Criminal Justice Act 1982

1982 CHAPTER 48

PART I

TREATMENT OF YOUNG OFFENDERS

Modifications etc. (not altering text)

C1 Pt. I (ss. 1–28) modified by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(6), Sch. 8 paras. 11, **16**

Custody and detention of persons under 21

1 General restriction on custodial sentences.

(1) Subject to subsection (2) below, no court shall pass a sentence of imprisonment on a person under 21 years of age or commit such a person to prison for any reason.

(2) Nothing in subsection (1) above shall prevent the committal to prison of a person under 21 years of age who is remanded in custody or committed in custody for trial or sentence.

(3) No court shall pass a sentence of Borstal training.

[F1(3A) Subject to section 53 of the Children and Young Persons Act 1933 (punishment of certain grave crimes), the only custodial orders that a court may make where a person under 21 years of age is convicted or found guilty of an offence are—

(a) a sentence of detention in a young offender institution under section 1A below, and

(b) a sentence of custody for life under section 8 below.**]**

[F2(4) A court may not—

(a) pass a sentence of detention in a young offender institution; or

(b) pass a sentence of custody for life under section 8(2) below, unless it is satisfied—

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(i) that the circumstances, including the nature and the gravity of the offence, are such that if the offender were aged 21 or over the court would pass a sentence of imprisonment; and

(ii) that he qualifies for a custodial sentence.

(4A) An offender qualifies for a custodial sentence if—

(a) he has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them; or

(b) only a custodial sentence would be adequate to protect the public from serious harm from him; or

(c) the offence of which he has been convicted or found guilty was so serious that a non-custodial sentence for it cannot be justified.**]**

(5) No court shall commit a person under 21 years of age to be detained under section 9 below unless it is of the opinion that no other method of dealing with him is appropriate.

(6) For the purposes of any provision of this Act which requires the determination of the age of a person by the court or the Secretary of State his age shall be deemed to be that which it appears to the court or the Secretary of State (as the case may be) to be after considering any available evidence.

Textual Amendments

F1 S. 1(3A) inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(2), **Sch. 8 para. 16**

F2 S. 1(4)(4A) substituted for subsection (4) by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(3), **Sch. 8 para. 16**

[F3 1A Detention in a young offender institution.

(1) Subject to section 8 below and to section 53 of the Children and Young Persons Act M1 1933, where—

(a) a male offender under 21 but not less than 14 years of age or a female offender under 21 but not less than 15 years of age is convicted of an offence which is punishable with imprisonment in the case of a person aged 21 or over; and

(b) the court is satisfied of the matters referred to in section 1(4) above.

the sentence that the court is to pass is a sentence of detention in a young offender institution.

(2) Subject to section 1B(1) and (2) below, the maximum term of detention in a young offender institution that a court may impose for an offence is the same as the maximum term of imprisonment that it may impose for that offence.

(3) Subject to subsection (4) below and section 1B(3) below, a court shall not pass a sentence for an offender's detention in a young offender institution for less than 21 days.

(4) A court may pass a sentence of detention in a young offender institution for less than 21 days for an offence under section 15(11) below.

(5) Subject to section 1B(4) below, where—

(a) an offender is convicted of more than one offence for which he is liable to a sentence of detention in a young offender institution; or

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(b) an offender who is serving a sentence of detention in a young offender institution is convicted of one or more further offences for which he is liable to such a sentence.

the court shall have the same power to pass consecutive sentences of detention in a young offender institution as if they were sentences of imprisonment.

(6) Where an offender who—

(a) is serving a sentence of detention in a young offender institution, and

(b) is aged over 21 years.

is convicted of one or more further offences for which he is liable to imprisonment, the court shall have the power to pass one or more sentences of imprisonment to run consecutively upon the sentence of detention in a young offender institution.**]**

Textual Amendments

F3 Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**

Marginal Citations

M1 1933 c.12**(20).**

[F4 1B Special provision for offenders under 17.

(1) In the case of a male offender under 15 the maximum term of detention in a young offender institution that a court may impose is whichever is the lesser of—

(a) the maximum term of imprisonment the court may impose for the offence; and

(b) 4 months.

(2) In the case of an offender aged 15 or 16 the maximum term of detention in a young offender institution that a court may impose is whichever is the lesser of—

(a) the maximum term of imprisonment the court may impose for the offence; and

(b) 12 months.

(3) Where an offender is a female under 17 a court shall not pass a sentence for her detention in a young offender institution whose effect would be that she would be sentenced to a total term of four months or less.

