

1977 No. 1037

CHILDREN AND YOUNG PERSONS

The Certificates of Unruly Character (Conditions) Order 1977

Made - - - - - 18th June 1977
 Coming into Operation 1st August 1977

In exercise of the powers conferred on me by section 69 of the Children Act 1975(a), I hereby make the following Order:—

1. This Order may be cited as the Certificates of Unruly Character (Conditions) Order 1977 and shall come into operation on 1st August 1977.

2.—(1) In this Order—

“appropriate local authority” means the local authority in whose area the court is sitting or the young person resides.

“court” includes a justice; and

“local authority” means the council of a county (other than a metropolitan county), a metropolitan district or a London borough, or the Common Council of the City of London.

“young person” means a person who has attained the age of 14 and is under the age of 17.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The court shall not certify under section 22(5) or section 23(2) or (3) of the Children and Young Persons Act 1969(c) (committals to remand centres or prisons) that a young person is of so unruly a character that he cannot safely be committed to the care of a local authority unless one or more of the following conditions is satisfied in relation to him—

(a) the young person is charged with an offence punishable in the case of an adult with imprisonment for 14 years or more, and—

(i) the court is remanding him for the first time in the proceedings and is satisfied that there has not been time to obtain a written report from the appropriate local authority on the availability of suitable accommodation for him in a community home, or

(ii) the court is satisfied on the basis of such a report that no suitable accommodation is available for him in a community home where he could be accommodated without substantial risk to himself or others:

(b) the young person is charged with an offence of violence or has been found guilty on a previous occasion of an offence of violence, and—

(i) the court is remanding him for the first time in the proceedings and is satisfied that there has not been time to obtain a written report from the appropriate local authority on the availability of suitable accommodation for him in a community home, or

(a) 1975 c. 72.

(b) 1889 c. 63.

(c) 1969 c. 54.

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- (ii) the court is satisfied on the basis of such a report that no suitable accommodation is available for him in a community home where he could be accommodated without substantial risk to himself or others;
- (c) the young person has persistently absconded from a community home or, while accommodated in a community home, has seriously disrupted the running of the home, and the court is satisfied on the basis of a written report from the appropriate local authority that accommodation cannot be found for him in a suitable community home where he could be accommodated without risk of his absconding or seriously disrupting the running of the home.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

Home Office.
18th June 1977.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prescribes the conditions which must be satisfied before a court can commit a young person to a remand centre or prison on the ground that he is of so unruly a character that he cannot safely be committed to the care of a local authority.

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