract or legal proceeding made or begun before that date ;
 - (d) for the transfer to the Home Department of Commissioners and inspectors, officers or servants of the Commissioners and (in the case of the transfer of the powers and jurisdiction of the Commissioners in respect of all institutions within their superintendence) for the dissolution of the Commissioners.
- (3) An Order in Council under this section may make such adaptations or repeals in the enactments relating to the Commissioners, or to institutions within their superintendence, as may be necessary or expedient in consequence of the Order or any previous Order thereunder, and shall in particular make provision for securing that any report which, apart from any such Order, would be required by subsection (1) of section five of the Prison Act, 1952, to be made to the Secretary of State by the Commissioners shall be issued by the Secretary of State and laid before Parliament under that section accordingly.
- (4) A certificate of the Secretary of State that any property vested in the Commissioners has been transferred to the Secretary of State by virtue of an Order in Council under this section shall be conclusive evidence of the transfer.
- (5) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft of the Order has been laid before Parliament and has been approved by resolution of each House of Parliament.
- (6) In this section " functions" includes powers and duties, and " the date of transfer " means the date on which an Order in Council under this section transferring functions of the Commissioners comes into force.

25 Reports to Parliament on approved schools, remand homes and attendance centres

- (1) The Secretary of State shall lay before Parliament—
 - (a) in every year, a statement of statistical information relating to approved schools, remand homes and attendance centres in England and Wales ;
 - (b) in the year nineteen hundred and sixty-four and every third subsequent year, a report on the functioning of the approved school system in England and Wales (including supervision after release) and of remand homes and attendance centres in England and Wales, and on the work of the Home Department in relation thereto.
- (2) The information to be comprised in any statement laid in pursuance of paragraph (a) of subsection (1) of this section shall include the following particulars, that is to say—
 - (a) in the case of approved schools, the number of such schools, and the numbers of admissions, releases and recalls during the period covered by the statement;
 - (b) in the case of remand homes, the number of such homes and the number of admissions during that period ;
 - (c) in the case of attendance centres, the number of such centres, and the number of orders for attendance at such centres made during that period,together with such additional information as the Secretary of State thinks appropriate in each case.

PART III

TRANSFER, SUPERVISION AND RECALL OF PRISONERS WITHIN THE BRITISH ISLANDS

26 Transfer to serve sentence

- (1) The responsible Minister may, on the application of a person serving a sentence of imprisonment or detention in any part of the United Kingdom, make an order for his transfer to another part of the United Kingdom, there to serve the remainder of his sentence, and for his removal to an appropriate institution in that part of the United Kingdom.
- (2) Where a person has been sentenced to imprisonment or detention in any of the Channel Islands or the Isle of Man, the Secretary of State may, without application in that behalf, make an order for his transfer to any part of the United Kingdom, there to serve his sentence or the remainder of his sentence, as the case may be, and for his removal to an appropriate institution in that part of the United Kingdom.
- (3) Where a girl or woman has been sentenced to borstal training in Northern Ireland, the Minister of Home Affairs for Northern Ireland may, without application in that behalf, make an order for her transfer to another part of the United Kingdom,

there to serve her sentence or the remainder of her sentence, as the case may be, and for her removal to a borstal institution in that part of the United Kingdom.
- (4) Subject to the following provisions of this section, a person transferred under this section to any part of the United Kingdom there to serve his sentence or the remainder of his sentence shall be treated for purposes of detention, release, recall and otherwise as if that sentence (and any other sentence to which he may be subject) had been passed

by a court in that part of the United Kingdom and, where it is not a sentence which could be so passed, as if it could be so passed.

- (5) Where a person sentenced to borstal training is transferred under this section to any part of the United Kingdom, the provisions applicable to him shall be those applicable to a person sentenced to borstal training by a court in that part of the United Kingdom: Provided that—
- (a) where a person so sentenced after the commencement of section eleven of this Act is transferred from England and Wales, the maximum and minimum periods for which he may be detained in a borstal institution shall be those prescribed by subsection (2) of section forty-five of the Prison Act, 1952, as amended by the said section eleven, and not those applicable to the corresponding sentence in Scotland or Northern Ireland ;
 - (b) where a person so sentenced at any time in Scotland or Northern Ireland is transferred to England and Wales, the period after his release during which, under subsections (3) and (4) of the said section forty-five, he remains under supervision and is liable to be recalled shall end not later than the date on which he would have ceased to be under supervision under the law of the place where he was sentenced, if he had been released there.
- (6) Where a person sentenced to imprisonment or detention, not being a person sentenced to borstal training, is released and, by reason of his having been transferred under this section, his release occurs otherwise than in his place of sentence (that is to say, the part of the United Kingdom or island in which his sentence was passed)—
- (a) he shall not on his release be subject to supervision under the law of the part of the United Kingdom in which he is at the time of his release unless he would have been subject to supervision if he had been released at that time in his place of sentence without having been transferred from that place ; and
 - (b) if in accordance with the foregoing provisions of this section he is on his release subject to supervision under the law of the part of the United Kingdom in which he is at the time of his release, the period after his release for which he is so subject shall not extend beyond the expiration of the maximum period after his release for which he could have continued to be subject to supervision under the law of his place of sentence if he had been released in that place at the said time: Provided that this subsection shall not apply in the case of a person sentenced in any of the Channel Islands or the Isle of Man to corrective training or preventive detention.
- (7) In subsection (6) of this section references to supervision include references to any obligation to comply with requirements or conditions imposed by a licence or otherwise imposed by law on or in connection with release from a prison or other institution, and any liability to be recalled or returned thereto ; and for the purposes of that subsection it shall be assumed that a person who, if released in his place of sentence, could have been placed under supervision, would have been so placed.

27 Temporary transfer

- (1) The responsible Minister may, on the application of a person serving a sentence of imprisonment or detention in any part of the United Kingdom, make an order for his temporary transfer to another part of the United Kingdom or to any of the Channel Islands or the Isle of Man and for his removal to an appropriate institution there.

- (2) The Secretary of State may, on the application of a person serving a sentence of imprisonment or detention in any of the Channel Islands or the Isle of Man, make an order for his temporary transfer to any part of the United Kingdom or another of those islands and for his removal to an appropriate institution there.
- (3) A person removed in pursuance of any such order from one country or island to another shall while in the country or island to which he is so removed be kept in custody except so far as the Minister by whom the order was made may in any particular case or class of case otherwise direct.
- (4) A person removed in pursuance of any such order from one country or island to another may without further order be returned to the country or island from which he was removed.

28 Transferral trial

- (1) If it appears to the responsible Minister that a person serving a sentence of imprisonment or detention in any part of the United Kingdom should be transferred to another part of the United Kingdom for the purpose of attending criminal proceedings against him there, that Minister may make an order for his transfer to that other part, and for his removal to a prison or other institution there.
- (2) During the period for which a person transferred under subsection d) of (this section remains in the part of the United Kingdom to which he is transferred, the provisions of section twenty-six of this Act relating to the treatment of persons transferred under that section shall apply to him as if he had been transferred to that part under that section.
- (3) Where a person has been transferred under subsection (1) of this section for the purpose of any proceedings, the responsible Minister may—
 - (a) if that person is sentenced to imprisonment or detention in those proceedings, make an order under section twenty-six of this Act (but without application in that behalf) transferring him back to the country from which he was transferred under subsection (1) of this section;
 - (b) if he is not so sentenced, make an order for his return to the said country, and for his removal to an appropriate institution in that country, there to serve the remainder of the sentence referred to in subsection (1) of this section.

29 Removal for other judicial purposes

- (1) If the responsible Minister is satisfied, in the case of a person detained in any part of the United Kingdom in a prison, borstal institution, remand centre, detention centre or remand home, that the attendance of that person at any place in that or any other part of the United Kingdom is desirable in the interests of justice or for the purposes of any public inquiry, the responsible Minister may direct that person to be taken to that place.
- (2) Where any person is directed under this section to be taken to any place he shall, unless the responsible Minister otherwise directs, be kept in custody while being so taken, while at that place, and while being taken back to the prison or other institution in which he is required in accordance with law to be detained.