(4) A court shall not pass a sentence of detention in a young offender institution on an offender whose effect would be that the offender would be sentenced to a total term which exceeds—

(a) if the offender is male and under 15, 4 months; and

(b) if the offender is aged 15 or 16, 12 months.

(5) Where the total term of detention in a young offender institution to which an offender is sentenced exceeds—

(a) in the case of a male offender under 15, 4 months; and

(b) in the case of an offender aged 15 or 16, 12 months,

so much of the term as exceeds 4 or 12 months, as the case may be, shall be treated as remitted.

(6) In this section "total term" means—

(a) in the case of an offender sentenced (whether or not on the same occasion) to two or more terms of detention in a young offender institution which are consecutive or wholly or partly concurrent, the aggregate of those terms;

(b) in the case of any other offender, the term of the sentence of detention in a young offender institution in question.**]**

Textual Amendments

F4 Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**

[F5 1C Accommodation of offenders sentenced to detention in a young offender institution.

(1) Subject to section 22(2)(b) of the Prison Act M2 1952 (removal to hospital etc.), an offender sentenced to detention in a young offender institution shall be detained in such an institution unless a direction under this section is in force in relation to him.

(2) The Secretary of State may from time to time direct that an offender sentenced to detention in a young offender institution shall be detained in a prison or remand centre instead of a young offender institution, but if he is under 17 at the time of the direction, only for a temporary purpose.**]**

Textual Amendments

F5 Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**

Marginal Citations

M2 1952 c.52**(39:1)**.

2 Social inquiry reports etc.

(1) For the purpose of determining whether there is any appropriate method of dealing with a person under 21 years of age other than a method whose use in the case of such a person is restricted by section 1(4) or (5) above the court shall obtain and consider information about the circumstances and shall take into account any information before the court which is relevant to his character and his physical and mental condition.

(2) Subject to subsection (3) below, the court shall in every case obtain a social inquiry report for the purpose of determining whether there is any appropriate method of dealing with a person other than a method whose use is restricted by section 1(4) above.

(3) Subsection (2) above does not apply if, in the circumstances of the case, the court is of the opinion that it is unnecessary to obtain a social inquiry report.

[F6 (4) Where—

(a) The Crown Court passes a sentence of detention in a young offender institution or a sentence of custody for life under section 8(2) below, or

(b) a magistrates' court passes a sentence of detention in a young offender institution.

it shall be its duty—

(i) to state in open court that it is satisfied that he qualifies for a custodial sentence under one or more of the paragraphs of section 1(4A) above, the paragraph or paragraphs in question and why it is so satisfied, and

(ii) to explain to the offender in open court and in ordinary language why it is passing a custodial sentence on him.**]**

(5) Where a magistrates' court deals with a person under 21 years of age by a method whose use in the case of such a person is restricted by section 1(5) above, it shall state in open court the reason for its opinion that no other method of dealing with him is appropriate.

(6) Where a magistrates' court deals with a person under 21 years of age by a method whose use in the case of such a person is restricted by section 1(4) above without obtaining a social inquiry report, it shall state in open court the reason for its opinion that it was unnecessary to obtain such a report.

(7) A magistrates' court shall cause a reason stated under subsection (4), (5) or (6) above to be specified in the warrant of commitment and to be entered in the register.

(8) No sentence or order shall be invalidated by the failure of a court to comply with subsection (2) above, but any other court on appeal from that court shall obtain a social inquiry report if none was obtained by the court below, unless it is of the opinion that in the circumstances of the case it is unnecessary to do so.

(9) In determining whether it should deal with the appellant by a method different from that by which the court below dealt with him the court hearing the appeal shall consider any social inquiry report obtained by it or by the court below.

(10) In this section "social inquiry report" means a report about a person and his circumstances made by a probation officer or by a social worker of a local authority social services department.

Textual Amendments

F6 S. 2(4) substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(5), **Sch. 8 para. 16**

3 Restriction on imposing custodial sentences on persons under 21 not legally represented.

(1) A magistrates' court on summary conviction or the Crown Court on committal for sentence or on conviction on indictment shall not—

(a) make a detention centre order under section 4 below;

(b) pass a youth custody sentence under section 6 below;

(c) pass a sentence of custody for life under section 8(2) below; or

(d) make an order for detention under section 53(2) of the [M3]Children and Young Persons Act 1933.

in respect of or on a person who is not legally represented in that court, unless either—

(i) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance; or

(ii) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.

