

Criminal Justice Act, 1960



Number 27 of 1960.

CRIMINAL JUSTICE ACT, 1960.

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Temporary release of persons from prisons and from Saint Patrick's Institution.
3. Temporary release of criminal lunatics.
4. Conditions in relation to temporary release.
5. Power to suspend currency of sentence in respect of period of temporary release.
6. Persons unlawfully at large.
7. Arrest of persons unlawfully at large.
8. Extension of powers in relation to the places of confinement of criminal lunatics.
9. Remand or committal for trial or sentence of certain young persons to remand institutions.
10. Power of Minister to transfer a person detained under section 9.
11. Lawful custody of persons detained under sections 9 and 10.
12. Discontinuance of use of term "Borstal."

1325

13. Sentencing of certain young persons to detention in Saint Patrick's Institution.

14. Expenses.

15. Short title.

Acts Referred to

Central Criminal Lunatic Asylum (Ireland) Act, 1845	1845, c. 107
<u>Mental Treatment Act, 1945</u>	1945, No. 19
Army Act, 1881	1881, c. 58
<u>Defence Act, 1954</u>	1954, No. 18
Criminal Justice Administration Act, 1914	1914, c. 58
Criminal Lunatics (Ireland) Act, 1838	1838, c. 27
Lunatic Asylums (Ireland) Act, 1875	1875, c. 67
Central Criminal Lunatic Asylum (Ireland) Act, 1845	1845, c. 107
Prevention of Crime Act, 1908	1908, c. 59



Number 27 of 1960.

CRIMINAL JUSTICE ACT, 1960.

AN ACT TO AMEND CRIMINAL LAW AND ADMINISTRATION. [26th July, 1960.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Definitions.

1.—In this Act—

“*remand institution*” means an institution (other than a prison) whose use for the purposes of this Act has been approved of by the Minister;

1326

“*the Central Mental Hospital*” means the Central Criminal Lunatic Asylum established in pursuance of the Central Criminal Lunatic Asylum (Ireland) Act, 1845;

“*district mental hospital*” has the meaning assigned to it by the Mental Treatment Act, 1945 ;

“*the Minister*” means the Minister for Justice;

“*Saint Patrick's Institution*” means the institution called and known as “*Saint Patricks*” and situate at North Circular Road, Dublin.

Temporary release of persons from prisons and from Saint Patrick's Institution.

2.—(1) The Minister may make rules providing for the temporary release, subject to such conditions (if any) as may be imposed in each particular case, of persons serving a sentence of penal servitude or imprisonment, or of detention in Saint Patrick's Institution.

(2) Rules made under this section shall be laid before each House of the Oireachtas as soon as may be after they are made and, if a resolution annulling the rules is passed by either such House within the next twenty-one days on which that House has sat after the rules are laid before it, the rules shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Temporary release of criminal lunatics.

3.—(1) In this section—

“*criminal lunatic*” means a person who is detained in a district mental hospital or in the Central Mental Hospital by warrant, order or direction of the Government or the Minister or under the provisions of section 91 of the Army Act, 1881, or of the Defence Act, 1954 , and, if he is undergoing a sentence of penal servitude or imprisonment, or of detention in Saint Patrick's Institution, whose sentence has not expired;

“*person in charge*” means—

(a) in relation to a criminal lunatic detained in a district mental hospital, the resident medical superintendent thereof, and

(b) in relation to a criminal lunatic detained in the Central Mental Hospital, the Resident Physician and Governor thereof.

(2) A criminal lunatic who, in the opinion of the person in charge, is not dangerous to himself or to others may, with the consent of the Minister, be released temporarily by the person in charge subject to such conditions (if any) as he may, with the consent of the Minister, impose.

(3) (a) The consent of the Minister to the release of a criminal lunatic under this section may be given in relation to a particular release or in relation to the release from time to time during a specified period of that criminal lunatic.

(b) The consent of the Minister to the imposition of conditions in relation to the release of a criminal lunatic under this section may relate to the imposition of conditions in relation to a particular release of that criminal lunatic or to the

1327

imposition of conditions in relation to the release from time to time during a specified period of that criminal lunatic.

Conditions in relation to temporary release.

4.—(1) Where the release of a person under section 2 or section 3 of this Act is made subject to conditions, the conditions shall be communicated to the person at the time of his release by notice in writing.

(2) A person temporarily released under section 2 or section 3 of this Act shall comply with any conditions to which his release is made subject.

Power to suspend currency of sentence in respect of period of temporary release.

5.—The currency of the sentence, if any, of a person temporarily released under section 2 or section 3 of this Act may, at the time of release or at any time during or after the period of release, be suspended by the Minister, if he so thinks fit, in respect of the whole or part of the period.

Persons unlawfully at large.

6.—(1) A person who, by reason of having been temporarily released under section 2 or section 3 of this Act, is at large shall be deemed to be unlawfully at large if—

(a) the period for which he was temporarily released has expired, or

(b) a condition to which his release was made subject has been broken.

(2) A person who is unlawfully at large shall be guilty of an offence under this section and on summary conviction thereof shall be liable to imprisonment for a term not exceeding six months.

(3) Where, by reason of the breach of a condition to which his release under section 2 or section 3 of this Act was made subject, a person is deemed to be unlawfully at large and is arrested under section 7 of this Act, the period for which he was temporarily released shall thereupon be deemed to have expired.

(4) The currency of the sentence of a person who is unlawfully at large for any period shall be suspended in respect of the whole of that period.

Arrest of persons unlawfully at large.

7.—A member of the Garda Síochána may arrest without warrant a person whom he suspects to be unlawfully at large and may take such person to the place in which he is required in accordance with law to be detained.

Extension of powers in relation to the places of confinement of criminal lunatics.

