



Criminal Justice Act 1991

1991 CHAPTER 53

PART III

CHILDREN AND YOUNG PERSONS

Detention etc. pending trial

59 Detention at a police station.

In section 38 of the ^{M1}Police and Criminal Evidence Act 1984 (duties of custody officer after charge), for subsections (6) and (6A) there shall be substituted the following subsections—

“(6) Where a custody officer authorises an arrested juvenile to be kept in police detention under subsection (1) above, the custody officer shall, unless he certifies—

- (a) that, by reason of such circumstances as are specified in the certificate, it is impracticable for him to do so; or
- (b) in the case of an arrested juvenile who has attained the age of 15 years, that no secure accommodation is available and that keeping him in other local authority accommodation would not be adequate to protect the public from serious harm from him,

secure that the arrested juvenile is moved to local authority accommodation.

(6A) In this section—

“local authority accommodation” means accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989);

“secure accommodation” means accommodation provided for the purpose of restricting liberty;

“sexual offence” and “violent offence” have the same meanings as in Part I of the Criminal Justice Act 1991;

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and any reference, in relation to an arrested juvenile charged with a violent or sexual offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him.”

Commencement Information

II S. 59 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), **Sch. 2**.

Marginal Citations

M1 1984 c. 60.

60 Remands and committals to local authority accommodation.

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(2) In section 37 of the 1980 Act (committal of young person to Crown Court for sentence)

- (a) in subsection (1), for the words “17 years old” there shall be substituted the words “18 years old”;
- (b) in subsection (2), for the words “A person committed in custody under subsection (1) above” there shall be substituted the words “Where a person committed in custody under subsection (1) above is not less than 17 years old, he”; and
- (c) after that subsection there shall be inserted the following subsection—

“(3) Where a person committed in custody under subsection (1) above is less than 17 years old—

- (a) he shall be committed to accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989) and
- (b) the court by which he is so committed shall impose a security requirement within the meaning of section 23 of the Children and Young Persons Act 1969.”

(3) In the case of a child or young person who has been remanded ^{F2}... to local authority accommodation [^{F3}under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012] by a youth court or a magistrates’ court other than a youth court, any application under section 25 of the ^{M2}Children Act 1989 [^{F4}or section 119 of the Social Services and Well-being (Wales) Act 2014] (use of accommodation for restricting liberty) shall, notwithstanding anything in section [^{F5}92(7)] [^{F6}of the Children Act 1989], be made to that court.

Textual Amendments

F1 S. 60(1) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 27**; S.I. 2012/2906, art. 2(j)

F2 Words in s. 60(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 12 para. 28(a)**; S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

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- F3** Words in s. 60(3) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 28\(b\)](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F4** Words in s. 60(3) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [128\(a\)](#)
- F5** Words in s. 60(3) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 127](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F6** Words in s. 60(3) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [128\(b\)](#)

Commencement Information

- I2** S. 60 wholly in force at 1.6.1999; s. 60(3) in force at 14.10.1991, see s. 102(2)(3) and [S.I. 1991/2208](#), art. 2(1), [Sch. 1](#); s. 60(1)(2)(a) in force at 1.10.1992, see s. 102(2)(3) and [S.I. 1992/333](#), art. 2(2), [Sch. 2](#); s. 60(2)(b)(c) in force at 1.6.1999 by [S.I. 1999/1280](#), art. 3, [Sch. 2](#);
S. 60(2)(b)(c) shall come into force on the day appointed by the Secretary of State by order under s. 62(1) see [S.I. 1992/333](#), art. 2(5), [Sch. 3](#) (which art. 2(5), [Sch. 3](#) was revoked (16.1999) by [S.I. 1999/1280](#), art. 2)

Marginal Citations

- M2** 1989 c. 41.

F7 61 Provision by local authorities of secure accommodation.

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Textual Amendments

- F7** S. 61 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 29](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

F8 61A Cost of secure accommodation.

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Textual Amendments

- F8** S. 61A omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 30](#); S.I. 2012/2906, art. 2(j)

62 F9 Transitory provisions pending provision of secure accommodation.

- (1) In relation to any time before such day as the Secretary of State may by order made by statutory instrument appoint, section 23 of the 1969 Act as substituted by section 60(1) above shall have effect with the following modifications.
- (2) In subsection (1), immediately before the words “the remand” there shall be inserted the words “then, unless he is declared by the court, after consultation with a probation officer or a social worker of a local authority social services department, to be a person to whom subsection (5) below applies”.
- (3) For subsections (4) and (5) there shall be substituted the following subsections—

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“(4) Where a court declares a person to be one to whom subsection (5) below applies, it shall remand him—

- (a) to a remand centre, if it has been notified that such a centre is available for the reception from the court of such persons; and
- (b) to a prison, if it has not been so notified.

(4A) A court shall not declare a person who is not legally represented in the court to be a person to whom subsection (5) below applies unless—

- (a) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance; or
- (b) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.

(5) This subsection applies to a young person who is male and has attained the age of fifteen, but only if—

- (a) he is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or
- (b) he has a recent history of absconding while remanded to local authority accommodation, and is charged with or has been convicted of an imprisonable offence alleged or found to have been committed while he was so remanded,

and (in either case) the court is of opinion that only remanding him to a remand centre or prison would be adequate to protect the public from serious harm from him.”

(4) In subsection (6)—

- (a) for the words “imposes a security requirement in respect of a young person” there shall be substituted the words “declares a person to be one to whom subsection (5) above applies”; and
- (b) for the words “subsection (5) above” there shall be substituted the words “that subsection”.

(5) In subsections (7) and (9), the words “without imposing a security requirement” shall be omitted.

(6) After subsection (9) there shall be inserted the following subsection—

“(9A) Where a person is remanded to local authority accommodation, a relevant court may, on the application of the designated authority, declare him to be a person to whom subsection (5) above applies; and on its doing so, he shall cease to be remanded to local authority accommodation and subsection (4) above shall apply.”

(7) In subsection (12), the definition of “secure accommodation” shall be omitted.

Textual Amendments

F9 S. 62 repealed and superseded (1.6.1999) by 1998 c. 37, ss. 98(7), 120(1), Sch. 10; S.I. 1999/1279, art. 2

Changes to legislation:

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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):

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))