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(2) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is found guilty and before he is sentenced, and in subsection (1)(i) and (ii) above "legal aid" means legal aid for the purposes of proceedings in that court, whether the whole proceedings or the proceedings on or in relation to sentence; but in the case of a person committed to the Crown Court for sentence or trial, it is immaterial whether he applied for legal aid in the Crown Court to, or was informed of his right to apply by, that court or the court which committed him.

Marginal Citations
M3 1933 c. 12.

4—7. . . . .[F7]

Textual Amendments
F7 Ss. 4–7 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

8 Custody for life.

(1) Where a person under the age of 21 is convicted of murder or any other offence the sentence for which is fixed by law as imprisonment for life, the court shall sentence him to custody for life unless he is liable to be detained under section 53(1) of the [M4]Children and Young Persons Act 1933 (detention of persons under 18 convicted of murder).

(2) Where a person aged 17 years or over but under the age of 21 is convicted of any other offence for which a person aged 21 years or over would be liable to imprisonment for life, the court shall, if it considers that a custodial sentence for life would be appropriate, sentence him to custody for life.

Marginal Citations
M4 1933 c. 12.

9 Detention of persons aged 17 to 20 for default or contempt.

(1) In any case where, but for section 1(1) above, a court would have power—

(a) to commit a person under 21 but not less than 17 years of age to prison for default in payment of a fine or any other sum of money; or

(b) to make an order fixing a term of imprisonment in the event of such a default by such a person; or

(c) to commit such a person to prison for contempt of court or any kindred offence,

the court shall have power, subject to section 1(5) above, to commit him to be detained under this section or, as the case may be, to make an order fixing a term of detention

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under this section in the event of default, for a term not exceeding the term of imprisonment.

(2) For the purposes of subsection (1) above, the power of a court to order a person to be imprisoned under section 23 of the [M5]Attachment of Earnings Act 1971 shall be taken to be a power to commit him to prison.

Modifications etc. (not altering text)

C2 S. 9 restricted by Drug Trafficking Offences Act 1986 (c. 32, SIF 39:1). s. 6(2)(*b*)(6)

C3 S. 9 modified by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 75(3), **Sch. 8 para. 16**

Marginal Citations

M5 1971 c. 32.

10 Computation of custodial sentences for young offenders.

The following subsections shall be added at the end of section 67 of the [M6]Criminal Justice Act 1967 (reduction of custodial sentence by period already spent in custody) —

"(5) This section applies—

(a) to orders made under section 4 of the Criminal Justice Act 1982 (detention centre orders); and

(b) to sentences passed by virtue of section 6 of the Criminal Justice Act 1982 (youth custody sentences),

as it applies to sentences of imprisonment.

(6) The reference in subsection (1) above to an offender being committed to custody by an order of a court includes a reference to his being committed to a remand centre or to prison under section 23 of the Children and Young Persons Act 1969 or section 37 of the Magistrates' Courts Act 1980 but does not include a reference to his being committed to the care of a local authority under the said section 23.".

Marginal Citations

M6 1967 c. 80.

Accommodation of young offenders

11 Provision of premises for young offenders etc.

The following section shall be substituted for section 43 of the [M7]Prison Act 1952—

"43 Remand centres, detention centres and youth custody centres.

(1) The Secretary of State may provide—

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(a) remand centres, that is to say places for the detention of persons not less than 14 but under 21 years of age who are remanded or committed in custody for trial or sentence;

(b) detention centres, that is to say places in which male offenders not less than 14 but under 21 years of age who are ordered to be detained in such centres under the Criminal Justice Act 1982 may be kept for short periods under discipline suitable to persons of their age and description; and

(c) youth custody centres, that is to say places in which offenders not less than 15 but under 21 years of age may be detained and given training, instruction and work and prepared for their release.

(2) The Secretary of State may from time to time direct—

(a) that a woman aged 21 years or over who is serving a sentence of imprisonment or who has been committed to prison for default shall be detained in a remand centre or a youth custody centre instead of a prison;

(b) that a woman aged 21 years or over who is remanded in custody or committed in custody for trial or sentence shall be detained in a remand centre instead of a prison;

(c) that a person under 21 but not less than 17 years of age who is remanded in custody or committed in custody for trial or sentence shall be detained in a prison instead of a remand centre or a remand centre instead of a prison, notwithstanding anything in section 27 of the Criminal Justice Act 1948 or section 23(3) of the Children and Young Persons Act 1969.