30 Prisoners unlawfully at large

- (1) The following enactments (relating to the arrest and return of prisoners and other persons unlawfully at large) that is to say—
- (a) subsection (1) of section forty-nine of the Prison Act, 1952;
 - (b) subsection (1) of section thirty-seven of the Prisons (Scotland) Act, 1952 ; and
 - (c) subsection (1) of section thirty-eight of the Prison Act (Northern Ireland) 1953,
- shall extend throughout the United Kingdom, the Channel Islands and the Isle of Man ; and any reference in those enactments to a constable shall include a reference to a person being a constable under the law of any part of the United Kingdom or of the Isle of Man, to a member of the police in Jersey, and to an officer of police within the meaning of section fortythree of the Larceny (Guernsey) Law, 1958, or any corresponding law for the time being in force.
- (2) The enactments mentioned in subsection (1) of this section shall also apply to persons who, being unlawfully at large under any law of the Channel Islands or of the Isle of Man, are for the time being within the United Kingdom as they apply respectively to persons unlawfully at large under the law of England, Scotland and Northern Ireland; and any person arrested in the United Kingdom under the said enactments as applied by this subsection may be taken to the place in the Channel Islands or the Isle of Man in which he is required in accordance with the law in force therein to be detained.
- (3) Where a person who, having been sentenced to imprisonment or detention, is unlawfully at large during any period during which he is liable to be detained in a prison, borstal institution or detention centre in any part of the United Kingdom is sentenced to imprisonment or detention by a court in another part of the United Kingdom, the provisions of section twenty-six of this Act relating to the treatment of persons transferred under that section shall apply to him, while he remains in that other part of the United Kingdom, as if he had been transferred there under that section immediately before he was so sentenced, and the responsible Minister may, if he thinks fit, make an order under that section (but without application in that behalf) transferring him back to the part of the United Kingdom from which he was unlawfully at large.
- (4) In paragraph (a) of the proviso to subsection (2) of section forty-nine of the Prison Act, 1952 (which in effect enables a person who is unlawfully at large during the currency of his original sentence to count towards that sentence any period during which he is detained in pursuance of a sentence of any court) and in the proviso to subsection (2) of section thirty-seven of the Prisons (Scotland) Act, 1952, and in subsection (3) of section thirty-eight of the Prison Act (Northern Ireland), 1953 (which contain corresponding provisions for Scotland and Northern Ireland) references to a court shall include references to any court in the United Kingdom.

31 Subsequent sentence in case of persons transferred or removed under Part III

- (1) The power of a court in any part of the United Kingdom to order that the term of any sentence of imprisonment or detention passed by the court shall commence at or before the expiration of another term of imprisonment or detention shall include power to make such an order where that other term was imposed by sentence of a court elsewhere in the United Kingdom or in any of the Channel Islands or the Isle of Man if the offender—
- (a) is serving that other sentence in that part of the United Kingdom; or

Status: This is the original version (as it was originally enacted).

(b) is for the time being present in that part of the United Kingdom, by virtue of an order under this Part of this Act, or is unlawfully at large under the law of the country in which that other sentence was passed.

(2) The provisions of this section shall be without prejudice to the powers exercisable by any court apart from those provisions.

32 Supervision and recall

(1) The enactments mentioned in the next following subsection, so far as they make provision—

- (a) for the supervision of persons released from a prison or other institution in any part of the United Kingdom ;
- (b) for the imposition upon persons so released of requirements or conditions to be complied with by them ; or
- (c) for the recall or return of persons so released to such a prison or institution,

shall apply to a person so released who is for the time being in any other part of the United Kingdom or in the Channel Islands or the Isle of Man ; and for that purpose those enactments shall extend throughout the United Kingdom, the Channel Islands and the Isle of Man.

(2) The following are the enactments extended by this section, that is to say:—

- (a) sections twenty-five, twenty-six, twenty-seven and forty five of the Prison Act, 1952;
- (b) sections nineteen, twenty, twenty-one, twenty-three and thirty-three of the Prisons (Scotland) Act, 1952;
- (c) sections twenty, twenty-one, twenty-two and twenty-three of the Prison Act (Northern Ireland), 1953, and the First, Second and Third Schedules to that Act; and
- (d) sections thirteen and twenty of this Act and the First and Third Schedules to this Act.

(3) Part II of the Third Schedule to this Act shall have effect for the purposes of that Schedule as extended by this section.

33 Orders under Part III

Any order of a Secretary of State under this Part of this Act shall be given under the hand of the Secretary of State or of an Under-Secretary or Assistant Under-Secretary of State.

PART IV

SUPPLEMENTAL

34 Removals from prison consequential on Part I

(1) Subject to subsection (2) of this section, the Prison Commissioners may, if satisfied that it is expedient to do so, remove from a prison to a borstal institution or a detention centre any person who, at or after the commencement of subsection (2) of section

two or subsection (1) of section three of this Act, or of an Order in Council under subsection (5) of the said section three, is serving a sentence of imprisonment in a prison in England and Wales, being a sentence which, by virtue of that enactment or of that Order, as the case may be, could not then be passed in his case by a court in England and Wales.

- (2) A person shall not be removed under this section to a borstal institution unless his sentence of imprisonment was a sentence for a term exceeding six months, and shall not be removed thereunder to a detention centre if the unexpired period of the term of his sentence exceeds nine months.
- (3) Where a person is removed under this section to a borstal institution, he shall thereafter be treated as if his sentence had been a sentence of borstal training except that—
 - (a) his liability to be detained under section forty-five of the Prison Act, 1952, in a borstal institution shall continue until the expiration of his term of imprisonment, and shall then determine ;
 - (b) subsections (3) to (5) of section forty-five of the Prison Act, 1952, shall not apply to him on his release, but the Prison Commissioners may release him on licence at any time before the expiration of the said term, and in that case subsections (3) to (6) of section twenty-five of that Act (which relate to persons released from prison on licence under that section), shall apply as if for references to a prison there were substituted references to a prison or a borstal institution.
- (4) Where a person is removed under this section to a detention centre, he shall thereafter be treated as if his sentence had been an order for his detention in a detention centre for a term equal to his term of imprisonment.
- (5) Notwithstanding anything in this section, a person transferred thereunder shall, while detained in a borstal institution or detention centre, be treated for the purposes of section three of this Act as if he were serving his sentence of imprisonment.
- (6) Where an order has been made under Part III of this Act for the removal to a prison in England and Wales of a person who, under this section, could be removed from that prison to a borstal institution or detention centre, the Prison Commissioners may direct that he shall, on his arrival in England and Wales, be taken to a borstal institution or a detention centre instead of that prison.

35 Legal custody

- (1) 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.
- (2) A constable, or any other person required or authorised by or under this Act to take any person to or keep him at any place shall, while taking or keeping him there have all the powers, authorities, protection and privileges which a constable has within the area for which he acts as constable.

36 General provisions as to orders

- (1) Any power of the Secretary of State to make orders under this Act (other than orders under subsection (1) of section nineteen or under Part III) shall be exercisable by statutory instrument.

- (2) Any Order in Council or order under this Act may be varied or revoked by a subsequent Order in Council or order.

37 Prison Commissioners' reports

In any case where a court is required by this Act to consider a report made by or on behalf of the Prison Commissioners in respect of an offender, the court shall cause a copy of the report to be given to the offender or his counsel or solicitor.

38 Construction of references to sentences of imprisonment, etc.

- (1) Except as provided by subsection (3) of this section, the expression " sentence " in this Act does not include a committal for default or the fixing of a term to be served in the event of default, or a committal or attachment for contempt of court.
- (2) For the purposes of any provisions of this Act referring to a person who is serving or has served a sentence of any description, the expression " sentence " includes—
- (a) in any case, a sentence of that description passed by a court in Scotland, Northern Ireland, any of the Channel Islands or the Isle of Man ; and
 - (b) in the case of imprisonment, a sentence passed by a court-martial on a person found guilty of a civil offence (within the meaning of the Naval Discipline Act, 1957, the Army Act, 1955, or the Air Force Act, 1955), and a sentence which is treated by virtue of the Colonial Prisoners Removal Act, 1884, as a sentence passed by a court in England and Wales.
- (3) For the purposes of Part III and of sections twenty-two and thirty-four of this Act—
- (a) the expression " imprisonment or detention " means imprisonment, corrective training, preventive detention, borstal training or detention in a detention centre;
 - (b) the expression " sentence " includes a sentence passed by a court-martial for any offence, and any order made by any court imposing imprisonment or detention, and " sentenced " shall be construed accordingly.
- (4) For the purposes of any reference in this Act to a term of imprisonment or of detention in a detention centre or to a term of imprisonment or detention, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.
- (5) For the purposes of this Act (and of any enactment referred to in Part III of this Act)—
- (a) a sentence of penal servitude passed in any of the Channel Islands or the Isle of Man shall be treated as a sentence of imprisonment for the like term;
 - (b) a sentence of detention in a borstal institution passed as aforesaid shall be treated as a sentence of borstal training;
 - (c) a sentence of death passed by any court (including a court-martial) on a person subsequently pardoned by Her Majesty on condition of his serving a term of imprisonment or penal servitude shall be treated as a sentence of imprisonment or penal servitude passed by that court for that term ; and
 - (d) without prejudice to paragraph (c) of this subsection, any reference to a person on whom a sentence of any description has been passed includes a reference to a person who under the law of any part of the United Kingdom, any of the Channel Islands or the Isle of Man is treated as a person on whom a sentence of that description has been passed ;
- and " sentenced " shall be construed accordingly.

