



Criminal Law Act 1977

1977 CHAPTER 45

PART III

CRIMINAL PROCEDURE, PENALTIES, ETC.

Young offenders

34 Power of magistrates' court to remit a person under 17 for trial to a juvenile court in certain circumstances

(1) Where—

- (a) a person under the age of seventeen ("the juvenile") appears or is brought before a magistrates' court other than a juvenile court on an information jointly charging him and one or more other persons with an offence; and
- (b) that other person, or any of those other persons, has attained that age,

subsection (2) below shall have effect notwithstanding proviso (a) in section 46(1) of the Children and Young Persons Act 1933 (which would otherwise require the charge against the juvenile to be heard by a magistrates' court other than a juvenile court). In the following provisions of this section "the older accused" means such one or more of the accused as have attained the age of seventeen.

(2) If—

- (a) the court proceeds to the summary trial of the information in the case of both or all of the accused, and the older accused or each of the older accused pleads guilty; or
- (b) the court—
 - (i) in the case of the older accused or each of the older accused, proceeds to inquire into the information as examining justices and either commits him for trial or discharges him; and
 - (ii) in the case of the juvenile, proceeds to the summary trial of the information,

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then, if in either situation the juvenile pleads not guilty, the court may before any evidence is called in his case remit him for trial to a juvenile court acting for the same place as the remitting court or for the place where he habitually resides.

- (3) A person remitted to a juvenile court under subsection (2) above shall be brought before and tried by a juvenile court accordingly.
- (4) Where a person is so remitted to a juvenile court—
 - (a) he shall have no right of appeal against the order of remission; and
 - (b) the remitting court may give such directions as appear to be necessary with respect to his custody or for his release on bail until he can be brought before the juvenile court.
- (5) The preceding provisions of this section shall apply in relation to a corporation as if it were an individual who has attained the age of seventeen.

35 Power to commit a person under 17 for trial extended to related offences in certain cases

In section 6 of the Children and Young Persons Act 1969 (summary trial of young persons), after subsection (1) there shall be inserted—

“(1A) Where, in a case falling within subsection (1)(b) above, a magistrates' court commits a person under the age of seventeen for trial for an offence with which he is charged jointly with a person who has attained that age, the court may also commit him for trial for any other indictable offence with which he is charged at the same time (whether jointly with the person who has attained that age or not) if that other offence arises out of circumstances which are the same as or connected with those giving rise to the first-mentioned offence.”.

36 Enforcement of fines imposed on young offenders

- (1) Paragraph 6 of Schedule 4 to the Children and Young Persons Act 1969 (which precludes the making of an attendance centre order in respect of a person under the age of seventeen in consequence of a default within the meaning of the Criminal Justice Act 1961) shall not apply in the case of a default consisting in failure to pay, or want of distress to satisfy, a sum adjudged to be paid by a conviction.
- (2) Where a magistrates' court would, but for the statutory restrictions upon the imprisonment of young offenders, have power to commit to prison a person under the age of seventeen for a default consisting in failure to pay, or want of sufficient distress to satisfy, a sum adjudged to be paid by a conviction, the court may, subject to the following provisions of this section, make—
 - (a) an order requiring the defaulter's parent or guardian to enter into a recognisance to ensure that the defaulter pays so much of that sum as remains unpaid ; or
 - (b) an order directing so much of that sum as remains unpaid to be paid by the defaulter's parent or guardian instead of by the defaulter.
- (3) An order under subsection (2) above shall not be made in respect of a defaulter—
 - (a) in pursuance of paragraph (a) of that subsection, unless the parent or guardian in question consents ;