(3) Notwithstanding subsection (1) above, any person required to be detained in an institution to which this Act applies may be detained in a remand centre for any temporary purpose or for the purpose of providing maintenance and domestic services for that centre.

(4) Sections 5A, 6(2) and (3), 16, 22, 25 and 36 of this Act shall apply to remand centres, detention centres and youth custody centres and to persons detained in them as they apply to prisons and prisoners.

(5) The other provisions of this Act preceding this section, except sections 28 and 37(2) above, shall apply to such centres and to persons detained in them as they apply to prisons and prisoners, but subject to such adaptations and modifications as may be specified in rules made by the Secretary of State.

(6) References in the preceding provisions of this Act to imprisonment shall, so far as those provisions apply to institutions provided under this section, be construed as including references to detention in those institutions.

(7) Nothing in this section shall be taken to prejudice the operation of section 12 of the Criminal Justice Act 1982.”.

Marginal Citations

M7 1952 c. 52.

Status: *Point in time view as at 14/10/1991.*
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12 Accommodation of young offenders and defaulters etc.

(1) F8

(6) Subject—

(a) to subsection (7) below, and

(b) to the enactments mentioned in subsection (11) below,

an offender sentenced to custody for life is to be detained in a prison.

(7) The Secretary of State may from time to time direct that an offender sentenced to custody for life—

(a) who is female; or

(b) who is male and under 22 years of age,

is to be detained in a youth custody centre instead of a prison.

(8) F9

(10) A person in respect of whom an order had been made under section 9 above is to be detained—

(a) in a remand centre;

(b) in a detention centre;

(c) in a youth custody centre; or

(d) in any place in which a person aged 21 years or over could be imprisoned or detained for default in payment of a fine or any other sum of money,

as the Secretary of State may from time to time direct.

(11) This section is without prejudice—

(a) to section 22(2)(b) of the M8Prison Act 1952 (removal to hospital etc.); and

(b) to section 43(3) of that Act (detention in remand centre for a temporary purpose or for the purpose of providing maintenance and domestic services).

Textual Amendments

F8 S. 12(1)–(5) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

F9 S. 12(8)(9) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

Marginal Citations

M8 1952 c. 52.

Provisions supplementary to sections 1 to 12

13 Conversion of sentence of youth custody to sentence of imprisonment.

(1) Subject to subsection (3) below, where—

(a) an offender has been sentenced to a term of youth custody; and

(b) either—

(i) he has attained the age of 21 years; or

(ii) the conditions specified in subsection (2) below are satisfied in relation to him,

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the Secretary of State may direct that he shall be treated as if he had been sentenced to imprisonment for the same term.

(2) The conditions mentioned in subsection (1) above are—

(a) that the offender has attained the age of 18 years; and

(b) that he has been reported to the Secretary of State by the board of visitors of the institution in which he is detained as exercising a bad influence on the other inmates of the institution or as behaving in a disruptive manner to the detriment of those inmates.

(3) An offender who by virtue of this section falls to be treated as if he had been sentenced to imprisonment instead of youth custody is not to be so treated for the purposes of section 15 below.

(4) Where the Secretary of State gives a direction under subsection (1) above in relation to an offender, the portion of the term of youth custody imposed by the youth custody sentence which he has already served shall be deemed to have been a portion of a term of imprisonment.

(5) Rules under section 47 of the [M9]Prison Act 1952 may provide that any award for an offence against discipline made in respect of an offender serving a youth custody sentence shall continue to have effect after a direction under subsection (1) above has been given in relation to him.

Marginal Citations

M9 1952 c. 52.

14 . . . . [F10]

Textual Amendments

F10 S. 14 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

15 Release of young offenders.

(1) Subject to subsection (13) below, if subsection (2), (3) or (4) below applies to a person under 22 years of age who is released from a term of detention under a detention centre order or a term of youth custody, he shall be under the supervision of a probation officer or a social worker of a local authority social services department.

(2) This subsection applies to a person who was neither granted remission nor released on licence.

(3) This subsection applies to a person who was granted remission.

(4) This subsection applies to a person—

(a) who was under 21 years of age when sentence was passed on him; and

(b) who is released on licence; and

(c) whose licence expires less than 12 months after his release.

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(5) The supervision period ends on the offender's 22nd birthday if it has not ended before.

(6) Subject to subsection (5) above, where subsection (2) above applies, the supervision period begins on the offender's release and ends 3 months from his release.

