



# Criminal Justice Act 1982

## 1982 CHAPTER 48

### PART I

#### TREATMENT OF YOUNG OFFENDERS

##### *Accommodation of young offenders*

#### **11 Provision of premises for young offenders etc.**

The following section shall be substituted for section 43 of the Prison Act 1952—

##### **“43 Remand centres, detention centres and youth custody centres.**

- (1) The Secretary of State may provide—
  - (a) remand centres, that is to say places for the detention of persons not less than 14 but under 21 years of age who are remanded or committed in custody for trial or sentence ;
  - (b) detention centres, that is to say places in which male offenders not less than 14 but under 21 years of age who are ordered to be detained in such centres under the Criminal Justice Act 1982 may be kept for short periods under discipline suitable to persons of their age and description; and
  - (c) youth custody centres, that is to say places in which offenders not less than 15 but under 21 years of age may be detained and given training, instruction and work and prepared for their release.
- (2) The Secretary of State may from time to time direct—
  - (a) that a woman aged 21 years or over who is serving a sentence of imprisonment or who has been committed to prison for default shall be detained in a remand centre or a youth custody centre instead of a prison ;

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- (b) that a woman aged 21 years or over who is remanded in custody or committed in custody for trial or sentence shall be detained in a remand centre instead of a prison;
  - (c) that a person under 21 but not less than 17 years of age who is remanded in custody or committed in custody for trial or sentence shall be detained in a prison instead of a remand centre or a remand centre instead of a prison, notwithstanding anything in section 27 of the Criminal Justice Act 1948 or section 23(3) of the Children and Young Persons Act 1969.
- (3) Notwithstanding subsection (1) above, any person required to be detained in an institution to which this Act applies may be detained in a remand centre for any temporary purpose or for the purpose of providing maintenance and domestic services for that centre.
- (4) Sections 5A, 6(2) and (3), 16, 22, 25 and 36 of this Act shall apply to remand centres, detention centres and youth custody centres and to persons detained in them as they apply to prisons and prisoners.
- (5) The other provisions of this Act preceding this section, except sections 28 and 37(2) above, shall apply to such centres and to persons detained in them as they apply to prisons and prisoners, but subject to such adaptations and modifications as may be specified in rules made by the Secretary of State.
- (6) References in the preceding provisions of this Act to imprisonment shall, so far as those provisions apply to institutions provided under this section, be construed as including references to detention in those institutions.
- (7) Nothing in this section shall be taken to prejudice the operation of section 12 of the Criminal Justice Act 1982.”.

## **12 Accommodation of young offenders and defaulters etc.**

- (1) Subject to subsection (11) below, a male offender sentenced to youth custody shall be detained in a youth custody centre
- (a) if the term of his youth custody sentence is more than 4 but not more than 18 months ; and
  - (b) if the term is not treated by virtue of section 67 of the Criminal Justice Act 1967 as reduced to less than 21 days,
- unless the Secretary of State gives a direction for his detention in a prison under subsection (4) below.
- (2) Subject to subsection (11) below, an offender aged 16 years or less who is sentenced to youth custody, other than an offender who falls to be detained in a youth custody centre by virtue of subsection (1) above, is to be detained in a youth custody centre or in a remand centre as the Secretary of State may from time to time direct unless—
- (a) the term of his youth custody sentence is treated by virtue of section 67 of the Criminal Justice Act 1967 as reduced to less than 21 days; or
  - (b) he has been sentenced under section 15(11) below to youth custody for less than 21 days ; or
  - (c) the Secretary of State gives a direction for his detention in a prison under subsection (4) below.

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- (3) Subject to subsection (11) below, an offender who has been sentenced to youth custody because the court considered that his detention in a detention centre would be unsuitable because of his mental condition is to be detained in a youth custody centre or in a remand centre as the Secretary of State may from time to time direct unless—
- (a) the term of his youth custody sentence is treated by virtue of section 67 of the Criminal Justice Act 1967 as reduced to less than 21 days ; or
  - (b) he has been sentenced under section 15(11) below to youth custody for less than 21 days ; or
  - (c) the Secretary of State gives a direction for his detention in a prison under subsection (4) below.
- (4) The Secretary of State may from time to time direct that—
- (a) an offender who falls to be detained in a youth custody centre by virtue of subsection (1) above ; or
  - (b) an offender who falls to be detained in a youth custody centre or a remand centre by virtue of subsection (2) or (3) above,
- is instead to be detained for any temporary purpose in a prison.
- (5) Any offender sentenced to youth custody, other than an offender who falls to be detained in a youth custody centre by virtue of subsection (1) above or an offender who falls to be detained in a youth custody centre or a remand centre by virtue of subsection (2) or (3) above, is to be detained—
- (a) in a youth custody centre ;
  - (b) in a remand centre ; or
  - (c) in a prison,
- as the Secretary of State may from time to time direct.
- (6) Subject—
- (a) to subsection (7) below, and
  - (b) to the enactments mentioned in subsection (11) below,
- an offender sentenced to custody for life is to be detained in a prison.
- (7) The Secretary of State may from time to time direct that an offender sentenced to custody for life—
- (a) who is female ; or
  - (b) who is male and under 22 years of age,
- is to be detained in a youth custody centre instead of a prison.
- (8) Where a detention centre order has been made in respect of an offender aged 15 years or over, the Secretary of State may from time to time direct that he shall be detained for any temporary purpose in a youth custody centre or a prison instead of a detention centre.
- (9) Where in the case of an offender aged 15 years or over—
- (a) either—
    - (i) a detention centre order has been made; and
    - (ii) the term for which he is ordered to be detained is treated by virtue of section 67 of the Criminal Justice Act 1967 as reduced to less than 21 days ; or

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(b) he is ordered under section 15(11) below to be detained in a detention centre for less than 21 days,

the Secretary of State may from time to time direct that he is to be detained (otherwise than for a temporary purpose) in a remand centre, a youth custody centre or (where the offender is aged 17 or over) a prison instead of a detention centre.

(10) A person in respect of whom an order has been made under section 9 above is to be detained—

- (a) in a remand centre ;
- (b) in a detention centre ;
- (c) in a youth custody centre ; or
- (d) in any place in which a person aged 21 years or over could be imprisoned or detained for default in payment of a fine or any other sum of money,

as the Secretary of State may from time to time direct.

(11) This section is without prejudice—

- (a) to section 22(2)(b) of the Prison Act 1952 (removal to hospital etc.); and
- (b) to section 43(3) of that Act (detention in remand centre for a temporary purpose or for the purpose of providing maintenance and domestic services).