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

[F1]20 . . . . . .

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F1 Ss. 20–22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F2]20A . . . . . .

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F2 S. 20A (inserted) by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 22**) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F3]21 . . . . . .

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F3 Ss. 20–22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Status: *Point in time view as at 22/04/2002.*
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)*

[F4]21A . . . . . .

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F4 S. 21A repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F5]22 . . . . . .

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F5 Ss. 20–22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 14 para. 27(4), **Sch.15**, (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art.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

[[F6]23 Remands and committals to local authority accommodation.

(1) Where—

(a) a court remands a child or young person charged with or convicted of one or more offences or commits him for trial or sentence; and

(b) he is not released on bail,

the remand or committal shall be to local authority accommodation; and in the following provisions of this section, any reference (however expressed) to a remand shall be construed as including a reference to a committal.

(2) A court remanding a person to local authority accommodation shall designate the local authority who are to receive him; and that authority shall be—

(a) in the case of a person who is being looked after by a local authority, that authority; and

(b) in any other case, the local authority in whose area it appears to the court that he resides or 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) **[**[F7]Subject to subsections (5) and (5A) below,**]]** a court remanding a person to local authority accommodation may, after consultation with the designated authority, require that authority to comply with a security requirement, that is to say, a requirement that the person in question be placed and kept in secure accommodation.

(5) A court shall not impose a security requirement except in respect of **[**[F8]a child who has attained the age of twelve, or a young person, who (in either case) is of a prescribed description**]**, and then only if—

(a) he 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

[[F9](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,

and (in either case) the condition set out in subsection (5AA) below is satisfied.**]**

[[F10](5AA) The condition mentioned in subsection (5) above is that the court is of the opinion, after considering all the options for the remand of the person, that only remanding him to local authority accommodation with a security requirement would be adequate—

(a) to protect the public from serious harm from him; or

(b) to prevent the commission by him of imprisonable offences.**]**

[[F11](5A) A court shall not impose a security requirement in respect of a child or young person who is not legally represented in the court unless—

[[F12](a) he was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service but the right was withdrawn because of his conduct; or**]**

(b) having been informed of his right to apply for **[**[F13]such representation**]** and had the opportunity to do so, he refused or failed to apply.**]**

(6) Where a court imposes a security requirement in respect of a person, it shall be its duty—

(a) to state in open court that it is of such opinion as is mentioned in subsection **[**[F14](5AA)**]** above; and

(b) to explain to him in open court and in ordinary language why it is of that opinion;

and a magistrates' court shall cause a reason stated by it under paragraph (b) above to be specified in the warrant of commitment and to be entered in the register.

(7) **[**[F15]Subject to section 23AA below,**]**A court remanding a person to local authority accommodation without imposing a security requirement may, after consultation with the designated authority, require that person to comply with

[[F16](a) any such conditions as could be imposed under section 3(6) of the Bail Act 1976 (c. 63) if he were then being granted bail; and

(b) any conditions imposed for the purpose of securing the electronic monitoring of his compliance with any other condition imposed under this subsection.**]**

[[F17](7A) Where a person is remanded to local authority accommodation and a security requirement is imposed in respect of him—

(a) the designated local authority may, with the consent of the Secretary of State, arrange for the person to be detained, for the whole or any part of the period of the remand or committal, in a secure training centre; and

(b) his detention there pursuant to the arrangements shall be lawful.

(7B) Arrangements under subsection (7A) above may include provision for payments to be made by the authority to the Secretary of State.**]**

(8) Where a court imposes on a person any such conditions as are mentioned in subsection (7) above, it shall be its duty to explain to him in open court and in ordinary language why it is imposing those conditions; and a magistrates' court shall cause a reason stated by it under this subsection to be specified in the warrant of commitment and to be entered in the register.

Status: *Point in time view as at 22/04/2002.*
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)*

(9) A court remanding a person to local authority accommodation without imposing a security requirement may, after consultation with the designated authority, impose on that authority requirements—

(a) for securing compliance with any conditions imposed on that person under subsection (7) above; or

(b) stipulating that he shall not be placed with a named person.