(7) Subject to subsection (5) above and to subsection (9) below, where subsection (3) above applies, the supervision period begins on the offender's release and ends—

(a) 3 months from his release; or

(b) on the date on which his sentence would have expired if he had not been granted remission,

whichever is the later.

(8) Subject to subsection (5) above and to subsection (9) below, where subsection (4) above applies, the supervision period begins when the offender's licence expires and ends on the date on which he would have been released if he had never been granted remission or released on licence.

(9) if the date mentioned in subsection (7)(b) or (8) above is more than 12 months from the date of the offender's release, the supervision period ends 12 months from the date of his release.

(10) While a person is under supervision by virtue of this section, he shall comply with such requirements, if any, as may for the time being be specified in a notice from the Secretary of State.

(11) A person who without reasonable excuse fails to comply with a requirement imposed under subsection (10) above shall be guilty of an offence and liable on summary conviction—

(a) to a fine not exceeding **[**[F11]level 3 on the standard scale**]**; or

(b) to an appropriate custodial sentence for a period not exceeding 30 days

[[F12]but not liable to be dealt with in any other way**]**.

(12) In subsection (11) above "appropriate custodial sentence" means—

(a) a sentence of imprisonment, if the offender has attained the age of 21 years when he is sentenced; and

(b) a detention centre order or a youth custody sentence, if he has not then attained that age.

(13) A person released from a custodial sentence passed under subsection (11) above shall not be liable to a period of supervision in consequence of his conviction under that subsection, but his conviction shall not prejudice any liability to supervision to which he was previously subject, and that liability shall accordingly continue until the end of the supervision period.

(14) In this section—

"licence" means a licence under section 60 of the [M10]Criminal Justice Act 1967; and

"remission" means remission under rules made by virtue of section 47 of the [M11]Prison Act 1952.

Textual Amendments

F11 Words substituted by virtue of Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46**

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F12 Words added as provided by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 15 para. 90**

Marginal Citations
M10 1967 c. 80.
M11 1952 c. 52.

Attendance centres

16 Provision, regulation and management of attendance centres.

(1) The Secretary of State may continue to provide attendance centres.

(2) in this Act "attendance centre" means a place at which offenders under 21 years of age may be required to attend and be given under supervision appropriate occupation or instruction, in pursuance of orders made—
- (a) by the Crown Court or magistrates' courts under section 17 below;
- (b) by juvenile courts or other magistrates' courts under section 15(2A) or (4) of the [M12]Children and Young Persons Act 1969 (attendance centre orders made on breach of requirements in supervision orders); or
- (c) by magistrates' courts under section 6(3)(c) of the [M13]Powers of Criminal Courts Act 1973 (attendance centre orders made on breach of requirements in probation orders).

(3) The Secretary of State may by statutory instrument make rules for the regulation and management of attendance centres.

(4) For the purpose of providing attendance centres the Secretary of State may make arrangements with any local authority or police authority for the use of premises of that authority.

(5) A draft of any statutory instrument containing rules under this section shall be laid before Parliament.

Marginal Citations
M12 1969 c. 54.
M13 1973 c. 62.

17 Attendance centre orders.

(1) Subject to subsections (3) and (4) below, where a court—
- (a) would have power, but for section 1 above, to pass a sentence of imprisonment on a person who is under 21 years of age or to commit such a person to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone; or
- (b) has power to deal with any such person under section 6 of the [M14]Powers of Criminal Courts Act 1973 for failure to comply with any of the requirements of a probation order,

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the court may, if it has been notified by the Secretary of state that an attendance centre is available for the reception of persons of his description, order him to attend at such a centre, to be specified in the order, for such number of hours as may be so specified.

(2) An order under this section is referred to in this Act as an "attendance centre order".

(3) No attendance centre order shall be made in the case of an offender who has been previously sentenced—

(a) to imprisonment;

(b) to detention under section 53 of the [M15]Children and Young Persons Act 1933;

[[F13](bb) to detention in a young offender institution**]**

(c) to Borstal training;

(d) to youth custody or custody for life under this Act; or

(e) to detention in a detention centre,

unless it appears to the court that there are special circumstances (whether relating to the offence or to the offender) which warrant the making of such an order in his case.

(4) The aggregate number of hours for which an attendance centre order may require an offender to attend at an attendance centre shall not be less than 12 except where he is under 14 years of age and the court is of opinion that 12 hours would be excessive, having regard to his age or any other circumstances.

