



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Supervision

[^{F1}12D Duty of court to state in certain cases that requirement in place of custodial sentence.

(1) Where—

- (a) in pursuance of section 12A(3)(a) of this Act a court includes a requirement in a supervision order directing the supervised person to participate in specified activities; and
- (b) it would have imposed a custodial sentence if it had not made a supervision order including such a requirement,

it shall state in open court—

- (i) that it is making the order instead of a custodial sentence;
- (ii) that it is satisfied that—
 - [the offence of which he has been convicted, or the combination of that offence
 - ^{F2}(a) and one [^{F3}or more offences]] associated with it, was so serious that only a supervision order containing such a requirement or a custodial sentence can be justified for that offence; or
 - (b) that offence was a violent or sexual offence and only a supervision order containing such a requirement or such a sentence would be adequate to protect the public from serious harm from him;
 - (iii) why it is so satisfied.

[Sub-paragraphs (a) and (b) of subsection (1)(ii) above shall be construed as if they ^{F4}(1A) were contained in Part I of the Criminal Justice Act 1991.]

- (2) Where the Crown Court makes such a statement, it shall certify in the supervision order that it has made such a statement.

Status: Point in time view as at 16/08/1993. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 1969, Section 12D. (See end of Document for details)

- (3) Where a magistrates' court makes such a statement, it shall certify in the supervision order that it has made such a statement and shall cause the statement to be entered in the register.]

Textual Amendments

- F1** Ss. 12–12D substituted for s. 12 by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 128, [Sch. 10 Pt. I](#)
- F2** [S. 12D\(1\)\(ii\)\(a\)\(b\)](#) substituted (1.10.1992) for [s. 12D\(1\)\(ii\)\(a\)–\(c\)](#) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 100, 101(1), [Sch. 11, para. 6\(1\)](#), [Sch. 12, para. 4](#); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)
- F3** Words in [s. 12D\(1\)\(ii\)\(a\)](#) substituted (16.8.1993) by [1993 c. 36, s. 66\(7\)](#); [S.I. 1993/1968, art. 2\(1\)](#), [Sch. 1](#).
- F4** [S. 12D\(1A\)](#) inserted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), ss. 100, 101(1), [Sch. 11, para. 6\(2\)](#), [Sch. 12, para. 4](#); [S.I. 1992/333, art. 2\(2\)](#), [Sch. 2](#)

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