

Fine or Imprisonment (Scotland and Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

MEMORANDUM.

Up to January 1st, 1899, a prisoner committed to prison in default of payment of a fine, whether in England and Wales, Scotland, or Ireland, could only obtain release before the expiration of the period for which he was committed by payment of the full amount of the fine. The Departmental Committee of 1894 on Habitual Offenders, &c. (Scotland), strongly recommended that prisoners so committed should be allowed to work out their sentences partly by imprisonment and partly by money payment,—a remission of their term of imprisonment in default being made, proportionate to the part of the fine imposed which they were able and willing to pay,—in other words, that a prisoner who had been sentenced, say, to a fine of twenty shillings or twenty days, and who could raise, say, ten shillings, should be liberated after ten days' imprisonment on payment of that ten shillings, instead of being kept in gaol till the very end unless he could pay the entire sum. This recommendation was adopted in the Prison Act, 1898, which came into effect on the first day of the present year. That Act, however, does not apply to Scotland or Ireland, and the object of this Bill is to extend to these countries the same reform in that respect which that measure enacted for England. The enacting clause of the Bill follows verbatim the wording of the Prison Act.

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[AS AMENDED IN COMMITTEE]

TO

Assimilate the law of Scotland and of Ireland as to A.D. 1899.
Imprisonment in Default of Payment of Fines to that
of England.

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:—

- 5 **1.** Where a person is committed to prison for non-payment of a sum adjudged to be paid by the conviction of any court of summary jurisdiction, then, on payment to the governor of the prison, under conditions prescribed by prison rules, of any sum in part satisfaction of the sum so adjudged to be paid, and of any charges for which
- 10 the prisoner is liable, the term of imprisonment shall be reduced by a number of days bearing as nearly as possible the same proportion to the total number of days for which the prisoner is sentenced as the sum so paid bears to the sum for which he is so liable.

Release of
prisoner on
payment of
portion of
fine.

2. In the application of this Act to Scotland—

- 15 (1.) Provision may be made by Act of Adjournal under section thirty-three of the Summary Procedure Act, 1864, for the application of sums paid under this Act, and for any matter incidental thereto:

Application to
Scotland and
construction
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Application
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27 & 28 Vict.
c. 53.

- 20 (2.) This Act shall be read as one with the Prisons (Scotland) Act, 1877, and may be cited with the Prisons (Scotland) Acts, 1860 to 1887: provided that in this Act the expression "prison" shall include police cells declared legal prisons in terms of the said Acts, and the expression "governor" shall include any officer in charge of such police cells:

40 & 41 Vict.
c. 53.

[Bill 147.]

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A.D. 1899.

Application
to Ireland.14 & 15 Vict.
c. 90.40 & 41 Vict.
c. 49.Commence-
ment of Act.Extent of
Act.

Short title.

3. In the application of this Act to Ireland—

(1.) Provision may be made by regulations under section six of the Fines (Ireland) Act, 1851, for the application of sums paid under this Act, and for any matter incidental thereto.

(2.) Prison rules for the purpose of this Act may be made **5** by the General Prisons Board for Ireland, subject to the approval of the Lord Lieutenant and Privy Council, and section fifty-seven of the General Prisons (Ireland) Act, 1877, shall apply to such rules.

(3.) This Act may be cited with the Prisons (Ireland) Acts, **10** 1826 to 1884.

4. This Act shall come into operation in each country respectively on the date at which the first prison rules made thereunder for that country come into force.

5. This Act shall not apply to England and Wales. **15**

6. This Act may be cited as the *Fine or Imprisonment* (Scotland and Ireland) Act, 1899.