(5) The aggregate number of hours shall not exceed 12 except where the court is of opinion, having regard to all the circumstances, that 12 hours would be inadequate, and in that case shall not exceed 24 where the offender is under 17 years of age, or 36 hours where the offender is under 21 but not less than 17 years of age.

(6) A court may make an attendance centre order in respect of an offender before a previous attendance centre order made in respect of him has ceased to have effect, and may determine the number of hours to be specified in the order without regard—

(a) to the number specified in the previous order; or

(b) to the fact that that order is still in effect.

(7) An attendance centre order shall not be made unless the court is satisfied that the attendance centre to be specified in it is reasonably accessible to the person concerned, having regard to his age, the means of access available to him and any other circumstances.

(8) The times at which an offender is required to attend at an attendance centre shall be such as to avoid interference, so far as practicable, with his school hours or working hours.

(9) The first such time shall be a time at which the centre is available for the attendance of the offender in accordance with the notification of the Secretary of State and shall be specified in the order.

(10) The subsequent times shall be fixed by the officer in charge of the centre, having regard to the offender's circumstances.

(11) An offender shall not be required under this section to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.

(12) Where a court makes an attendance centre order, the clerk of the court shall deliver or send a copy of the order to the officer in charge of the attendance centre specified in

it, and shall also deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode.

(13) Where an offender has been ordered to attend at an attendance centre in default of the payment of any sum of money—

(a) on payment of the whole sum to any person authorised to receive it, the attendance centre order shall cease to have effect;

(b) on payment of a part of the sum to any such person, the total number of hours for which the offender is required to attend at the centre shall be reduced proportionately, that is to say by such number of complete hours as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part bears to the said sum.

Textual Amendments

F13 S. 17(3)(bb) inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123, Sch. 8 paras. 10, **16**

Modifications etc. (not altering text)

C4 S. 17 applied with modifications by Children and Young Persons Act 1969 (c. 54, SIF 20), **s. 16A** (as added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 8 para. 16, **Sch. 10 Pt. IV**)

Marginal Citations

M14 1973 c. 62.

M15 1933 c. 12.

18 Discharge and variation of attendance centre orders.

(1) An attendance centre order may be discharged on an application made by the offender or the officer in charge of the relevant attendance centre.

(2) An application under subsection (1) above shall be made to one of the courts specified in subsection (3) below or to the Crown Court under subsection (4) below, and the discharge of such an order shall be by order of the court.

(3) Subject to subsection (4) below, the power to discharge an attendance centre order shall be exercised—

(a) by a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated; or

(b) by the court which made the order.

(4) Where the court which made the order is the Crown Court and there is included in the order a direction that the power to discharge the order is reserved to that court, the power shall be exercised by that court.

(5) An attendance centre order may, on the application of the offender or of the officer in charge of the relevant attendance centre, be varied by a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated; and an attendance centre order made by a magistrates' court may also be varied, on such an application, by that court.

(6) The power to vary an attendance centre order is a power by order—

(a) to vary the day or hour specified in the order for the offender's first attendance at the relevant attendance centre; or

(b) if the court is satisfied that the offender proposes to change or has changed his residence, to substitute for the relevant attendance centre an attendance centre which the court is satisfied is reasonably accessible to the offender, having regard to his age, the means of access available to him and any other circumstances.

(7) Where an application is made under this section by the officer in charge of an attendance centre, the court may deal with it without summoning the offender.

(8) It shall be the duty of the clerk to a court which makes an order under this section—

(a) to deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode; and

(b) to deliver or send a copy—

(i) if the order is made by virtue of subsection (1) or (6)(a) above, to the officer in charge of the relevant attendance centre; and

(ii) if it is made by virtue of subsection (6)(b) above, to the officer in charge of the attendance centre which the order as varied will require the offender to attend.

(9) In this section "the relevant attendance centre", in relation to an attendance centre order, means the attendance centre specified in the order or substituted for the attendance centre so specified by an order made by virtue of subsection (6)(b) above.

Modifications etc. (not altering text)

C5 Ss. 18, 19 applied with modifications by Children and Young Persons Act 1969 (c. 54, SIF 20), **s. 16A** (as added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 8 para. 16, **Sch. 10 Pt. IV**)

19 Breaches of attendance centre orders or attendance centre rules.

(1) Where an attendance centre order has been made and it appears on information to a justice acting for a relevant petty sessions area that the offender—

(a) has failed to attend in accordance with the order; or

(b) while attending has committed a breach of rules made under section 16(3) above which cannot be adequately dealt with under those rules,

the justice may issue a summons requiring the offender to appear at the place and time specified in the summons before a magistrates' court acting for the area or, if the information is in writing and on oath, may issue a warrant for the offender's arrest requiring him to be brought before such a court.