(10) Where a person is remanded to local authority accommodation, a relevant court—

(a) may, on the application of the designated authority, impose on that person any such conditions as could be imposed under subsection (7) above if the court were then remanding him to such accommodation; and

(b) where it does so, may impose on that authority any requirements for securing compliance with the conditions so imposed.

(11) Where a person is remanded to local authority accommodation, a relevant court may, on the application of the designated authority or that person, vary or revoke any conditions or requirements imposed under subsection (7), (9) or (10) above.

(12) In this section—

[[F18]"children's home" has the same meaning as in the Care Standards Act 2000;**]**

"court" and "magistrates" court' include a justice;

"imprisonable offence" means an offence punishable in the case of an adult with imprisonment;

[[F19]"prescribed description" means a description prescribed by reference to age or sex or both by an order of the Secretary of State;**]**

"relevant court", in relation to a person remanded to local authority accommodation, means the court by which he was so remanded, or any magistrates' court having jurisdiction in the place where he is for the time being;

"secure accommodation" means accommodation which is provided in a **[**[F20]children's home in respect of which a person is registered under Part II of the Care Standards Act 2000**]** for the purpose of restricting liberty, and is approved for that purpose by the Secretary of State;

"sexual offence" and "violent offence" have the same meanings as in **[**[F21]the Powers of Criminal Courts (Sentencing) Act 2000**]**;

"young person" means a person who has attained the age of fourteen years and is under the age of seventeen years.

[[F22]but, for the purposes of the definition of "secure accommodation", "local authority accommodation" includes any accommodation falling within section 61(2) of the [M1]Criminal Justice Act 1991 **[**[F23]or the National Assembly for Wales**].]**

(13) In this section—

(a) any reference to a person who is being looked after by a local authority shall be construed in accordance with section 22 of the Children Act 1989;

(b) any reference to consultation shall be construed as a reference to such consultation (if any) as is reasonably practicable in all the circumstances of the case; and

(c) any reference, in relation to a person charged with or convicted of a violent or sexual offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death

or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him.

(14) This section has effect subject to—

[F24](a) . . . . . .

(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 (1.10.1992) by Criminal Justice Act 1991 (c. 53), **s. 60(1)** (subject to transitional provisions and savings in ss. 62, 101(1), Sch. 12 para. 15); S.I. 1992/333, art. 2(5), **Sch. 3**

F7 Words in s. 23(4) substituted (30.9.1998 for certain purposes and otherwise 1.6.1999) by 1998 c. 37, **s. 97(1)**; S.I. 1998/2327, **art. 2(1)(t)**; S.I. 1999/1279, **art. 2(g)(i)**

F8 Words in s. 23(5) substituted (30.9.1998 for certain purposes and otherwise 1.6.1999) by 1998 c. 37, **s. 97(2)**; S.I. 1998/2327, **art. 2(1)(t)**; S.I. 1999/1279, **art. 2(g)(i)**

F9 Words in s. 23(5)(b) substituted (22.4.2002 for certain purposes and 16.9.2006 otherwise) by Criminal Justice and Police Act 2001 (c. 16), s. 130; S.I. 2002/1097, **art. 2**, Sch.

F10 S. 23(5AA) inserted (22.4.2002 for certain purposes and 16.9.2002 otherwise) by Criminal Justice and Police Act 2001 (c. 16), s. 130; S.I. 2002/1097, **art. 2**, Sch.

