



Criminal Justice Act 1948

1948 CHAPTER 58 11 and 12 Geo 6

An Act to abolish penal servitude, hard labour, prison divisions and sentence of whipping; to amend the law relating to the probation of offenders, and otherwise to reform existing methods and provide new methods of dealing with offenders and persons liable to imprisonment; to amend the law relating to the proceedings of criminal courts, including the law relating to evidence before such courts; to abolish privilege of peerage in criminal proceedings; to regulate the management of prisons and other institutions and the treatment of offenders and other persons committed to custody; to re-enact certain enactments relating to the matters aforesaid; and for purposes connected therewith. [30th July 1948]

PART I

POWERS AND PROCEEDINGS OF COURTS

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

1 Abolition of penal servitude, hard labour and prison divisions.

- (1) No person shall be sentenced by a court to penal servitude; and every enactment conferring power on a court to pass a sentence of penal servitude in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term of penal servitude for which a sentence could have been passed in that case immediately before the commencement of this Act.
- (2) No person shall be sentenced by a court to imprisonment with hard labour; and every enactment conferring power on a court to pass a sentence of imprisonment with hard labour in any case shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the term for which a sentence of imprisonment with hard labour could have been passed in that case immediately before the commencement of this Act; and so far as any enactment requires or permits prisoners to be kept to hard labour it shall cease to have effect.

Changes to legislation: Criminal Justice Act 1948 is up to date with all changes known to be in force on or before 23 December 2021. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) So far as any enactment provides that a person sentenced to imprisonment or committed to prison is or may be directed to be treated as an offender of a particular division, or to be placed in a separate division, it shall cease to have effect.

2 F1

Textual Amendments
F1 S. 2 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), **Sch. 1 Pt. IV**

3—12. F2

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

13 F3

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

14 F4

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

15 F5

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

Powers relating to young offenders

16 F6

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Textual Amendments

F6 S. 16 repealed by [Homicide Act 1957 \(c. 11\)](#), **Sch. 2**

- 17**
- (1) **F7**
 - (3) **F8**
 - (4) **F9**
 - (6) **F10**

Textual Amendments

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

- 18** **F11**

Textual Amendments

F11 S. 18 repealed by [Criminal Justice Act 1961 \(c. 39\)](#), **Sch. 5**

- 19, 20.** **F12**

Textual Amendments

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

- 21** **F13**

Textual Amendments

F13 S. 21 repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

- 22** **F14**

Textual Amendments

F14 S. 22 repealed by [Criminal Justice Act 1961 \(c. 39\)](#), **Sch. 5**

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23 F15

Textual Amendments

F15 S. 23 repealed by [Criminal Justice Act 1967 \(c. 80\)](#), **Sch. 7 Pt. I**

24 F16

Textual Amendments

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

Adjournment, remand, etc.

25, 26. F17

Textual Amendments

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

[^{F18}27 **Remand of persons aged [^{F19}18] to 20.**

^{F20}(1) Where a court remands a person charged with or convicted of an offence or [^{F20}sends him to the Crown Court for trial or commits him there for] sentence and he is not less than [^{F21}eighteen] but under twenty–one years old and is not released on bail, then, if the court has been notified by the Secretary of State that a remand centre is available for the reception from the court of persons of his class or description, it shall commit him to a remand centre and, if it has not been so notified, it shall commit him to a prison.

(2) Where a person is committed to a remand centre in pursuance of this section, the centre shall be specified in the warrant and he shall be detained there for the period for which he is remanded or until he is delivered thence in due course of law.

(3) In this section “ court ” includes a justice; and nothing in this section affects the provisions of [^{F22}section 128(7) of the Magistrates’ Courts Act 1980] (which provides for remands to the custody of a constable).]

Textual Amendments

F18 S. 27 substituted by [Children and Young Persons Act 1969 \(c. 54\)](#), **Sch. 5 para. 24**

F19 Word in s. 27 heading substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 2**; S.I. 2012/2906, art. 2(j)

F20 Words in s. 27(1) substituted (9.5.2005 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 3 para. 35(2)**; S.I. 2005/1267, art. 2(1)(2)(a), Sch. Pt. 1

F21 Word in s. 27(1) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 3**; S.I. 2012/2906, art. 2(j)

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F22 Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [Sch. 7 para. 7](#)

28 **F23**

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Textual Amendments

F23 Ss. 24–26, 28 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [Sch. 6](#)

29 **F24**

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Textual Amendments

F24 S. 29 repealed by [Powers of Criminal Courts Act 1973 \(c. 62\)](#), [Sch. 6](#)

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

30 **F25**

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Textual Amendments

F25 S. 30 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. IV](#)

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

(1) Any British subject employed under His Majesty's Government in the United Kingdom in the service of the Crown who commits, in a foreign country, when acting or purporting to act in the course of his employment, any offence which, if committed in England, would be punishable on indictment, shall be guilty of an offence . . . ^{F26}, and subject to the same punishment, as if the offence had been committed in England.

(2) **F27**

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Textual Amendments

F26 Words repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

F27 S. 31(2)(3) repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. III](#)

32, 33. **F28**

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Textual Amendments

F28 Ss. 32, 33 repealed by [Magistrates' Courts Act 1952 \(c. 55\)](#), [Sch. 6](#)