



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART III

#### CHILDREN AND YOUNG PERSONS

##### *Young offenders*

#### **63 Custodial sentences under 1982 Act.**

- (1) Part I of the 1982 Act (treatment of young offenders) shall be amended as follows.
- (2) In section 1A (detention in a young offender institution)—
  - (a) in subsection (1), for the words “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” there shall be substituted the words “an offender under 21 but not less than 15 years of age”;
  - (b) in subsection (2), for the words “section 1B(1) and (2)” there shall be substituted the words “section 1B(2)”;
  - (c) in subsection (3), the words “and section 1B(3) below” shall cease to have effect and for the words “21 days” there shall be substituted the words “the minimum period applicable to the offender under subsection (4A) below”;
  - (d) in subsection (4), for the words “21 days” there shall be substituted the words “the minimum period applicable”; and
  - (e) after subsection (4) there shall be inserted the following subsection—

“(4A) For the purposes of subsections (3) and (4) above, the minimum period of detention applicable to an offender is—

    - (a) in the case of an offender under 21 but not less than 18 years of age, the period of 21 days; and
    - (b) in the case of an offender under 18 years of age, the period of two months.”
- (3) In section 1B (special provision for offenders under 17)—

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- (a) subsections (1) and (3) shall cease to have effect;
- (b) in subsection (2), for the words “aged 15 or 16” there shall be substituted the words “aged 15, 16 or 17”; and
- (c) for subsections (4) and (5) there shall be substituted the following subsections—

“(4) A court shall not pass on an offender aged 15, 16 or 17 a sentence of detention in a young offender institution whose effect would be that the offender would be sentenced to a total term which exceeds 12 months.

(5) Where the total term of detention in a young offender institution to which an offender aged 15, 16 or 17 is sentenced exceeds 12 months, so much of the term as exceeds 12 months shall be treated as remitted.”

- (4) In section 1C (accommodation of offenders in a young offender institution), for the words “under 17” there shall be substituted the words “under 18”.
- (5) In section 8 (custody for life) and section 9 (detention of persons aged 17 to 20 for default or contempt), for the words “17 years” there shall be substituted the words “18 years”.

#### Commencement Information

**I1** S. 63 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

## 64 Custodial sentences under 1933 Act.

Section 53(2) of the 1933 Act (punishment of certain grave crimes) shall have effect, in relation to a person who has attained the age of 16, as if the reference to any offence punishable in the case of an adult with imprisonment for 14 years or more, not being an offence the sentence for which is fixed by law, included a reference to an offence under section 14 of the <sup>M1</sup>Sexual Offences Act 1956 (indecent assault on a woman).

#### Commencement Information

**I2** S. 64 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

#### Marginal Citations

**M1** 1956 c. 69.

## 65 Supervision of young offenders after release.

- (1) Where a person under the age of 22 years (“the offender”) is released from a term of detention in a young offender institution or under section 53 of the 1933 Act, he shall be under the supervision of a probation officer or a social worker of a local authority social services department.
- (2) The supervision period ends on the offender’s 22nd birthday if it has not ended before.

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- (3) Subject to subsection (2) above, where the offender is released otherwise than on licence under Part II of this Act, the supervision period begins on his release and ends three months from his release.
- (4) Subject to subsection (2) above, where the offender is released on licence under Part II of this Act and the licence expires less than three months from his release, the supervision period begins on the expiry of the licence and ends three months from his release.
- (5) Where a person is under supervision under 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.
- (6) A person who without reasonable excuse fails to comply with a requirement imposed under subsection (5) above shall be liable on summary conviction—
  - (a) to a fine not exceeding level 3 on the standard scale; or
  - (b) to an appropriate custodial sentence for a period not exceeding 30 days, but not liable to be dealt with in any other way.
- (7) In subsection (6) 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 sentence of detention in a young offender institution, if he has not attained that age.
- (8) A person released from a custodial sentence passed under subsection (6) 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.

**Modifications etc. (not altering text)**

- C1** S. 65 applied (1.10.1997) by 1997 c. 43, ss. 41, 56(1), Sch. 1, Pt. II paras. 8(2)(4), 9(2)(4), Sch. 5 paras. 9(1)(a)(b), **10(1)(b)(c)**; S.I. 1997/2200, **art. 2(1)**.  
S. 65 modified (*prosp.*) by 1997 c. 43, ss. 56(1), 57(4), **Sch. 5**, para.2(3)(9).

**Commencement Information**

- I3** S. 65 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

**66 Supervision orders.**

For section 15 of the 1969 Act (variation and discharge of supervision orders) there shall be substituted the provisions set out in Schedule 7 to this Act.

**Commencement Information**

- I4** S. 66 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

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## 67 Attendance centre orders.

- (1) In section 17 of the 1982 Act (maximum number of hours at attendance centre for persons of different ages)—
  - (a) subsection (3) shall cease to have effect; and
  - (b) in subsection (5), for the words “17 years”, in both places where they occur, there shall be substituted the words “16 years”.
- (2) In section 18 of that Act (discharge and variation of attendance centre orders), after subsection (4) there shall be inserted the following subsection—
 

“(4A) The power to discharge an attendance centre order includes power to deal with the offender, 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.”
- (3) In subsection (6)(b) of that section, the words “if the court is satisfied that the offender proposes to change or has changed his residence” shall cease to have effect.
- (4) In subsection (3) of section 19 of that Act (breaches of attendance centre orders or attendance centre rules), after the words “that court” there shall be inserted the words “may, without prejudice to the continuation of the order, impose on him a fine not exceeding £1,000 or”.
- (5) After that subsection there shall be inserted the following subsection—
 

“(3A) Section 18 of the Criminal Justice Act 1991 (fixing of certain fines by reference to units) shall apply for the purposes of subsection (3) above as if the failure to attend or the breach of the rules were a summary offence punishable by a fine not exceeding level 3 on the standard scale; and a fine imposed under that subsection shall be deemed for the purposes of any enactment to be a sum adjudged to be paid by a conviction.”
- (6) After subsection (5) of that section there shall be inserted the following subsection—
 

“(5A) In dealing with an offender under subsection (3)(a) or (5) above, the court concerned—

  - (a) shall take into account the extent to which the offender has complied with the requirements of the attendance centre order; and
  - (b) may assume, in the case of an offender who has wilfully and persistently failed to comply with those requirements, that he has refused to give his consent to a community sentence which has been proposed by the court and requires that consent.”

### Commencement Information

**I5** S. 67 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

**Status:**

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**Changes to legislation:**

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