39 Interpretation

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

" appropriate institution " means—

- (a) in relation to a person sentenced to borstal training who is removed under Part III of this Act to any part of the United Kingdom, a borstal institution ;
- (b) in relation to a person sentenced to detention in a detention centre who is so removed to England and Wales or Scotland, a detention centre ;
- (c) in relation to any other person who is removed under the said Part III, a prison ;

" court " includes an appeal committee of quarter sessions;

" court-martial " includes the Courts-Martial Appeal Court and any officer exercising jurisdiction under section forty-nine of the Naval Discipline Act, 1957 ;

" default " means failure to pay, or want of sufficient distress to satisfy, any fine or other sum of money, or failure to do or abstain from doing any thing required to be done or left undone ;

" enactment " includes an enactment of the Parliament of Northern Ireland;

" prison " does not include a naval, military or air force prison;

" responsible Minister " means—

- (a) in relation to persons detained in England and Wales or in Scotland, a Secretary of State ;
- (b) in relation to persons detained in Northern Ireland, the Minister of Home Affairs for Northern Ireland;

" the statutory restrictions upon the imprisonment of young offenders " means subsection (1) of section seventeen of the Criminal Justice Act, 1948, subsection (2) of section one hundred and seven of the Magistrates' Courts Act, 1952, and section three of this Act.

(2) Except as otherwise expressly provided, references in this Act to a court do not include references to a court-martial; and nothing in this Act shall be construed as affecting the punishment which may be awarded by a court-martial under the Naval Discipline Act, 1957, the Army Act, 1955, or the Air Force Act, 1955, for a civil offence within the meaning of those Acts.

(3) Where the age of any person at any time is material for the purposes of any provision of this Act regulating the powers of a court or justice of the peace, his age at the material time shall be deemed to be or to have been that which appears to the court or justice, after considering any available evidence, to be or to have been his age at that time.

(4) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

40 Legislative powers of Parliament of Northern Ireland

Notwithstanding any limitation imposed on the powers of the Parliament of Northern Ireland by the Government of Ireland Act, 1920, that Parliament may, by any Act re-enacting (with or without modifications) or amending the law in force in Northern Ireland with respect to the custody and treatment of prisoners and other persons

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detained, make such amendments of the provisions of this Act, so far as those provisions extend to Northern Ireland, as may be necessary for the purpose of bringing those provisions into conformity with the provisions of that Act.

41 Minor and consequential amendments and repeals

- (1) The enactments described in the Fourth Schedule to this Act shall have effect subject to the amendments specified in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.
- (2) The enactments described in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The amendment or repeal by this Act of any enactment described in the said Fourth or Fifth Schedule shall not extend to that enactment in so far as it applies to any person—
 - (a) by virtue of his having been sentenced to borstal training before the commencement of section eleven of this Act; or
 - (b) by virtue of his having been released from an approved school before, and not having again been so released after, the commencement of section fourteen of this Act.
- (4) In accordance with subsections (1) and (2) of this section, but subject to subsection (3) thereof and to the repeal provided for by subsection (6) of section eighteen of the Legal Aid and Advice Act, 1949, the following enactments (which relate to borstal training) that is to say section twenty of the Criminal Justice Act, 1948, section twenty-eight of the Magistrates' Courts Act, 1952, and section forty-five of the Prison Act, 1952, shall, after the commencement of all such provisions of the Fourth and Fifth Schedules to this Act as relate to those enactments, have effect as set out in the Sixth Schedule to this Act.

42 Application to Scotland and Northern Ireland

- (1) The following provisions of this Act shall extend to Scotland, that is to say—

Part III except section thirty-three;
section thirty-five;
sections thirty-eight and thirty-nine;
section forty-one and the Fourth, Fifth and Sixth Schedules, so far as they relate to enactments which extend to Scotland;
but except as aforesaid, and except so far as it relates to the commencement of the said provisions, this Act shall not extend to Scotland.
- (2) The following provisions of this Act shall extend to Northern Ireland, that is to say—

Part III;
section thirty-five;
sections thirty-eight to forty ;
section forty-one and the Fourth and Sixth Schedules, so far as they relate to enactments which extend to Northern Ireland;
but except as aforesaid, and except so far as it relates to the commencement of the said provisions, this Act shall not extend to Northern Ireland.

43 Expenses

There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums which, under any other enactment, are payable out of moneys so provided.

44 Commencement

- (1) The foregoing provisions of this Act (including the Schedules therein referred to) shall come into operation on such date as the Secretary of State may by order appoint.
- (2) Different dates may be appointed by order under this section for different purposes of this Act; and any reference in this Act to the commencement of any provision of this Act shall be construed as a reference to the date appointed for the purposes of that provision.

45 Short title

This Act may be cited as the Criminal Justice Act, 1961.

FIRST SCHEDULE

SUPERVISION OF PERSONS RELEASED FROM DETENTION CENTRES

- 1 A person detained in a detention centre in pursuance of an order under section four of this Act shall, after his release and until the expiration of the period of twelve months from the date of his release, be under the supervision of such society or person as may be specified in a notice to be given to him by the Prison Commissioners on his release, and shall, while under that supervision, comply with such requirements as may be so specified :
 Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements or order that a person who is under supervision as aforesaid shall cease to be under supervision.
- 2 If before the expiration of the said period of twelve months the Prison Commissioners are satisfied that a person under supervision under the foregoing paragraph has failed to comply with any requirement for the time being specified in the notice given to him under that paragraph, they may by order recall him to a detention centre ; and thereupon he shall be liable to be detained in the detention centre until the expiration of a period equivalent to that part of his term which was unexpired on the date of his release from the detention centre, or until the expiration of the period of fourteen days from the date of 'his being taken into custody under the order, whichever is the later, and, if at large, shall be deemed to be unlawfully at large:
 Provided that—
 - (a) a person shall not be recalled more than once under this paragraph by virtue of the same order under section four of this Act; and
 - (b) an order under this paragraph shall, at the expiration of the said period of twelve months, cease to have effect unless the person to whom it relates is then in custody thereunder.
- 3 The Prison Commissioners may at any time release a person who is detained in a detention centre under paragraph 2 of this Schedule.

SECOND SCHEDULE

SUPERVISION OF PERSONS RELEASED FROM APPROVED SCHOOLS

PART I

COMPULSORY SUPERVISION

- 1 (1) A person released from an approved school shall until the expiration of the period of two years from the date of his release or until he attains the age of twenty-one, whichever is the earlier, be under the supervision of the managers of that school, and shall while out from the school under that supervision live with the person named in that behalf in a notice to be given by the managers to the first-mentioned person on his release, or with such other person as the managers may thereafter from 'time to time nominate.

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- (2) The person with whom a person is required to live while out under supervision from his school shall be either his parent or any suitable person who is willing to receive and take charge of him.
- 2 (1) The managers of an approved school from which a person is out under supervision may, at any time before the expiration of the said period of two years, by order in writing recall him to the school; and thereupon he shall be liable to be detained in the school until the expiration of the period of his detention or the expiration of six months from the date on which he returns (or is brought back) to the school, whichever is the later:
- Provided that a person who has attained the age of nineteen shall not be recalled under this paragraph without the consent of the Secretary of State.
- (2) A person shall not be recalled to, or be liable to be detained in, an approved school under this paragraph after he has attained the age of twenty-one.
- 3 The managers of an approved school in which a person is detained under paragraph 2 of this Schedule may at any time release him, and paragraphs 1 and 2 of this Schedule shall apply on his release under this paragraph as they apply in the case of his original release except that the references to the period of two years from the date of his release shall be construed as references to the period of two years from the date of his original release.
- 4 For the purposes of the application of paragraphs 1 to 3 of this Schedule to a person who was originally released from an approved school (whether on licence or under supervision) before the date of the commencement of section fourteen of this Act and who on or after that date is again released from an approved school (being either the same school or any other school in England and Wales in which he is detained by virtue of the same approved school or other order), the references in the said paragraphs 1 and 2 to the period of two years from the date of his release shall be construed as references to the period of two years from the date of his original release before the commencement of that section, and, as regards the references in the said paragraph 3 to his original release, the first of them shall be construed as a reference to his earliest release after the said commencement, and the second of them shall be construed as a reference to his original release before the said commencement.
- 5 For the purposes of the Children and Young Persons Act, 1933, and any other enactment (including this Act) relating to approved schools, a person under the supervision of the managers of an approved school shall, while he is out under supervision from the school, be deemed to 'be under the care of the managers.
- 6 (1) An order of the Secretary of State under paragraph 9 of the Fourth Schedule to the Children and Young Persons Act, 1933, that a person under the care of the managers of an approved school be discharged or be transferred to the care of the managers of another school shall, in the case of a person who is under the supervision of the first-mentioned managers, have the effect of discharging him from their supervision as well as from their care.
- (2) Where a person who is under the supervision of the managers of an approved school is transferred as aforesaid to the care of the managers of another school in England and Wales, he shall remain subject to supervision under Part I of this Schedule, but as from the time of this transfer he shall be under the supervision of the managers of that other school, and Parts I and U of this Schedule shall apply to him as if his original release as mentioned in paragraph 1 of this Schedule had been from that

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other school, the person (if any) with whom he was, immediately before his transfer, required to live under that paragraph being treated as having been nominated in that behalf by the managers of the last-mentioned school immediately after his transfer.