8.—(1) A warrant under section 2 or section 3 of the Criminal Lunatics (Ireland) Act, 1838, or section 13 of the Lunatic Asylums (Ireland) Act, 1875, in relation to any person may, at the discretion of the Minister, order the removal of the person to the Central Mental Hospital or to any district mental hospital and, where the warrant so orders, references in the section under which the warrant is issued to an asylum shall be construed as references to the Central Mental Hospital or district mental hospital, as the case may be, and the section shall have effect accordingly.

(2) Where a person is detained under the said section 2, the said section 3, the said section 13 or section 12 of the Central Criminal Lunatic Asylum (Ireland) Act, 1845, the Minister may, at his discretion, by order under this subsection, direct the transfer of the person—

1328

(a) if he is detained in the Central Mental Hospital, to a district mental hospital, and

(b) if he is detained in a district mental hospital, to the Central Mental Hospital or to another district mental hospital,

and, where a person is transferred under this subsection to the Central Mental Hospital or to a district mental hospital, references in the section under which he is detained to an asylum or to a mental institution or hospital shall be construed as references to the Central Mental Hospital or to the district mental hospital to which he is transferred, as the case may be, and the section shall have effect accordingly.

Remand or committal for trial or sentence of certain young persons to remand institutions.

9.—(1) Where a statute or instrument made under statute confers a power to remand in custody or to commit in custody for trial or for sentence a person who is not less than sixteen nor more than twenty-one years of age, the power shall be deemed to include a power to remand or commit the person in custody to a remand institution and the statute or instrument, as the case may be, shall have effect accordingly.

(2) For the purposes of subsection (1) of this section, the power conferred by section 10 of the Criminal Justice Administration Act, 1914, to commit to prison shall be deemed to be a power to commit in custody for sentence.

(3) A person shall not be detained under this section or under section 10 of this Act in a remand institution which is conducted otherwise than in accordance with the religion to which the person belongs.

Power of Minister to transfer a person detained under section 9.

10.—(1) Subject to subsection (2) of this section and subsection (3) of section 9 of this Act, the Minister may, if he thinks it proper to do so, direct that a person detained under section 9 of this Act or this section in a remand institution be transferred to and detained for the unexpired part of the period of remand or committal, as the case may be, in another remand institution, in a prison or in Saint Patrick's Institution.

(2) The Minister shall not give a direction under this section in respect of a person unless he has been so requested by the person or by the person in charge of the institution in which he is detained.

(3) When a direction is given under this section in relation to a person, he shall be transferred as soon as may be to the institution or prison specified in the direction and shall be detained there for the unexpired part of the period for which he was remanded or committed.

Lawful custody of persons detained under sections 9 and 10.

11.—(1) Subject to subsection (3) of this section, a person who is detained in a remand institution pursuant to section 9 of this Act shall be deemed to be in the lawful custody of the person for the time being in charge of the institution during and until the expiration of the period for which he was remanded or committed, or, if it should sooner happen, until he is transferred under section 10 of this Act.

(2) Subject to subsection (3) of this section, a person who is transferred under section 10 of this Act to an institution (being a remand institution or Saint Patrick's Institution) or to a prison shall be deemed to be in the lawful custody of the person in charge of the institution or the governor of the prison, as the case may be, from the time he is transferred until the expiration of the period for which he was remanded or committed or, if it should sooner happen, until he is transferred again under the said section 10.

1329

(3) A person who, during a period of detention pursuant to section 9 or section 10 of this Act, is absent without permission from the place of detention shall be deemed to have escaped from lawful custody and the foregoing provisions of this section shall not apply in relation to the period during which he is so absent.

Discontinuance of use of term "Borstal."

12.—On the commencement of this Act, the use of the term "*Borstal*" shall be discontinued and, accordingly, references in any statute or instrument made under statute to a Borstal Institution or to Borstal Institutions shall thenceforth be construed as references to Saint Patrick's Institution.

Sentencing of certain young persons to detention in Saint Patrick's Institution.

13.—(1) Where a person who is not less than seventeen nor more than twenty-one years of age is convicted of an offence for which he is liable to be sentenced to a term of penal servitude or imprisonment, he may, in lieu of being so sentenced, be sentenced to be detained in Saint Patrick's Institution for a period not exceeding the term for which he might have been sentenced to penal servitude or imprisonment, as the case may be.

(2) Where a person who is less than seventeen but not less than sixteen years of age is convicted of an offence for which he would, if he were not less than seventeen years of age, be liable to be sentenced to a term of penal servitude or imprisonment and the court considers that none of the other methods in which the case may legally be dealt with is suitable, he may be sentenced to be detained in Saint Patrick's Institution for a period not exceeding the term for which he might, if he were not less than seventeen years of age, be sentenced to penal servitude or imprisonment, as the case may be.

(3) The Minister may make regulations providing for the rule and management of and the constitution of a visiting committee for Saint Patrick's Institution in so far as it is being used for the detention of persons sentenced under this section and for the classification, treatment, employment and control of such persons and may, by the regulations, apply, to such extent and subject to such modifications, if any, as may be specified therein—

(a) the Prisons Acts, 1856 to 1956, and the rules made thereunder, whether before or after the commencement of this Act, and

(b) regulations made, whether before or after the commencement of this Act, under subsection (2) of section 4 of the Prevention of Crime Act, 1908,

in relation to Saint Patrick's Institution in its use aforesaid.

Expenses.

14.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title.

15.—This Act may be cited as the Criminal Justice Act, 1960.

© Government of Ireland. Oireachtas Copyright Material is reproduced with the permission of the House of the Oireachtas

[Accessibility Statement](#) | [Privacy Statement](#) | [Disclaimer](#)

1330