

## SCHEDULES

### SCHEDULE 1

#### YOUTH OFFENDER PANELS: FURTHER COURT PROCEEDINGS

##### PART I

###### REFERRAL BACK TO APPROPRIATE COURT

###### *Detention and remand of arrested offender*

- 4 (1) Where the offender is arrested in pursuance of a warrant under paragraph 3(2) and cannot be brought immediately before the appropriate court—
- (a) the person in whose custody he is may make arrangements for his detention in a place of safety (within the meaning given by section 107(1) of the Children and Young Persons Act 1933) for a period of not more than 72 hours from the time of the arrest (and it shall be lawful for him to be detained in pursuance of the arrangements); and
  - (b) that person shall within that period bring him before a court which—
    - (i) if he is under the age of 18 when he is brought before the court, shall be a youth court, and
    - (ii) if he has then attained that age, shall be a magistrates' court other than a youth court.
- (2) Sub-paragraphs (3) to (5) apply where the court before which the offender is brought under sub-paragraph (1)(b) (“the alternative court”) is not the appropriate court.
- (3) The alternative court may direct that he is to be released forthwith or remand him.
- (4) Section 128 of the Magistrates' Courts Act 1980 (remand in custody or on bail) shall have effect where the alternative court has power under sub-paragraph (3) to remand the offender as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the appropriate court.
- (5) That section shall have effect where the alternative court has power to so remand him, or the appropriate court has (by virtue of sub-paragraph (4)) power to further remand him, as if in subsection (1) there were inserted after paragraph (c) “or
- (d) if he is under the age of 18, remand him to accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989) and, if it does so, shall designate as the authority who are to receive him the local authority for the area in which it appears to the court that he resides or will reside;”.