PART II

FURTHER ADVICE AND ASSISTANCE

- 7 Where a person under the supervision of the managers of an approved school under Part I of this Schedule ceases to be under their supervision otherwise than by reason of his being transferred as mentioned in sub-paragraph (1) of paragraph 6 of this Schedule, then during the period beginning with the day on which he so ceases and ending with the date of the third anniversary of the expiration of the period of his detention or the date on which he attains the age of twenty-one, whichever is the earlier, the managers, if so requested by him, may, to the extent that they think it appropriate to do so, cause him to be visited, advised and befriended or give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.
- 8 Where, in the case of a person to whom paragraph 4 of this Schedule applies, his earliest release from an approved school after the commencement of section fourteen of this Act occurs after the expiration of the period of two years from the date of his original release but not later than whichever of the dates mentioned in paragraph 7 of this Schedule is the earlier in his case, he shall be treated for the purposes of the said paragraph 7 as ceasing to be under the supervision of the managers of the school under Part I of this Schedule on the day of his earliest release as aforesaid.

THIRD SCHEDULE

SUPERVISION OF CERTAIN DISCHARGED PRISONERS

PART I

SUPERVISION WITHIN ENGLAND AND WALES

General Provisions

- 1 Subject to the provisions of this Schedule, every person to whom section twenty of this Act applies shall, after his release from prison and until the expiration of the period of twelve months from the date of his release, be under the supervision of the Society, and shall, while under that supervision—
- (a) keep in touch with his (supervising officer in accordance with such instructions as may from time to time be given by that officer; and
 - (b) comply with such other requirements as may be specified in the notice of supervision given to him under this Schedule.
- 2 Before the release of any such person from prison, the Prison Commissioners shall cause to be given to him a notice (in this Schedule referred to as a notice of supervision) giving the name and address of the person '(being an officer of

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the Society or a probation officer) who is to be his supervising officer in the first instance, and specifying any requirements, including the requirement to keep in touch with that officer, with which he has to comply while under supervision ; and a notice given to any person under this paragraph shall contain a statement that it is given to him as falling within a specified class of the persons to whom section twenty of this Act for the time being applies.

3 At any time during the period for which a person is subject to supervision under this Schedule (in this Schedule referred to as the period of supervision) his supervising officer may be replaced by another supervising officer (being an officer of the Society or a probation officer) named in a notice in writing given to the person under supervision by his then supervising officer or by any other person qualified to be named as his supervising officer ; and any such notice shall specify the address of the new supervising officer and the date from which he is to act as such.

4 The Prison Commissioners may, by notice in writing served on the Society at any time during the period of supervision—

- (a) discharge from supervision any person to whom a notice of supervision has been given ; or
- (b) cancel or modify any of the requirements specified in such a notice in pursuance of sub-paragraph (b) of paragraph 1 of this Schedule ;

and where a notice is served under this paragraph in respect of any person it shall be the duty of the Society to inform that person of the terms of the notice.

Return to prison in case of breach of supervision

5 Any person who, being under supervision under this Schedule, fails to comply with any of the requirements imposed on him thereunder may be sent back to prison by order of a magistrates' court for such term as may be specified in that order, not exceeding whichever is the shorter of the following, that is to say—

- (a) a period equal to one third of the term of imprisonment to which he was originally sentenced, or, if that period exceeds six months, a period of six months ;
- (b) a period equal to so much of the period of supervision as was unexpired at the date of the laying of the information by which the proceedings were commenced.

6 Subject to the following provisions of this Schedule, the Magistrates' Courts Act, 1952, and any other enactment relating to summary proceedings, shall apply in relation to proceedings for an order under paragraph 5 above as they apply in relation to proceedings in respect of a summary offence, and references in those enactments to an offence, trial, conviction or sentence shall be construed accordingly.

7 Proceedings for an order under paragraph 5 above may be brought in a magistrates' court for any county or borough in which the supervising officer carries out his duties; but no summons or warrant shall be issued for the purposes of such proceedings under section one of the Magistrates' Courts Act, 1952, except upon information laid by or on behalf of the Prison Commissioners.

8 A warrant issued under the said section one for the purposes of proceedings for an order under the said paragraph 5 may, If the person laying the information so requests, bear an endorsement requiring any constable charged with its execution to communicate with the Prison Commissioners before arresting the person under

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supervision if the constable finds that that person is earning an honest livelihood or that there are other circumstances which ought to be brought to the notice of the Commissioners.

- 9 If, on the hearing of any such proceedings, the court is satisfied that the person under supervision has failed to comply with any of the requirements of his supervision but is of opinion, having regard to all the circumstances of the case, that it is unnecessary or inexpedient to send him back to prison, the court may make no order in the case.
- 10 If any person while under supervision under this Schedule is convicted, whether on indictment or summarily, of an offence for which the court has power to pass sentence of imprisonment, the court may, instead of dealing with him in any other manner, make any order which could be made by a magistrates' court under paragraph 5 of this Schedule in proceedings for such an order.
- 11 The Prison Commissioners may at any time release from ' prison a person who has been sent back to prison under paragraph 5 or paragraph 10 of this Schedule ; and the provisions of this Schedule shall apply to a person released by virtue of this paragraph subject to the following modifications:—
- (a) the period of twelve months referred to in paragraph 1 shall be calculated from the date of his original release ; and
 - (b) in relation to any further order for sending him back to prison under this Schedule, the period referred to at sub-paragraph (a) of paragraph 5 shall be reduced by any time during which he has been detained by virtue of the previous order.

Supplementary

- 12 In any proceedings, a certificate purporting to be signed by or on behalf of the Prison Commissioners and certifying—
- (a) that a notice of supervision was given to any person in the terms specified in the certificate and on a date so specified ; and
 - (b) either that no notice has been served in respect of him under paragraph 4 of this Schedule or that a notice has been so served in the terms specified in the certificate,
- shall be evidence of the matters so certified and, if the term of imprisonment which he was serving until his release is stated in the notice of supervision, shall be evidence of the length of that term; and the fact that a notice of supervision was given to any person shall be evidence that he was a person to whom section twenty of this Act applies.
- 13 In any proceedings, a certificate purporting to be signed by an officer of the Society or a probation officer and certifying—
- (a) that on a date specified in the certificate he gave to the person named in the certificate a notice under paragraph 3 of this Schedule in the terms so specified; or
 - (b) that on a date specified in the certificate he informed the person named in the certificate of the terms of a notice served on the Society under paragraph 4 of this Schedule,
- shall be evidence of the matter so certified and, in the case of a certificate under sub-paragraph (b) above, of the service and terms of the notice under the said paragraph 4.

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- 14 In this Schedule " the Society " means the Central After-Care Association, or such other society as may from time to time be designated by the Secretary of State as the Society for the purposes of this Schedule.
- 15 Any notice to be served under paragraph 4 of this Schedule may be served by post.
- 16 For the purposes of Part III of this Act, a person who has been sent back to prison under paragraph 5 or paragraph 10 of this Schedule, and has not been released again, shall be deemed to be serving part of his original sentence, whether or not the term of that sentence has in fact expired.

