



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Committal to care of local authorities

F120

Textual Amendments

F1 Ss. 20–22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F220A

Textual Amendments

F2 S. 20A (inserted) by Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F321

Textual Amendments

F3 Ss. 20–22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Status: Point in time view as at 14/10/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Cross Heading: Committal to care of local authorities. (See end of Document for details)

F⁴21A

Textual Amendments

F4 S. 21A repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F⁵22

Textual Amendments

F5 Ss. 20–22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F⁶23 **Remand to local authority accommodation, committal of young persons of unruly character, etc.**

- (1) Where a court—
 - (a) remands or commits for trial a child charged with homicide or remands a child convicted of homicide; or
 - (b) remands a young person charged with or convicted of one or more offences or commits him for trial or sentence,
 and he is not released on bail, then, unless he is a young person who is certified by the court to be of unruly character, the court shall remand him to local authority accommodation.
- (2) A court remanding a person to local authority accommodation shall designate the authority who are to receive him and that authority shall be the authority in whose area it appears to the court that—
 - (a) he resides; or
 - (b) the offence or one of the offences was committed.
- (3) Where a person is remanded to local authority accommodation, it shall be lawful for any person acting on behalf of the designated authority to detain him.
- (4) The court shall not certify a young person as being of unruly character unless—
 - (a) he cannot safely be remanded to local authority accommodation; and
 - (b) the conditions prescribed by order made by the Secretary of State under this subsection are satisfied in relation to him.
- (5) Where the court certifies that a young person is of unruly character, it shall commit him—
 - (a) to a remand centre, if it has been notified that such a centre is available for the reception from the court of such persons; and
 - (b) to a prison, if it has not been so notified.
- (6) Where a young person is remanded to local authority accommodation, a court may, on the application of the designated authority, certify him to be of unruly character in accordance with subsection (4) of this section (and on so doing he shall cease to be

Status: Point in time view as at 14/10/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Cross Heading: Committal to care of local authorities. (See end of Document for details)

remanded to local authority accommodation and subsection (5) of this section shall apply).

- (7) For the purposes of subsection (6) of this section, “a court” means—
- (a) the court which remanded the young person; or
 - (b) any magistrates’ court having jurisdiction in the place where that person is for the time being,

and in this section “court” and “magistrates’ court” include a justice.

- (8) This section has effect subject to—
- (a) section 37 of the Magistrates’ Courts Act 1980 (committal to the Crown Court with a view to a sentence of detention in a young offender institution); and
 - (b) section 128(7) of that Act (remands to the custody of a constable for periods of not more than three days),

but section 128(7) shall have effect in relation to a child or young person as if for the reference to three clear days there were substituted a reference to twenty-four hours.]

Textual Amendments

- F6** S. 23 substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4)(6), Sch. 12 para. 26, (with Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)

VALID FROM 03/02/1995

[^{F7}23A Liability to arrest for breaking conditions of remand.

- (1) A person who has been remanded or committed to local authority accommodation and in respect of whom conditions under subsection (7) or (10) of section 23 of this Act have been imposed may be arrested without warrant by a constable if the constable has reasonable grounds for suspecting that that person has broken any of those conditions.
- (2) A person arrested under subsection (1) above—
 - (a) shall, except where he was arrested within 24 hours of the time appointed for him to appear before the court in pursuance of the remand or committal, be brought as soon as practicable and in any event within 24 hours after his arrest before a justice of the peace for the petty sessions area in which he was arrested; and
 - (b) in the said excepted case shall be brought before the court before which he was to have appeared.

In reckoning for the purposes of this subsection any period of 24 hours, no account shall be taken of Christmas Day, Good Friday or any Sunday.

- (3) A justice of the peace before whom a person is brought under subsection (2) above—
 - (a) if of the opinion that that person has broken any condition imposed on him under subsection (7) or (10) of section 23 of this Act shall remand him; and that section shall apply as if he was then charged with or convicted of the offence for which he had been remanded or committed;

Status: Point in time view as at 14/10/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Cross Heading: Committal to care of local authorities. (See end of Document for details)

- (b) if not of that opinion shall remand him to the place to which he had been remanded or committed at the time of his arrest subject to the same conditions as those which had been imposed on him at that time.]

Textual Amendments

F7 S. 23A inserted (3.2.1995) by 1994 c. 33, s.23; S.I. 1995/127, art. 2(1), **Sch.1** (with transitional savings in art. 2(2), **Sch.2** para. 1)

VALID FROM 01/03/2002

[^{F8}23AA Electronic monitoring of conditions of remand

- (1) A court shall not impose a condition on a person under section 23(7)(b) above (an “electronic monitoring condition”) unless each of the following requirements is fulfilled.
- (2) The first requirement is that the person has attained the age of twelve years.
- (3) The second requirement is that—
 - (a) the person is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or
 - (b) he is charged with or has been convicted of one or more imprisonable offences which, together with any other imprisonable offences of which he has been convicted in any proceedings—
 - (i) amount, or
 - (ii) would, if he were convicted of the offences with which he is charged, amount,
 to a recent history of repeatedly committing imprisonable offences while remanded on bail or to local authority accommodation.
- (4) The third requirement is that the court—
 - (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in each petty sessions area which is a relevant area; and
 - (b) is satisfied that the necessary provision can be made under those arrangements.
- (5) The fourth requirement is that a youth offending team has informed the court that in its opinion the imposition of such a condition will be suitable in the person’s case.
- (6) Where a court imposes an electronic monitoring condition, the condition shall include provision for making a person responsible for the monitoring; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (7) The Secretary of State may make rules for regulating—
 - (a) the electronic monitoring of compliance with conditions imposed under section 23(7)(a) above; and

Status: Point in time view as at 14/10/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Cross Heading: Committal to care of local authorities. (See end of Document for details)

- (b) without prejudice to the generality of paragraph (a) above, the functions of persons made responsible for securing the electronic monitoring of compliance with such conditions.
- (8) Subsections (8) to (10) of section 3AA of the Bail Act 1976 (c. 63) (provision about rules and orders under that section) shall apply in relation to this section as they apply in relation to that section.
- (9) For the purposes of this section a petty sessions area is a relevant area in relation to a proposed electronic monitoring condition if the court considers that it will not be practicable to secure the electronic monitoring in question unless electronic monitoring arrangements are available in that area.]

Textual Amendments

F8 S. 23AA inserted (1.3.2002) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), s. 132(b); S.I. 2002/344, [art. 2](#) (with transitional provisions in [art. 4](#))

24 **F9**

Textual Amendments

F9 Ss. 24, 27 repealed by [Child Care Act 1980 \(c. 5\)](#), SIF 20), s. 89, Sch. 6

Status:

Point in time view as at 14/10/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

There are currently no known outstanding effects for the Children and Young Persons Act 1969, Cross Heading: Committal to care of local authorities.