



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 2

YOUNG OFFENDERS

Detention of young offenders

38 Secure colleges and other places for detention of young offenders etc

(1) For section 43 of the Prison Act 1952 and the italic heading before it substitute—

“Places for the detention of young offenders etc

43 Places for the detention of young offenders etc

- (1) The Secretary of State may provide the following places for the detention of young persons sentenced to detention for an offence or remanded to custody (or for the detention of a class of such persons)—
 - (a) young offender institutions,
 - (b) secure training centres, and
 - (c) secure colleges.
- (2) In subsection (1), “young person” means a person who is aged under 18 or who was aged under 18 when convicted of the offence or remanded.
- (3) Sections 1 to 42A and Schedule A1 (“the prisons provisions”) apply in relation to places listed in subsection (1) and to persons detained in them as they apply to prisons and prisoners, subject to subsections (4) to (7).
- (4) The following provisions do not apply in relation to the following places—

Status: This is the original version (as it was originally enacted).

<i>Place</i>	<i>Provisions</i>
Young offender institutions	Sections 28 and 37(2)
Secure training centres or secure colleges	Sections 5, 6(2) and (3), 12, 14, 19, 28 and 37(2)

- (5) In their application in relation to secure colleges, the prisons provisions apply as if references to the governor and deputy governor were references to the principal and deputy principal.
- (6) In their application in relation to places listed in subsection (1), the prisons provisions apply—
- (a) as if references to imprisonment included references to detention in those places, and
 - (b) subject to any other modifications specified in rules made by the Secretary of State (but see subsection (7)).
- (7) The following provisions, as they apply in relation to the following places, may not be modified by rules made under this section—

<i>Place</i>	<i>Provisions</i>
Young offender institutions	Sections 5A, 6(2) and (3), 16, 22, 36 and 42A and Schedule A1
Secure training centres or secure colleges	Sections 5A, 16, 22, 36 and 42A and Schedule A1

- (8) Rules made under this section may—
- (a) make different provision for different cases;
 - (b) contain transitional, transitory or saving provision.
- (9) The references in this section to a young person sentenced to detention—
- (a) include a person sentenced to a detention and training order or an order under section 211 of the Armed Forces Act 2006;
 - (b) do not include a person sentenced to service detention within the meaning of the Armed Forces Act 2006.
- (10) Subsections (11) to (13) have effect in relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution).
- (11) Subsection (2) of this section, as it applies for the purposes of the power under subsection (1) to provide young offender institutions, has effect as if for “18”, in each place, there were substituted “21”.
- (12) The Secretary of State may from time to time direct that a woman aged 21 or over who is serving a sentence of imprisonment or who has been committed to prison for default is to be detained in a young offender institution.
- (13) Nothing in this section prejudices the operation of section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of persons aged at least 18 but under 21 for default or contempt).”

- (2) In section 52 of the Prison Act 1952 (orders, rules and regulations), after subsection (2) insert—
- “(2ZA) A statutory instrument containing rules under section 43 is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (3) Schedule 9 to this Act contains further amendments relating to secure colleges and other places for the detention of young offenders.

39 Contracting out secure colleges

In Schedule 10—

- (a) Part 1 makes provision about contracting out the provision and running of secure colleges,
- (b) Part 2 makes provision about the certification of secure college custody officers,
- (c) Part 3 makes provision about contracting out functions at directly managed secure colleges,
- (d) Part 4 contains definitions, and
- (e) Part 5 contains further amendments relating to contracted-out secure colleges.

40 Powers of Youth Justice Board in relation to provision of accommodation

- (1) Section 41(5)(i) of the Crime and Disorder Act 1998 (functions of the Youth Justice Board of entering into agreements for the provision of accommodation) is amended as follows.
- (2) In sub-paragraph (ii)—
- (a) after “2000” insert “, section 226, 226B or 228 of the Criminal Justice Act 2003”, and
 - (b) for “or 218” substitute “218, 221, 221A or 222”.
- (3) Omit sub-paragraphs (v) and (vi).

Other matters

41 Youth cautions and conditional cautions: involvement of appropriate adults

- (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) In section 66ZA (youth cautions)—
- (a) in subsection (2) (caution to be given in presence of appropriate adult), omit “given to a person under the age of 17”, and
 - (b) in subsection (3)(b) (certain matters to be explained to appropriate adult), omit “where that person is under the age of 17”.
- (3) In section 66B(5) (requirements for giving youth conditional cautions: explanation and warning to be given in presence of appropriate adult), omit “If the offender is aged 16 or under”.