PART II

MODIFICATION OF PART I AS EXTENDED OUTSIDE ENGLAND AND WALES

Scotland

- 17 In relation to anything falling to be done in Scotland under Part I of this Schedule, for the words " an officer of the Society or a probation officer ", wherever they occur, there shall be substituted the words
- “an officer of the Society or any other person, including a probation officer in Scotland, authorised by the Society”.
- 18 In relation to proceedings in Scotland, paragraph 5 of this Schedule shall have effect as if for the reference to a magistrates' court there were substituted a reference to the sheriff, and references in paragraphs 9 and 10 to the court and to a magistrates' court shall be construed accordingly ; in paragraph 8 the words
- “under the said section one” shall be omitted ; and the following shall be substituted for paragraphs- 6 and 7:—
- “6 Proceedings for an order under paragraph 5 above shall be commenced by sworn information laid by or on behalf of the Prison Commissioners before a sheriff having jurisdiction in the area in which the supervising officer carries out his duties ; and upon any such information the sheriff may issue a warrant for the arrest of the person under supervision or may, if he thinks fit, instead of issuing such a warrant in the first instance, issue a citation requiring that person to appear before him at such time as may be specified in the citation.
- 7 If the sheriff before whom a person appears or is brought under the last foregoing paragraph is satisfied that that person has failed to comply with any of the requirements of his supervision, the sheriff may make an order under the said paragraph 5 accordingly”.
- 19 In any proceedings in Scotland, a certificate or notice which, under paragraph 12 or paragraph 13 of this Schedule, is evidence of any matter shall be sufficient evidence of that matter.
- 20 Where an order is made by any court in Scotland under paragraph 5 or paragraph 10 of this Schedule sending back to prison a person under supervision, the court shall commit him to a prison in Scotland ; but the Secretary of State may, without application in that behalf, make at any time an order under section twenty-six of this Act transferring him to a prison in England.

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- 21 In relation to a person detained by virtue of an order under the said paragraph 5 or paragraph 10 in a prison in Scotland, paragraph 11 (and, if that person is released from such a prison under that paragraph, paragraph 2) of this Schedule shall have effect as if for references to the Prison Commissioners there were substituted references to the Secretary of State.

Northern Ireland

- 22 In relation to anything falling to be done in Northern Ireland under Part I of this Schedule, any reference to a probation officer shall be construed as a reference to a probation officer in Northern Ireland.
- 23 In relation to proceedings in Northern Ireland, paragraphs 5 to 10 of this Schedule shall have effect as if—
- (a) for references to a magistrates' court there were substituted references to a court of summary jurisdiction ;
 - (b) for references to the Magistrates' Courts Act, 1952 (except references to section one of that Act) there were substituted references to the Summary Jurisdiction Acts (Northern Ireland); and
 - (c) for references to the said section one there were substituted references to section eleven of the Petty Sessions (Ireland) Act, 1851.
- 24 Where an order is made by a court in Northern Ireland under paragraph 5 or paragraph 10 of this Schedule sending back to prison a person under supervision, the court shall commit him to a prison in Northern Ireland ; but the Minister of Home Affairs may, without application in that behalf, make at any time an order under section twenty-six of this Act transferring him to a prison in England.
- 25 In relation to a person detained by virtue of an order under the said paragraph 5 or paragraph 10 in a prison in Northern Ireland, paragraph 11 (and, if that person is released from such a prison under that paragraph, paragraph 2) of this Schedule shall have effect as if for references to the Prison Commissioners there were substituted references to the Ministry of Home Affairs for Northern Ireland.

Channel Islands and Isle of Man

- 26 Her Majesty may by Order in Council make such provision as appears to Her to be proper for the purposes of or in connection with the application of Part I of this Schedule to any of the Channel Islands or to the Isle of Man.

General

- 27 In relation to anything falling to be done outside England and Wales, any reference to the Society in Part I of this Schedule shall (subject to any Order in Council under paragraph 26 of this Schedule) be construed as a reference to the Society within the meaning of paragraph 14 of this Schedule or such other society as may be designated for the purpose by the Secretary of State ; and different societies may be designated under this paragraph for different purposes of the said Part I, or for any purpose of that Part in its application to persons of different classes or in different circumstances.
- 28 The enactments authorising warrants of arrest for criminal offences issued in any country to which this Schedule extends to be executed in any other such country

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shall apply to any warrant issued for the purposes of proceedings under Part I of this Schedule as they apply to such warrants as aforesaid.

FOURTH SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

Enactment	Amendment
<p>The Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12.</p>	<p>In section fifty-three, in subsection (2), after the words " detained for such period" there shall be inserted the words</p> <p style="padding-left: 2em;">“, not exceeding the maximum term of imprisonment with which the offence is punishable in the case of an adult,”;</p> <p>and in subsection (4), after the words " at any time ", in the second place where those words occur, there shall be inserted the words</p> <p style="padding-left: 2em;">“by notice in writing”,</p> <p>and for the words from " shall return " to the end of the subsection there shall be substituted the words</p> <p style="padding-left: 2em;">“shall, if at large, be deemed to be unlawfully at large.”</p> <p>For section fifty-four there shall be substituted the following section—</p> <p>" 54.—</p> <p>(1) In any case where a court has power, or would have power but for the statutory restrictions upon the imprisonment of young offenders,—</p> <p>(a) to pass sentence of imprisonment on a child or young person found guilty of an offence; or</p> <p>(b) to commit a child to prison for any default, the court may, if it considers that no other method of dealing with him is suitable,</p>

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<p>commit him to custody in a remand home: Provided that a young person shall not be committed to custody in a remand home by virtue of paragraph (a) of this subsection if the court has power under section four of the Criminal Justice Act, 1961, to make an order for the detention in a detention centre of a person of his age and sex.</p> <p>(2) The term for which a person may be committed to custody in a remand home under this section shall not exceed the maximum term for which he could (or could but for any such restrictions) have been sentenced to imprisonment or committed to prison, as the case may be, and shall not in any case exceed one month.</p> <p>(3) This section applies in relation to the fixing of a term of imprisonment to be served in the event of default of payment of a fine or other sum of money as it applies in relation to committal to prison in default of such payment.</p> <p>(4) In this section ' the statutory restrictions upon the imprisonment of young offenders ' and ' default' have the same meaning as in the Criminal Justice Act, 1961 ". In section seventy-two, in subsection (4), for the words " two months " there shall be substituted the words " six months", and for the words " twenty pounds " there shall be substituted the words " one hundred pounds". In section seventy-eight, in subsection (4), for the words</p>	
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	<p>" two months " there shall be substituted the words "six months", and for the words " twenty pounds" there shall be substituted the words "one hundred pounds". In section eighty-two, in subsection (1), for the words " or on licence " there shall be substituted the words "or under supervision" "six months", and for the words " twenty pounds " there shall be substituted the words "one hundred pounds". In section eighty-three, in subsection (1), after the word "Act" there shall be inserted the words "and of the Criminal Justice Act, 1961,"; and in subsection (3), for the words " on licence " there shall be substituted the words "under supervision", and after the word " Act" there shall be inserted the words "and of the Criminal Justice Act, 1961,". In section eighty-eight, in subsection (4), in paragraph (b) after the word " supervision " there shall be inserted the words "or has been removed under section sixteen of the Criminal Justice Act, 1961, to a borstal institution". In the Fourth Schedule, in paragraph 9, in subparagraph (2), after the word " aforesaid " there shall be inserted the words "or removed under section sixteen of the Criminal Justice Act, 1961, to a borstal institution";</p>
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	<p>in sub-paragraph (3), for the words " this Act shall have effect" there shall be substituted the words "this Act and the Criminal Justice Act, 1961, shall have effect"; and in paragraph 12, in sub-paragraph (3), at the end there shall be added the words "or as authorised by paragraph 7 of the Second Schedule to the Criminal Justice Act, 1961".</p>	
<p>The Children and Young Persons Act, 1938. 1 & 2 Geo. 6. c. 40.</p>	<p>In section six, in subsection (2), after the words " Criminal Justice Act, 1948 " there shall be inserted the words "or under section five, section fifteen or subsection (2) of section seventeen of the Criminal Justice Act, 1961.".</p>	
<p>The Family Allowances Act, 1945. 8 & 9 Geo. 6. c. 41.</p>	<p>In section eleven, in subsection (1), in paragraph (a), for the words from " or seventy-four " to the end of the paragraph there shall be substituted the words "of that Act or Part I of the Second Schedule to the Criminal Justice Act, 1961, and the child is not absent from the school under supervision;".</p>	
<p>The Children Act, 1948. 11 & 12 Geo. 6. c. 43.</p>	<p>In section six, in subsection (4), for the words " under section seventy-four of the said Act of 1933 " there shall be substituted the words "under Part I of the Second Schedule to the Criminal Justice Act, 1961", and for the words " the said section seventy-four or " there shall be substituted the words</p>	

