



Criminal Justice Act 1982

1982 CHAPTER 48

PART I

TREATMENT OF YOUNG OFFENDERS

Annotations:

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.

^{F1}(1)

^{F1}(2)

^{F2}(3)

^{F1}(5)

^{F1}(5A)

- (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.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1982, Part I. (See end of Document for details)

Annotations:

Amendments (Textual)

- F1** S. 1(1)(2)(5)(5A) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)
- F2** S. 1(3)-(4A) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**

F3 1A

Annotations:

Amendments (Textual)

- F3** S. 1A repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F4 1B

Annotations:

Amendments (Textual)

- F4** Ss. 1A–1C inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 123(4), **Sch. 8 para. 16**; S.1B repealed and superseded (1.1.2000) by 1998 c. 37, ss. 73(7)(a), 120(2), 121(2), **Sch. 10**; S.I. 1999/3426, **art. 3(c)(iv)**

F5 1C

Annotations:

Amendments (Textual)

- F5** S. 1C repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F6 2

Annotations:

Amendments (Textual)

- F6** S. 2 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch.13**; S.I. 1992/333, art. 2(2), **Sch.2**

F7 3

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1982, Part I. (See end of Document for details)

Annotations:

Amendments (Textual)

F7 S. 3 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

4—7. **F8**

Annotations:

Amendments (Textual)

F8 Ss. 4–7 repealed by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

F9 8 **F8**

Annotations:

Amendments (Textual)

F9 S. 8 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F10 9 **F8**

Annotations:

Amendments (Textual)

F10 S. 9 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

10 Computation of custodial sentences for young offenders.

The following subsections shall be added at the end of section 67 of the ^{M1}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.”.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1982, Part I. (See end of Document for details)

Annotations:

Marginal Citations

M1 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 ^{M2}Prison Act 1952—

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

- (1) The Secretary of State may provide—
- (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.

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1982, Part I. (See end of Document for details)

- (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.”

Annotations:

Marginal Citations

M2 1952 c. 52.

^{F11}12

Annotations:

Amendments (Textual)

F11 S. 12 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Provisions supplementary to sections 1 to 12

^{F12}13

Annotations:

Amendments (Textual)

F12 S. 13 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

14 ^{F13}

Annotations:

Amendments (Textual)

F13 S. 14 repealed by **Criminal Justice Act 1988** (c. 33, SIF 39:1), s. 170, Sch. 8 para. 16, **Sch. 16**

^{F14}15

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1982, Part I. (See end of Document for details)

Annotations:

Amendments (Textual)

F14 S. 15 repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch.2**

Attendance centres

F15 **16**

Annotations:

Amendments (Textual)

F15 S. 16 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F16 **17**

Annotations:

Amendments (Textual)

F16 S. 17 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F17 **18**

Annotations:

Amendments (Textual)

F17 S. 18 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

F18 **19**

Annotations:

Amendments (Textual)

F18 S. 19 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Supervision orders

F19 **20**

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1982, Part I. (See end of Document for details)

Annotations:

Amendments (Textual)

F19 S. 20 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F20}**21**

Annotations:

Amendments (Textual)

F20 S. 21 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

Offences by person subject to care order owing to previous offence

^{F21}**22**

Annotations:

Amendments (Textual)

F21 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

^{F22}**23**

Annotations:

Amendments (Textual)

F22 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)**

^{F23}**24**

Annotations:

Amendments (Textual)

F23 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)**

^{F24}**25**

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1982, Part I. (See end of Document for details)

Annotations:

Amendments (Textual)

F24 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)**

Sanctions against parents and guardians

^{F25}**26**

Annotations:

Amendments (Textual)

F25 S. 26 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F26}**27**

Annotations:

Amendments (Textual)

F26 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)**

^{F27}**28** **Increase of limit on amount of recognisance to be taken from parents and guardians.**
.....

Annotations:

Amendments (Textual)

F27 S. 28 repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), **Sch. 1 Pt. 3**

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice Act 1982, Part I.