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- (b) in pursuance of paragraph (b) of that subsection, unless the court is satisfied in all the circumstances that it is reasonable to make the order.
- (4) None of the following orders, namely—
- (a) an order under section 19(1) of the Criminal Justice Act 1948 for attendance at an attendance centre; or
 - (b) any order under subsection (2) above,
- shall be made by a magistrates' court in consequence of a default of a person under the age of seventeen years consisting in failure to pay, or want of sufficient distress to satisfy, a sum adjudged to be paid by a conviction unless the court has since the conviction inquired into the defaulter's means in his presence on at least one occasion.
- (5) An order under subsection (2) above shall not be made by a magistrates' court unless the court is satisfied that the defaulter has, or has had since the date on which the sum in question was adjudged to be paid, the means to pay the sum or any instalment of it on which he has defaulted, and refuses or neglects or, as the case may be, has refused or neglected, to pay it.
- (6) An order under subsection (2) above may be made in pursuance of paragraph (b) of that subsection against a parent or guardian who, having been required to attend, has failed to do so; but, save as aforesaid, an order under that subsection shall not be made in pursuance of that paragraph without giving the parent or guardian an opportunity of being heard.
- (7) A parent or guardian may appeal to the Crown Court against an order under subsection (2) above made in pursuance of paragraph (b) of that subsection.
- (8) Any sum ordered under subsection (2)(b) above to be paid by a parent or guardian may be recovered from him in like manner as if the order had been made on the conviction of the parent or guardian of an offence.
- (9) In this section—
- " guardian ", in relation to a person under the age of seventeen, means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction;
 - " the statutory restrictions upon the imprisonment of young offenders " has the meaning given by section 39(1) of the Criminal Justice Act 1961 ;
 - " sum adjudged to be paid by a conviction " means any fine, costs, compensation or other sum adjudged to be paid by an order made on a finding of guilt, including an order made under section 35 of the Powers of Criminal Courts Act 1973 (compensation orders) as applied by section 3(6) of the Children and Young Persons Act 1969.

37 Supervision orders

- (1) In section 12 of the Children and Young Persons Act 1969 (power to include requirements in supervision orders) there shall be inserted after subsection (3) the following subsections—
- “(3A) This subsection applies to—
- (a) any supervision order made under section 7(7) of this Act in respect of a child or young person found guilty as there mentioned ; and

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- (b) any supervision order made in respect of a person under section 21(2) of this Act by a court on discharging a care order made in respect of him under the said section 7(7).

(3B) Subject to the following subsection (but without prejudice to subsection (2) or (4) of this section) a supervision order to which subsection (3A) of this section applies may require the supervised person to do as mentioned in all or any one or more of paragraphs (a) to (c) of this subsection, that is to say—

- (a) to be of good behaviour ;
- (b) to comply, for as long as the order remains in force, or until the end of some shorter period specified in the order, with such requirements as may be so specified, being requirements which, having regard to the circumstances of the case, the court making the order considers appropriate for the purpose of preventing the commission of further offences by the supervised person;
- (c) if he is of compulsory school age, to comply, for as long as he is of that age and the order remains in force, with such arrangements for his education as may from time to time be made by his parent, being arrangements for the time being approved by the local education authority.

Expressions used in paragraph (c) of this subsection and in the Education Act 1944 have the same meaning there as in that Act.

(3C) A requirement to do as mentioned in paragraph (b) of the preceding subsection shall not be included in a supervision order to which subsection (3A) of this section applies unless the supervised person or, if he is a child, his parent or guardian consents to its inclusion ; and there shall not be included in such an order by virtue of the said paragraph (b)—

- (a) any requirement that would involve the cooperation of a person other than the supervisor and the supervised person unless that other person consents to its inclusion ; or
- (b) any requirement requiring the specified person to reside with a specified individual or live at a specified place; or
- (c) any such requirement as is mentioned in subsection (4) of this section.”.

(2) In section 15 of the Children and Young Persons Act 1969 (variation and discharge of supervision orders), after subsection (2) there shall be inserted the following subsection—

“(2A) If while a supervision order to which section 12 (3A) of this Act applies is in force in respect of a person who has not attained the age of eighteen it is proved to the satisfaction of a juvenile court, on the application of the supervisor, that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12 or section 18(2)(b) of this Act, the court may, whether or not it also makes an order under subsection (1) of this section—

- (a) order him to pay a fine of an amount not exceeding £50; or
- (b) subject to section 16(10) of this Act, make an attendance centre order in respect of him.”.

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- (3) The preceding provisions of this section, and any related amendment or repeal provided for in Schedule 12 or 13 to this Act, shall not apply in relation to supervision orders made before the coming into force of those provisions.