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<p>The Criminal Justice Act, 1948. 11 & 12 Geo. 6. c. 58.</p>	<p>“the said Part I or the said section”.</p> <p>Section eighteen shall cease to have effect.</p> <p>In section nineteen, in subsection (1), for the words " section seventeen of this Act or subsections (2) to (6) of section one hundred and seven of the Magistrates' Courts Act, 1952 " there shall be substituted the words</p> <p style="padding-left: 2em;">“the statutory restrictions upon the imprisonment of young offenders”,</p> <p>and for the word " twelve ", in the first place where that word occurs, there shall be substituted the word</p> <p style="padding-left: 2em;">“ten”.</p> <p>In section twenty, in subsection (1), for the word " sixteen " there shall be substituted the word</p> <p style="padding-left: 2em;">“fifteen”</p> <p>“and a sentence of borstal training is available in his case under subsection (2) of section one of the Criminal Justice Act, 1961,”;</p> <p>and in subsection (5), in paragraph (a), for the words " if satisfied of the matters mentioned in subsection (1) of this section " there shall be substituted the words</p> <p style="padding-left: 2em;">“if a sentence of borstal training is available in his case under subsection (2) of section one of the Criminal Justice Act, 1961,”,</p> <p>and in paragraph (b), for the words from " that in subsection (2) " to the end of the paragraph there shall be substituted the words</p> <p style="padding-left: 2em;">“specified in subsections (4) and (5) of section eighteen of the Legal Aid and Advice Act, 1949;”.</p>	
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	<p>In section thirty-eight, in subsection (4), for the words " the Second Schedule to this Act" there shall be substituted the words "section forty-five of the Prison Act, 1952".</p> <p>In section thirty-nine, in subsection (2), for the words " in pursuance of section eight of the Penal Servitude Act, 1891 " there shall be substituted the words "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)".</p> <p>In section forty-eight, in subsection (2), for the word " twelve " there shall be substituted the word "ten".</p> <p>In section fifty-two, subsection (2) shall cease to have effect.</p> <p>In section seventy-two, in subsection (1), for the words " in whose case an approved school order has been made " there shall be substituted the words "who has been ordered to be sent to an approved school",</p> <p>after the word " original" there shall be inserted the words "approved school or other" "fifteen years";</p> <p>and in subsection (2), after the word " school ", where it first occurs, there shall be inserted the words "or other",</p> <p>and for the words " seventy-three and seventy-four " there shall be substituted the words "and seventy-three".</p>	
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	<p>In section eighty, in subsection (1), in the definition of " Sentence ", after the word " 1933 " there shall be inserted the words "or section five of the Criminal Justice Act, 1961", and after that definition there shall be inserted the following definition:— " ' The statutory restrictions upon the imprisonment of young offenders ' has the same meaning as in the Criminal Justice Act, 1961 "; and in subsection (4), for the words " this Act or section one hundred and seven of the Magistrates' Courts Act, 1952 " there shall be substituted the words "any enactment".</p>	
<p>The Prison Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.</p>	<p>In section thirteen, at the end of subsection (2) there shall be added the words "and while he is being taken to any place to which he is required or authorised by or under this Act to be taken, or is kept in custody in pursuance of any such requirement or authorisation".</p> <p>In section twenty-five, in subsection (2) after the word " sentence ", in the second place where it occurs, there shall be inserted the words "and is not a person to whom section twenty of the Criminal Justice Act, 1961, applies"; in subsection (3) at the end there shall be inserted the words "or order that a person who is under supervision as aforesaid shall cease to be under supervision."; and for subsection (7) there shall be substituted</p>	

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the following subsection:

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 " (7) A person who is committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated for the purposes of subsection (1) of this section, but not for the purpose of subsection (2) thereof, as undergoing a sentence of imprisonment for the term for which he is committed, and consecutive terms of imprisonment shall be treated for all the purposes of this section as one term."

In section thirty-nine for the words " two years " there shall be substituted the words "five years".

In section forty-three, in subsection (1), in paragraph (b), after the words " the Criminal Justice Act, 1948 " there shall be inserted the words

"or the Criminal Justice Act, 1961,"
 "fifteen".

In section forty-four, in subsection (1), for the words " three years ", in both places where those words occur, there shall be substituted the words

"two years";

and in subsection (2), after the word " Act" there shall be inserted the words

"and of the Criminal Justice Act, 1961".

In section forty-five, in subsection (2), for the words " three years " there shall be substituted the words

"two years"

"six months";

in subsection (3), for the words " four years from the date of his sentence " there shall be substituted the words

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<p>“two years from the date of his release”;</p> <p>in subsection (4), for the words " four years from the date of his sentence " (where they first occur) there shall be substituted the words</p> <p>“two years from the date of his release”,</p> <p>and for the words " three years " there shall be substituted the words</p> <p>“two years”;</p> <p>in the proviso to subsection (4), in paragraph (a), for the words " four years from the date of the sentence" there shall be substituted the words</p> <p>“two years from the date of his release”,</p> <p>and in paragraph (b), for the words " and the preceding " to the end of the paragraph there shall be substituted the words</p> <p>“and the provisions of subsection (3) of this section and the preceding provisions of this subsection shall apply on his release under this paragraph as they apply in the case of his original release, except that the references to the period of two years from the date of his release shall be construed as references to the period of two years from the date of his original release.”;</p> <p>and in subsection (5), after the words " as aforesaid " there shall be inserted the words</p> <p>“or after being ordered to be returned to a borstal institution under section twelve of the Criminal Justice Act, 1961”.</p>
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<p>The Magistrates' Courts Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.</p>	<p>In section forty-seven, in subsection (5), for the words from " serving " to the end of the subsection there shall be substituted the words “detained in a prison, borstal institution, or detention centre, not being persons committed in custody for trial at assizes or quarter sessions or committed to be sentenced or otherwise dealt with by quarter sessions or remanded in custody by any court”.</p> <p>In section forty-nine, in subsection (2), in paragraph (a) after the word " court " there shall be inserted the words “in the United Kingdom”.</p> <p>In section fifty-five, in subsection (4), for the words " the Second Schedule to this Act" there shall be substituted the words “the Criminal Justice Act, 1961”.</p> <p>In section twenty, in subsection (5), for the words " ten pounds" there shall be substituted the words “fifty pounds”.</p> <p>In section twenty-eight, in subsection (1), for the word " sixteen " there shall be substituted the word “fifteen”, and for the words from " and the court " to " Borstal institution " there shall be substituted the words “and is a person who, under subsections (2) and (4) of section one of the Criminal Justice Act, 1961, may be committed for a sentence of borstal training”.</p>	
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	<p>In section thirty-two, for the words " forty shillings" there shall be substituted the words "ten pounds".</p> <p>In section fifty-four, in subsection (3), in paragraph (b), for the words " until he has " there shall be substituted the words "for a specified period or until he has sooner".</p> <p>In section one hundred and twenty-six, in subsection (1), in the definition of " Fine ", after the word " ' Fine ' " there shall be inserted the words " , except for the purposes of any enactment imposing a limit on the amount of any fine,".</p>	
<p>The Prisons (Scotland) Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.</p>	<p>In section thirty-seven, in the proviso to sub-section (2), after the word " court" there shall be inserted the words "in the United Kingdom".</p>	
<p>The Criminal Justice Act (Northern Ireland), 1953, c. 14.</p>	<p>In section fourteen, in subsection (2), for the words from " in pursuance " to " 1953 " there shall be substituted the words "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".</p>	
<p>The Prison Act (Northern Ireland), 1953. c. 18.</p>	<p>In section thirty-eight, in subsection (3), after the word " court" there shall be inserted the words "in the United Kingdom".</p>	
<p>The Naval Discipline Act, 1957. 5 & 6 Eliz. 2. c. 53.</p>	<p>In section eighty-four, in subsection (5), for the words " or the Prison Act (Northern Ireland), 1953 " there shall be substituted the words "the Prison Act (Northern Ireland) 1953, or the</p>	

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The Mental Health Act, 1959. 7 & 8 Eliz. 2. c. 72.	<p>Criminal Justice Act, 1961”.</p> <p>In section seventy-three, in paragraph (a) of subsection (2), after the word " sessions " there shall be added the words “or committed in custody to assizes or quarter sessions under section six or section eight of the Criminal Justice Act, 1948”.</p> <p>In section seventy-nine, in subsection (1), the words " child or young ", in both places where they occur, shall be omitted.</p>	
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FIFTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	<p>Section seventy-four.</p> <p>In section eighty-two, in subsection (1), in paragraph (b) the words "or upon the revocation of his licence ".</p> <p>In section eighty-seven, in subsection (3), the words "on licence or ".</p> <p>In section eighty-eight, in subsection (4), in paragraph (b), the words " or on licence ".</p> <p>In the Fourth Schedule, paragraph 6; and, in paragraph 12, the words " on licence or " in both places where they occur.</p>
11 & 12 Geo. 6. c. 43.	The Children Act, 1948.	<p>In section six, in subsection (4), the words " paragraph 6 of the Fourth Schedule to the said Act of 1933. or ".</p>