42 Duties of custody officer after charge: arrested juveniles

In section 37(15) of the Police and Criminal Evidence Act 1984 (definitions for the purposes of provisions about detention in Part 4 of that Act), in the definition of “arrested juvenile”, for “under the age of 17” substitute “under the age of 18”.

43 Referral orders: alternatives to revocation for breach of youth offender contract

- (1) In Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000, after paragraph 6 insert—

“Power of court to impose fine or extend period for which contract has effect

- 6A (1) This paragraph applies where—
- (a) an offender has been referred back to the appropriate court under section 22(2), 26(5) or 27(4), and
 - (b) it is proved to the satisfaction of the court that the offender has failed, without reasonable excuse, to comply with the terms of a contract under section 23.
- (2) If the court does not revoke the order under paragraph 5 it may—
- (a) order the offender to pay a fine of an amount not exceeding £2,500, or
 - (b) make an order extending the length of the period for which the contract under section 23 has effect.
- (3) The court may not extend the length of the period for which the contract has effect so that it becomes longer than 12 months.
- (4) If the period for which the contract has effect has expired (whether before or after the referral of the offender back to court) the court—
- (a) may make an order under sub-paragraph (2)(a), but
 - (b) may not make an order under sub-paragraph (2)(b).
- (5) The court may not exercise a power under sub-paragraph (2) unless the offender is present before it.
- (6) A fine imposed under sub-paragraph (2)(a) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.
- (7) The Secretary of State may by order amend any sum for the time being specified in sub-paragraph (2)(a).”

- (2) In paragraph 7 of that Schedule, in sub-paragraph (2), at the end insert “(subject to any order under paragraph 6A(2)(b))”.
- (3) In the heading before paragraph 7 of that Schedule, at the beginning insert “Consequences of”.
- (4) In section 160(3) of the Powers of Criminal Courts (Sentencing) Act 2000 (statutory instruments subject to affirmative resolution procedure), after “103(2)” insert “or paragraph 6A(7) of Schedule 1”.

- (5) The amendments made by this section apply only in relation to a person who fails to comply with the terms of a youth offender contract after this section comes into force.

44 Referral orders: extension on further conviction

- (1) For paragraphs 10 to 12 of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000 substitute—

- “10 (1) This paragraph applies where—
- (a) an offender aged under 18 is subject to referral, and
 - (b) a relevant court is dealing with the offender for an offence in relation to which paragraphs (a) to (c) of section 16(1) apply.
- (2) The relevant court may sentence the offender for the offence by making an order extending any compliance period.
- (3) The relevant court may not extend the length of a compliance period so that it becomes longer than 12 months.
- (4) In this paragraph and paragraph 13 “relevant court” means a youth court or other magistrates’ court.”

- (2) In paragraph 13 of that Schedule—

- (a) omit sub-paragraphs (1), (6) and (7),
- (b) in sub-paragraph (2), for “paragraph 11 or 12 above in respect of the offence mentioned in paragraph 10 above” substitute “paragraph 10 in respect of an offence”, and
- (c) in sub-paragraph (8), for “paragraphs 10 to 12” substitute “paragraph 10”.

- (3) In consequence of the amendments made above—

- (a) in paragraphs 5(3) and 9 of that Schedule, for “paragraph 9ZD, 11 or 12” substitute “paragraphs 9ZD or 10”,
- (b) in the heading before paragraph 13 of that Schedule, for “paragraph 11 and 12” substitute “paragraph 10”, and
- (c) in paragraph 14(1)(a) of that Schedule, for “paragraph 11 or 12” substitute “paragraph 10”.

- (4) The amendments made by this section apply in relation to a person dealt with for an offence committed before or after this section comes into force.

45 Referral orders: revocation on further conviction

- (1) The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

- (2) In Schedule 1—

- (a) in paragraph 14(1)(b) (further conviction: cases where revocation not available), for “absolutely” substitute “, whether absolutely or conditionally”,
- (b) for paragraph 14(2) substitute—

“(2) The court may revoke the referral order (or any one or more of the referral orders) if it appears to the court to be in the interests of justice to do so.

Status: This is the original version (as it was originally enacted).

- (2A) The revocation of a referral order under sub-paragraph (2) has the effect of revoking any related order under paragraph 9ZD or 10.”, and
- (c) in the heading before paragraph 14, for “which lead to revocation of referral” substitute “: power to revoke referral orders”.
- (3) In section 18 (making of referral orders: general), after subsection (3) insert—
- “(3A) Where a court makes a referral order in respect of an offender who is subject to an earlier referral order, the court may direct that any youth offender contract under the later order is not to take effect under section 23 until the earlier order is revoked or discharged.”
- (4) The amendments made by this section apply in relation to a person dealt with for an offence committed before or after this section comes into force.