(2) for the purposes of this section a petty sessions area is a relevant petty sessions area in relation to an attendance centre order—

(a) if the attendance centre which the offender is required to attend by an order made by virtue of section 17(1) or 18(6)(b) above is situated in it; or

(b) if the order was made by a magistrates' court acting for it.

(3) If it is proved to the satisfaction of the magistrates' court before which an offender appears or is brought under this section that he has failed without reasonable excuse to attend as mentioned in paragraph (a) of subsection (1) above or has committed such a breach of rules as is mentioned in paragraph (b) of that subsection, that court—

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(a) if the attendance centre order was made by a magistrates' court, may revoke it and deal with him, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made;

(b) if the order was made by the Crown Court, may commit him in custody or release him on bail until he can be brought or appear before the Crown Court.

(4) A magistrates' court which deals with an offender's case under subsection (3)(b) above shall send to the Crown Court a certificate signed by a justice of the peace giving particulars of the offender's failure to attend or, as the case may be, the breach of the rules which he has committed, together with such other particulars of the case as may be desirable; and a certificate purporting to be so signed shall be admissible as evidence of the failure or the breach before the Crown Court.

(5) Where by virtue of subsection (3)(b) above the offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court that he has failed to attend as mentioned in paragraph (a) of subsection (1) above or has committed such a breach of rules as is mentioned in paragraph (b) of that subsection, that court may revoke the attendance centre order and deal with him, for the offence in respect of which the order was made, in any manner in which it could have dealt with him for that offence if it had not made the order.

(6) A person sentenced under subsection (3)(a) above for an offence may appeal to the Crown Court against the sentence.

(7) In proceedings before the Crown Court under this section, any question whether there has been a failure to attend or a breach of the rules shall be determined by the court and not by the verdict of a jury.

Modifications etc. (not altering text)

C6 Ss. 18, 19 applied with modifications by Children and Young Persons Act 1969 (c. 54, SIF 20), **s. 16A** (as added by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 128, Sch. 8 para. 16, **Sch. 10 Pt. IV**)

Supervision orders

20 Requirements in supervision orders.

(1) . . . . [F14]

(2) The following subsection shall be substituted for section 18(4) of the [M16]Children and Young Persons Act 1969 (expenditure incurred by supervisor for purposes of directions under section 12(2) to be defrayed by local authority)—

"(4) Where a supervision order—

(a) requires compliance with directions given by virtue of section 12(2) of this Act; or

(b) includes by virtue of section 12(3C) of this Act a requirement which involves the use of facilities for the time being specified in a scheme in force under section 19 of this Act for an area in which the supervised person resides or will reside,

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any expenditure incurred by the supervisor for the purposes of the directions or requirements shall be defrayed by the local authority whose area is named in the order in pursuance of subsection (2) of this section.”.

Textual Amendments

F14 S. 20(1) repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

Marginal Citations

M16 1969 c. 54.

21 Provision of supervision facilities.

(1) The following section shall be substituted for section 19 of the Children and Young Persons Act 1969—

“19 Facilities for the carrying out of supervisors’ directions and requirements included in supervision orders by virtue of section 12(3C).

(1) It shall be the duty of a local authority, acting either individually or in association with other local authorities, to make arrangements with such persons as appear to them to be appropriate, for the provision by those persons of facilities for enabling—

(a) directions given by virtue of section 12(2) of this Act to persons resident in their area; and

(b) requirements that may only be included in a supervision order by virtue of section 12(3C) of this Act if they are for the time being specified in a scheme,

to be carried out effectively.

(2) The authority or authorities making any arrangements in accordance with subsection (1) of this section shall consult each relevant probation committee as to the arrangements.

(3) Any such arrangements shall be specified in a scheme made by the authority or authorities making them.

(4) A scheme shall come into force on a date to be specified in it.

(5) The authority or authorities making a scheme shall send copies of it to the clerk to the justices for each petty sessions area of which any part is included in the area to which the scheme relates.

(6) A copy of a scheme shall be kept available at the principal office of every authority who are a party to it for inspection by members of the public at all reasonable hours, and any such authority shall on demand by any person furnish him with a copy of the scheme free of charge.

