



Children and Young Persons Act 1969

1969 CHAPTER 54

PART I

CARE AND OTHER TREATMENT OF JUVENILES THROUGH COURT PROCEEDINGS

Detention

29 Release or further detention of arrested child or young person

- (1) Where a person is arrested with or without a warrant and cannot be brought immediately before a magistrates' court, then if either—
 - (a) he appears to be a child and his arrest is for homicide ; or
 - (b) he appears to be a young person and his arrest is for any offence,the police officer in charge of the police station to which he is brought or another police officer not below the rank of inspector shall forthwith enquire into the case and, subject to subsection (2) of this section, shall release him unless—
 - (i) the officer considers that he ought in his own interests to be further detained ;
or
 - (ii) the officer has reason to believe that he has committed homicide or another grave crime or that his release would defeat the ends of justice or that if he were released (in a case where he was arrested without a warrant) he would fail to appear to answer to any charge which might be made.
- (2) A person arrested in pursuance of a warrant shall not be released in pursuance of subsection (1) of this section unless he or his parent or guardian (with or without sureties) enters into a recognisance for such amount as the officer aforesaid considers will secure his attendance at the hearing of the charge; and a recognisance entered into in pursuance of this subsection may, if the said officer thinks fit, be conditioned for the attendance of the parent or guardian at the hearing in addition to the person arrested.
- (3) An officer who enquires into a case in pursuance of subsection (1) of this section and does not release the person to whom the enquiry relates shall, unless the officer certifies that it is impracticable to do so or that he is of so unruly a character as to

Status: This is the original version (as it was originally enacted).

make it inappropriate to do so, make arrangements for him to be taken into the care of a local authority and detained by the authority, and it shall be lawful to detain him in pursuance of the arrangements; and a certificate made under this subsection in respect of any person shall be produced to the court before which that person is first brought thereafter.

- (4) Where an officer decides in pursuance of subsection (1) of this section not to release a person arrested without a warrant and it appears to the officer that a decision falls to be taken in pursuance of section 5 of this Act whether to lay an information in respect of an offence alleged to have been committed by that person, it shall be the duty of the officer to inform him that such a decision falls to be taken and to specify the offence.
- (5) A person detained by virtue of subsection (3) of this section shall be brought before a magistrates' court within seventy-two hours from the time of his arrest unless within that period a police officer not below the rank of inspector certifies to a magistrates' court that by reason of illness or accident he cannot be brought before a magistrates' court within that period.
- (6) Where in pursuance of the preceding subsection a person is brought before a court or a certificate in respect of any person is produced to a court and the court does not proceed forthwith to inquire into the case, then—
 - (a) except in a case falling within paragraph (b) of this subsection, the court shall order his release; and
 - (b) in a case where he was arrested in pursuance of a warrant or the court considers that he ought in his own interests to be further detained or the court has reason to believe as mentioned in subsection (1)(ii) of this section, the court shall remand him ;

and where a court remands a person in pursuance of this subsection otherwise than on bail it shall, if he is not represented by counsel or a solicitor, inform him that he may apply to a judge of the High Court to be admitted to bail and shall, if he is not so represented or his counsel or solicitor so requests, give him a written notice stating the reason for so remanding him.