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<p>11 & 12 Geo. 6. c. 58.</p>	<p>The Criminal Justice Act, 1948.</p>	<p>Section eighteen. In section nineteen, in subsection (1), the words "not exceeding twelve in the aggregate". In section twenty, subsections (7) and (8). Section twenty-two. In section twenty-three, in subsection (1), the words "or to be ordered to be subject to the provisions of the last foregoing section". In section thirty-eight, in subsection (4), the words from "and nothing" to the end of the subsection. In section fifty-two, subsection (2). In section seventy-two, in subsection (2), the words "and to supervision and recall".</p>
<p>15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.</p>	<p>The Prison Act, 1952</p>	<p>In section twenty-two, paragraph (a) of subsection (2). In section twenty-four, subsection (2). Section twenty-nine. Section forty-eight. In section forty-nine, in subsection (2), the words from "and (c) nothing" to the end of the subsection. In section fifty-five, in subsection (3), the words from "subsections (1), (3)" to the words "Second Schedule" and the words from "and subsection (1) of the said section" to the end of the subsection. The First and Second Schedules. In the Third Schedule, the amendment of the Criminal Justice Act, 1948.</p>
<p>15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.</p>	<p>The Magistrates' Courts Act, 1952.</p>	<p>In section twenty-eight, subsections (2) and (3); and in subsection (4) the words "or remanded under</p>

		subsection (2)", and the words from " Provided that" to the end of the section. In section one hundred and seven, subsections (4) to (6). In the Fifth Schedule, the amendments of section fifty-four of the Children and Young Persons Act, 1933, and sections eighteen and nineteen and subsection (4) of section eighty of the Criminal Justice Act, 1948.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 61.	The Prisons (Scotland) Act, 1952.	In section ten, paragraph (a) of subsection (2). Section thirty-six. In section thirty-seven, in subsection (1), the words "in any part of Great Britain". The Second Schedule.
8 & 9 Eliz. 2. c. 65.	The Administration of Justice Act, 1960.	In section six, in subsection (2) the words from "and nothing" to the end of the subsection.

SIXTH SCHEDULE

ENACTMENTS RELATING TO BORSTAL TRAINING AS THEY WILL HAVE EFFECT,
SUBJECT TO S. 41 (3) OF THIS ACT AND TO S. 18 (6) OF THE LEGAL AID AND
ADVICE ACT, 1949, WHEN ALL AMENDMENTS MADE IN THEM BY THIS ACT OPERATE

“Criminal Justice Act, 1948, s. 20

- 20** (1) Where a person is convicted on indictment of an offence punishable with imprisonment, then if on the day of his conviction he is not less than fifteen but under twenty-one years of age and a sentence of borstal training is available in his case under subsection (2) of section one of the Criminal Justice Act, 1961, the court may, in lieu of any other sentence, pass a sentence of borstal training.
- (4) An offender committed by a court of summary jurisdiction to quarter sessions for sentence under subsection (1) of section twenty-eight of the Magistrates' Courts Act, 1952, shall be committed—
- (a) where the court of summary jurisdiction acts for a county other than the County of London or for a borough not having a separate court of quarter sessions, to the appeal committee of the quarter sessions for that county or for the county in which that borough is situated, as the case may be ;
 - (b) in any other case, to the next court of quarter sessions having jurisdiction in the county, borough or place for which the court of summary jurisdiction acts ;

and where the offender is so committed to an appeal committee, the clerk to the court of summary jurisdiction shall notify the clerk of the peace, and the clerk of the peace shall give notice to the prosecutor and to the governor of the remand centre or prison to which the offender is committed of the date on which the case will be dealt with by the appeal committee, being the next available sitting of a court consisting of members of that committee.

- (5) Where an offender is so committed for sentence as aforesaid, the following provisions shall have effect, that is to say:—
- (a) the appeal committee or court of quarter sessions shall inquire into the circumstances of the case and may—
 - (i) if a sentence of borstal training is available in his case under subsection (2) of section one of the Criminal Justice Act, 1961, sentence him to borstal training ; or
 - (ii) in any case, deal with him in any manner in which the court of summary jurisdiction might have dealt with him ;
 - (b) the Poor Prisoners Defence Act, 1930, shall apply as if the offender were committed for trial for an indictable offence, subject to the modifications specified in subsections (4) and (5) of section eighteen of the Legal Aid and Advice Act, 1949 ;
 - (d) if the appeal committee or court of quarter sessions passes a sentence of borstal training, the offender may appeal against the sentence to the Court of Criminal Appeal as if he had been convicted on indictment, and the provisions of the Criminal Appeal Act, 1907, shall apply accordingly.
- (6) References to a court of quarter sessions or a court in any enactment as applied by the last foregoing subsection, or in any other enactment relating to persons dealt with by quarter sessions (including any such enactment contained in this Act) shall be construed as including references to an appeal committee of quarter sessions by whom an offender is dealt with under that subsection. Magistrates' Courts Act, 1952, s. 28
- 28** (1) Where a person is convicted by a magistrates' court of an offence punishable on summary conviction with imprisonment, then, if on the day of the conviction he is not less than fifteen but under twenty-one years old and is a person who, under subsections (2) and (4) of section one of the Criminal Justice Act, 1961, may be committed for a sentence of borstal training, the court may commit him in custody to quarter sessions for sentence in accordance with the provisions of section twenty of the Criminal Justice Act, 1948.
- (4) A person committed under subsection (1) of this section shall be committed—
- (a) if the court has been notified by the Secretary of State that a remand centre is available for the reception, from that court, of persons of the class or description of the person committed, to a remand centre ;
 - (b) if the court has not been so notified, to a prison. Prison Act, 1952, s. 45
- 45** (1) A person sentenced to borstal training shall be detained in a borstal institution, and after his release therefrom shall be subject to supervision, in accordance with the following provisions of this section ; subject, however, to the power of the Secretary of State under subsection (2) of the last preceding section to commute in certain cases the unexpired part of the term for which a person is liable to be so detained to a term of imprisonment.
- (2) A person sentenced to borstal training shall be detained in a borstal institution for such period, not extending beyond two years after the date of his sentence, as the Prison Commissioners may determine, and shall then be released:

Provided that the Prison Commissioners shall not release any such person from a borstal institution before the expiration of six months from the date of his sentence unless required to do so by directions of the Secretary of State.

- (3) A person shall, after his release from a borstal institution and until the expiration of two years from the date of his release, be under the supervision of such society or person as may be specified in a notice to be given to him by the Prison Commissioners on his release, and shall, while under that supervision, comply with such requirements as may be so specified:

Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements or order that a person who is under supervision as aforesaid shall cease to be under supervision.

- (4) If before the expiration of two years from the date of his release the Prison Commissioners are satisfied that a person who is under supervision after his release from a borstal institution under subsection (2) of this section has failed to comply with any requirement for the time being specified in the notice given to him under subsection (3) of this section, they may by order recall him to a borstal institution ; and thereupon he shall be liable to be detained in the borstal institution until the expiration of two years from the date of his sentence, or the expiration of six months from the date of his being taken into custody under the order, whichever is the later, and, if at large, shall be deemed to be unlawfully at large:

Provided that—

- (a) any such order shall, at the expiration of two years from the date of his release, cease to have effect unless the person to whom it relates is then in custody thereunder ; and
- (b) the Prison Commissioners may at any time release a person who is detained in a borstal institution under this subsection ; and the provisions of subsection (3) of this section and the preceding provisions of this subsection shall apply on his release under this paragraph as they apply in the case of his original release, except that the references to the period of two years from the date of his release shall be construed as references to the period of two years from the date of his original release.
- (5) If any person while under supervision, or after his recall to a borstal institution, as aforesaid, or after being ordered to be returned to a borstal institution under section twelve of the Criminal Justice Act, 1961, is sentenced by a court in any part of Great Britain to corrective training or borstal training, his original sentence of borstal training shall cease to have effect.
- (6) The Prison Commissioners in exercising their functions under this section shall consider any report made to them by a board of visitors on the advisability of releasing a person from a borstal institution.”

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Petty Sessions (Ireland) Act, 1851	14 & 15 Vict. c. 93.
Forfeiture Act, 1870	33 & 34 Vict. c. 23.

SIXTH SCHEDULE – Enactments relating to borstal training as they will have effect, subject to s. 41 (3) of this Act and to s. 18 (6) of the Legal Aid and Advice Act, 1949, when all amendments made in them by this Act operate

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Bank Holidays Act, 1871	34 & 35 Vict. c. 17.	
Colonial Prisoners Removal Act, 1884	47 & 48 Vict. c. 31.	
Penal Servitude Act, 1891	54 & 55 Vict. c. 69.	
Criminal Appeal Act, 1907	7 Edw. 7. c. 23.	
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.	
Poor Prisoners Defence Act, 1930	20 & 21 Geo. 5. c. 32.	
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.	
Criminal Justice Act, 1948	11 & 12 Geo. 6. c. 58.	
Legal Aid and Advice Act, 1949	12, 13 & 14 Geo. 6. c.51.	
Prison Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 52.	
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.	
Prisons (Scotland) Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 61.	
Army Act, 1955	3 & 4 Eliz. 2. c. 18.	
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.	
Naval Discipline Act, 1957	5 & 6 Eliz. 2. c. 53.	