(7) The authority or authorities who made a scheme may at any time make a further scheme altering the arrangements or specifying arrangements to be substituted for those previously specified.

(8) A scheme which specifies arrangements to be substituted for those specified in a previous scheme shall revoke the previous scheme.

(9) The powers conferred by subsection (7) of this section shall not be exercisable by an authority or authorities unless they have first consulted each relevant probation committee.

(10) The authority or authorities who made a scheme shall send to the clerk to the justices for each petty sessions area of which any part is included in the area for which arrangements under this section have been specified in the scheme notice of any exercise of a power conferred by subsection (7) of this section, specifying the date for the coming into force, and giving details of the effect, of the new or altered arrangements, and the new or altered arrangements shall come into force on that date.

(11) Arrangements shall not be made under this section for the provision of any facilities unless the facilities are approved or are of a kind approved by the Secretary of State for the purposes of this section.

(12) A supervision order shall not require compliance with directions given by virtue of section 12(2) of this Act unless the court making it is satisfied that a scheme under this section is in force for the area where the supervised person resides or will reside; and no such directions may involve the use of facilities which are not for the time being specified in a scheme in force under this section for that area.

(13) Subject to subsection (14) of this section, a supervision order may not include by virtue of subsection 12(3C) of this Act—

(a) any requirement that would involve the supervised person in absence from home—

(i) for more than 2 consecutive nights; or

(ii) for more than 2 nights in any one week; or

(b) if the supervised person is of compulsory school age, any requirement to participate in activities during normal school hours,

unless the court making the order is satisfied that the facilities whose use would be involved are for the time being specified in a scheme in force under this section for the area in which the supervised person resides or will reside.

(14) Subsection (13)(b) of this section does not apply to activities carried out in accordance with arrangements made or approved by the local education authority in whose area the supervised person resides or will reside.

(15) It shall be the duty of every local authority to ensure that a scheme made by them in accordance with this section, either individually or in association with any other local authority, comes into force for their area not later than 30th April 1983 or such later date as the Secretary of State may allow.

(16) In this section "relevant probation committee" means a probation committee for an area of which any part is included in the area to which a scheme under this section relates.

(17) Expressions used in this section and in the Education Act 1944 have the same meanings in this section as in that Act.".

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(2) A scheme under section 19 of the [M17]Children and Young Persons Act 1969, as originally enacted, which is in force for an area at the commencement of this section shall continue in force thereafter until the coming into force of the first scheme for that area made under the section substituted for that section by subsection (1) above.

Marginal Citations

M17 1969 c. 54.

Offences by person subject to care order owing to previous offence

[F15]22 . . . .

Textual Amendments

F15 S. 22 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Care orders and children in care

[F16]23 . . . .

Textual Amendments

F16 S. 23 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F17]24 . . . .

Textual Amendments

F17 S. 24 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[F18]25 . . . .

Textual Amendments

F18 S. 25 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

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Sanctions against parents and guardians

26 Payment of fines by parents and guardians.

The following section shall be substituted for section 55 of the [M18]Children and Young Persons Act 1933—

"55 Power to order parent or guardian to pay fine etc.

(1) Where—

(a) a child or young person is convicted or found guilty of any offence for the commission of which a fine or costs may be imposed or a compensation order may be made under section 35 of the powers of Criminal Courts Act 1973; and

(b) the court is of opinion that the case would best be met by the imposition of a fine or costs or the making of such an order, whether with or without any other punishment,

it shall be the duty of the court to order that the fine, compensation or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person himself, unless the court is satisfied—

(i) that the parent or guardian cannot be found; or

(ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.

(2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

(3) A parent or guardian may appeal to the Crown Court against an order under this section made by a magistrates' court.

(4) A parent or guardian may appeal to the Court of Appeal against an order made under this section by the Crown Court, as if he had been convicted on indictment and the order were a sentence passed on his conviction.".

Marginal Citations

M18 1933 c. 12.

[F19]**27** . . . .

Textual Amendments

F19 S. 27 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(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.*
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28 Increase of limit on amount of recognisance to be taken from parents and guardians.

In section 2(13) of the Children and Young Persons Act 1969 (by virtue of which the maximum amount for which the parent or guardian of a child or a young person can be required by an order under section 1 of that Act to enter into a recognisance to take proper care of and exercise proper control over him is £200), for "£200" there shall be substituted "£500".

Status:
Point in time view as at 14/10/1991.

Changes to legislation:
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