F11 S. 23(5A) inserted (30.9.1998 for certain purposes and otherwise 1.6.1999) by 1998 c. 37, **s. 97(3)**; S.I. 1998/2327, **art. 2(1)(t)**; S.I. 1999/1279, **art. 2(g)(i)**

F12 S. 23(5A)(a) substituted (2.4.2001) by 1999 c. 22, s. 24, Sch. 4 paras. 4, **6(a)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 3(a)(ii)** (with Sch. 2 para. 2)

F13 Words in s. 23(5A)(b) substituted (2.4.2001) by 1999 c. 22, s. 24, Sch. 4 paras. 4, **6(b)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 3(a)(ii)** (with Sch. 2 para. 2)

F14 Words in s. 23(6(a) substituted (22.4.2002 for certain purpsoes and 16.9.2002 otherwise) by Criminal Justice and Police Act 2001 (c.16), s. 130(4); S.I. 2002/1097, **art. 2**, Sch.

F15 Words in s. 23(7) inserted (1.3.2002) by Criminal Justice and Police Act 2001 (c.16), s. 132(1)(a); S.I. 2002/344, **art.2** (with transitional provisions in art. 4)

F16 Words in s. 23(7) substituted (1.3.2002) by Criminal Justice and Police Act 2001 (c.16), s. 132(1)(b); S.I. 2002/344, **art. 2** (with transitional provisions in art. 4)

F17 S. 23(7A)(7B) inserted (1.12.2001) by 2001 c. 16, **s. 133(1)**; S.I. 2001/3736, **art. 2(d)**

F18 Words in s. 23(12) inserted (1.4.2002) by Care Standards Act 2000 (c. 14), s. 116, **Sch. 4 para. 3**; S.I. 2001/4150, **art. 3(3)(a)**; S.I 2002/920, {art. 3(3)(d)} (subject to Schs. 1-3)

F19 Definition in s. 23(12) inserted (30.9.1998 for certain purposes and otherwise 1.6.1999) by 1998 c. 37, **s. 97(4)**; S.I. 1998/2327, **art. 2(1)(t)**; S.I. 1999/1279, **art. 2(g)(i)**

F20 Words in s. 23(12) substituted (1.4.2002) by Care Standards Act 2000 (c. 14), s. 116, Sch. 4 para. 3; S.I. 2001/4150, art. 3(3)(a); S.I. 2002/920, **art. 3(3)(d)** (subject to Schs. 1-3)

F21 Words in definition of "sexual offence" and "violent offence" substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 38**

F22 Words in the definition of "secure accommodation" in s. 23(12) inserted (30.5.1995) by 1994 c. 33, **s. 19(1)**; S.I. 1995/1378, **art. 2**
Words at the end of s. 23(12) inserted (30.5.1995) by 1994 c. 33, **s. 19(1)**; S.I. 1995/1378, **art. 2**

F23 Words in s. 23(12) inserted (1.4.2002) by Care Standards Act 2000 (c. 14), s. 116, Sch. 4 para. 3; S.I. 2001/4150, art. 3(3)(a); S.I. 2002/920, **art. 3(3)(d)** (subject to arts. 1-3)

F24 S. 23(14)(a) repealed (30.9.1998) by 1998 c. 37, s. 120(2), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(aa)(3)(k)**.

Modifications etc. (not altering text)

C1 S. 23 modified (1.6.1999) by 1998 c. 37, **s. 98**; S.I. 1999/1279, **art. 2(g)(i)** (and, as so modified, amended (2.4.2001) by 1999 c. 22, s. 24, Sch. 4 paras. 4, **7**; S.I. 2001/916, **art. 3(a)(ii)**(with Sch. 2 para. 2) and (1.4.2001 in respect of Sch. 7 Pt. I and otherwise*prosp.*) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. I para. 4(1)(2), Pt. II para. 39, **Sch. 8**); S.I. 2001/919, **art. 2(f)(i)** and (2.10.2006) by 2006 c. 9, ss. 4(2)(b)(3), 5(2); S.I. 2006/2491, art. 2

Marginal Citations

M1 1991 c. 53.

[F25 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;

(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

F25 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)

[F26 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

(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

F26 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)

 . . . . . **F27**

Textual Amendments

F27 Ss. 24, 27 repealed by Child Care Act 1980 (c. 5), SIF 20), s. 89, Sch. 6

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