



Criminal Justice Act 1948

1948 CHAPTER 58

PART I

POWERS AND PROCEEDINGS OF COURTS.

Powers relating to young offenders.

18 Detention in a detention centre.

- (1) Where a court has power, or would but for the last foregoing section have power, to impose imprisonment on a person who is not less than fourteen but under twenty-one years of age, the court may, if it has been notified by the Secretary of State that a detention centre is available for the reception from that court of persons of his class or description, order him to be detained in a detention centre to be specified in the order for a term of three months:

Provided that—

- (a) if the maximum term of imprisonment which the court might, or might but for the last foregoing section, impose is less than three months, the term for which he is ordered to be detained as aforesaid shall (except as provided by paragraph (c) of this proviso) be a term equal to that maximum term of imprisonment;
 - (b) if the maximum term of imprisonment aforesaid exceeds three months and the court is of opinion, having regard to any special circumstances, that a term of three months' detention would be insufficient, the term for which he is ordered to be detained as aforesaid shall be any term not exceeding six months or the maximum term of imprisonment aforesaid, whichever is the shorter; and
 - (c) if the offender is of compulsory school age and the court is of opinion that a term of detention of three months, or equal to the maximum term of imprisonment aforesaid, would be excessive, the term for which he is ordered to be detained as aforesaid may be any term of not less than one month and not more than three months or the maximum term of imprisonment aforesaid.
- (2) A court shall not order a person to be detained in a detention centre—

Status: This is the original version (as it was originally enacted).

- (a) if he has been previously sentenced to imprisonment or Borstal training;
- (b) if he is not less than seventeen years of age, and has previously been ordered to be so detained since attaining that age;

and shall not order any other person to be so detained unless the court has considered every other method (except imprisonment) by which the court might deal with him and is of opinion that none of those methods is appropriate.

- (3) Where a person has been ordered to be detained in a detention centre in default of the payment of any sum of money then, on the payment of the whole or part of that sum, he shall be discharged, or, as the case may be, the term of his detention shall be reduced, in the same manner as if the term were a term of imprisonment.
- (4) A court shall not make an order that an offender who is not less than fourteen years of age be committed to custody in a remand home under section fifty-four of the Children and Young Persons Act, 1933, if it has been notified by the Secretary of State that a detention centre is available for the reception from that court of persons of his class or description.
- (5) In this section the expression " court " includes a justice of the peace, and the expression " compulsory school age " has the meaning assigned to it by section thirty-five of the Education Act, 1944:

Provided that section eight of the Education Act, 1946 (which provides that a person who attains a particular age during a school term shall be deemed not to have attained that age until the end of the term) shall not apply.