**Summary Jurisdiction (Appeals from
Borstal Training Orders) Act
(Northern Ireland) 1963**

1963. Chapter 21.

An Act to provide for appeals from sentences of
Borstal training passed upon summary conviction.

[9th July, 1963.]

BE it enacted by the Queen's most Excellent Majesty, and the Senate and the House of Commons of Northern Ireland in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Subject to the succeeding provisions of this section, where a person has upon summary conviction been sentenced, whether before or after the commencement of this Act, to Borstal training that person may appeal to the county court against such sentence in the manner provided by Part VI of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935 and the provisions of that Part shall apply to such sentence in like manner as to a sentence of imprisonment.

(2) In its application, by virtue of this section, to sentences of Borstal training imposed before the commencement of this Act, the said Part VI of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1935 shall have effect as if—

(a) in section 24 (3) (a) the reference to twenty-one days from the date of the decision of the court of summary jurisdiction were construed as a reference to seven weeks after the commencement of this Act; and

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1963 *Summary Jurisdiction (Appeals from
Borstal Training Orders) Act* Ch. 21

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(b) in section 24 (3) (b) (c) the word "within" were construed as meaning "before the expiration of" and the reference to the day on which the decision of the court of summary jurisdiction was given were construed as a reference to the day falling four weeks after the commencement of this Act.

(3) Nothing in this Act shall operate to authorise an appeal against a sentence of Borstal training which has expired before the commencement of this Act but any sentence or order whatsoever which purports to have been imposed, confirmed or made before the passing of this Act by a county court on appeal from a court of summary jurisdiction against a sentence of Borstal training shall be taken to have had effect as if this Act had been in force at the time of such appeal.

(4) References in this Act to a sentence of Borstal training include references to any order for detention in a Borstal Institution.

2. This Act may be cited as the Summary Jurisdiction (Appeals from Borstal Training Orders) Act (Northern Ireland) 1963 and may be included among the Acts which may be cited together as the Summary Jurisdiction Acts (Northern Ireland).

Short title,
and citation.

Right of
appeal from
sentence of
Borstal
training
passed on
summary
conviction.

25&26 Geo.5,
c. 13.

planning permission is withheld only where there is some definite planning objection, that permission is given on a long term or permanent basis unless there is some definite reason against this, and that, where sites have to be run down or numbers have to be reduced, this is done with due regard to avoiding hardship."

H.G.C.

SUMMARY JURISDICTION (APPEALS FROM BORSTAL TRAINING ORDERS) ACT
(N.I.) 1963, c. 21.

On January 18th, 1963 at Belfast Custody Court two seventeen year old girls received borstal sentences for being in breach of probation orders and for disorderly conduct. Female borstal facilities being no longer available in Northern Ireland, the two girls were destined to serve their sentences somewhere in the rest of the United Kingdom. This can be arranged under the transfer provisions in section 26(3)¹ of the British Criminal Justice Act of 1961.²

The girls appealed to the Recorder of Belfast but he held that he had no jurisdiction,³ basing his decision on an interpretation of the relevant section of the Summary Jurisdiction and Criminal Justice Act (N.I.) 1935.⁴ Section 24(1) of that Act permits appeals in criminal cases from courts of summary jurisdiction "by any party against whom an order is made . . . for any term of imprisonment." In short, the Recorder held that "imprisonment" did not include borstal training.

The ruling caused no small concern. There were banner headlines in the local press. The girls set about petitioning the Governor. It was conceded that appeals against borstal sentences imposed at summary jurisdiction level had been heard in the past.⁵ Nor was this the only matter of some consternation to the legal profession. Because of the ruling, a paradoxical situation had arisen whereby a borstal sentence passed on a person convicted summarily could not be appealed against while a similar sentence passed at a higher court level could.

The Summary Jurisdiction (Appeals from Borstal Training Orders) Act (N.I.) 1963 is a swift acknowledgment on the part of the legislature of the necessity for remedial action. The Act does two things. In the first place, it enables persons sentenced on summary conviction to borstal training to appeal to a county court.⁶ Secondly, the Act extends the time limit for notice of appeal in the case of those persons sentenced to borstal in the period between the Recorder's ruling and the commencement of the Act.⁷

¹ "Where a girl or woman has been sentenced to borstal training in Northern Ireland, the Minister of Home Affairs for Northern Ireland may, without application in that behalf, make an order for her transfer to another part of the United Kingdom, there to serve her sentence or the remainder of her sentence, as the case may be, and for her removal to a borstal institution in that part of the United Kingdom."

² 9 & 10 Eliz. 2, ch. 39. See p. 127 of this volume.

³ The "Belfast Telegraph," Feb. 12, 1963.

⁴ 25 & 26 Geo. 5, ch. 13 (N.I.). A comprehensive measure to consolidate and reform summary jurisdiction matters is before the Northern Ireland Parliament at present, under the title Magistrates' Courts Bill.

⁵ As, for instance, by the Minister of Home Affairs, during the Second Reading of the remedial Bill, 34 H.C. Debs. (N.I.), c. 1741 (1963). Section 1(2) of the Act legalises measures adopted by county courts which in the past had admitted jurisdiction to hear appeals against borstal sentences.

⁶ S. 1(1). That is, in the manner provided under part VI of the Summary Jurisdiction and Criminal Justice Act (N.I.) 1935.

⁷ S. 1(2). Note the concern of two Senators over this matter, 46 Senate Debs. (N.I.) c. 733, at cc. 734 and 736 (1963). The Act substitutes for the usual period of 21 days after the decision of the court 7 weeks from the date of the commencement of the Act.

The Act came into effect on 9th July 1963, less than six months after the legal discrepancy had been discovered. Whilst this speed should be welcomed, it is, perhaps, legitimate to raise the question of the possibility of the February ruling having been avoided in the first instance. It is probable that it could have been so avoided and not through any legalistic attachment to the old Latin tag, *communis error facit jus*. Whilst the regimes offered by prison and borstal do differ, is it not true that both prison and borstal punish, both involve a deprivation of liberty and both attach a certain stigma to their occupants? In considering the problem of interpretation that was bluntly posed by the 1935 Act, would it not have been better to have had regard to such matters rather than to rely on the truism that a prison is not a borstal?

A few recent English decisions have demonstrated beyond all doubt that, so far as the interpretation of the criminal law is concerned, the judges have not aided administrators in their tasks.⁸ On occasion parliamentary draughtsmen will be imprecise or have oversights; but should this be an excuse for a show of judicial independence, particularly where the administrative implications are awkward and where that awkwardness might have been avoided by a ruling that would in no wise have affronted legal sensitivities?

Since the draft of this note was prepared, a colleague has brought to my attention a statutory definition which, if it had been mentioned to the Recorder, might well have led to his coming to the opposite conclusion. The definition is to be found in s. 38(3)(a) of the British Criminal Justice Act, 1961,⁹ which provides that in sections 22 and 34 and part III of the Act the expression "imprisonment or detention" means imprisonment, corrective training, preventive detention, borstal training or detention in a detention centre. The expression "imprisonment or detention" is used in s. 22 simply to shorten references to the various types of institution, assistance in escape from which is condemned. In part III the same expression features again. On this occasion the expression is employed as a device to shorten references to the various types of institution in respect of the inmates of which transfer orders may be made. A drafting error can alone explain complete absence of the expression from section 34.

There would thus appear to be even fewer reasons why borstal should not have been treated as prison for appeal purposes in Northern Ireland if in Britain the two had been considered, and continue to be considered, as analogous for purposes associated with transfer orders and the offence of assisting escapes.

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⁸ The decisions of the Divisional Court in *Fisher v. Bell* (on the sale of offensive weapons) [1961] 1 Q.B. 394, [1960] 3 W.L.R. 919, [1960] 3 All E.R. 731 and of the House of Lords in *Payne v. Bradley* (on "private gain" in the law relating to lotteries) [1962] A.C. 343, [1961] 3 W.L.R. 281, [1961] 2 All E.R. 882 were both contrary to the intent of the legislature as contained in the Restriction of Offensive Weapons Act 1959, 7 & 8 Eliz. 2, ch. 37, s. 1(1), and in the Small Lotteries and Gaming Act 1956, 4 & 5 Eliz. 2, ch. 45, s. 4(1)(c) respectively and both led to swift legislative reversal by the Restriction of Offensive Weapons Act 1961, 9 & 10 Eliz. 2, ch. 22 and the Lotteries and Gaming Act 1962, 10 & 11 Eliz. 2, ch. 55.

⁹ 9 & 10 Eliz. 2, ch. 39. See page 127 of this volume.