

Changes to legislation: *Criminal Justice and Immigration Act 2008, Section 21 is up to date with all changes known to be in force on or before 17 February 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

SCHEDULES

SCHEDULE 2

BREACH, REVOCATION OR AMENDMENT OF YOUTH REHABILITATION ORDERS

Annotations:

Modifications etc. (not altering text)

- C1** Sch. 2 modified by Criminal Procedure (Scotland) Act 1995 (c. 46), s. 234(6A) (as inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), [Sch. 4 para. 44\(6\)](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074, art. 2\(p\)\(v\)](#))

PART 6

SUPPLEMENTARY

Warrants

- 21 (1) Sub-paragraph (2) applies where an offender is arrested in pursuance of a warrant issued by virtue of this Schedule and cannot be brought immediately before the court before which the warrant directs the offender to be brought (“the relevant court”).
- (2) The person in whose custody the offender is—
- (a) may make arrangements for the offender's detention in a place of safety for a period of not more than 72 hours from the time of the arrest, and
 - (b) must within that period bring the offender before a magistrates' court.
- (3) In the case of a warrant issued by the Crown Court, section 81(5) of the Supreme Court Act 1981 (c. 54) (duty to bring person before magistrates' court) does not apply.
- (4) A person who is detained under arrangements made under sub-paragraph (2)(a) is deemed to be in legal custody.
- (5) In sub-paragraph (2)(a) “place of safety” has the same meaning as in the Children and Young Persons Act 1933.
- (6) Sub-paragraphs (7) to (10) apply where, under sub-paragraph (2), the offender is brought before a court (“the alternative court”) which is not the relevant court.
- (7) If the relevant court is a magistrates' court—
- (a) the alternative court may—
 - (i) direct that the offender be released forthwith, or
 - (ii) remand the offender, and
 - (b) for the purposes of paragraph (a), section 128 of the Magistrates' Courts Act 1980 (c. 43) (remand in custody or on bail) has effect as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the relevant court.

Changes to legislation: Criminal Justice and Immigration Act 2008, Section 21 is up to date with all changes known to be in force on or before 17 February 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (8) If the relevant court is the Crown Court, section 43A of that Act (functions of magistrates' court where a person in custody is brought before it with a view to appearance before the Crown Court) applies as if, in subsection (1)—
- (a) the words “issued by the Crown Court” were omitted, and
 - (b) the reference to section 81(5) of the Supreme Court Act 1981 were a reference to sub-paragraph (2)(b).
- (9) Any power to remand the offender in custody which is conferred by section 43A or 128 of the Magistrates' Courts Act 1980 is to be taken to be a power—
- (a) if the offender is aged under 18, to remand the offender to accommodation provided by or on behalf of a local authority, and
 - (b) in any other case, to remand the offender to a prison.
- (10) Where the court remands the offender to accommodation provided by or on behalf of a local authority, the court must designate, as the authority which is to receive the offender, the local authority for the area in which it appears to the court that the offender resides.

Annotations:

Commencement Information

II Sch. 2 para. 21 in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(n)**

Changes to legislation:

Criminal Justice and Immigration Act 2008, Section 21 is up to date with all changes known to be in force on or before 17 February 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)