



# Criminal Justice Act 1982

## 1982 CHAPTER 48

### PART I

#### TREATMENT OF YOUNG OFFENDERS

##### *Attendance centres*

#### **16 Provision, regulation and management of attendance centres**

- (1) The Secretary of State may continue to provide attendance centres.
- (2) In this Act "attendance centre" means a place at which offenders under 21 years of age may be required to attend and be given under supervision appropriate occupation or instruction, in pursuance of orders made—
  - (a) by the Crown Court or magistrates' courts under section 17 below;
  - (b) by juvenile courts or other magistrates' courts under section 15(2A) or (4) of the Children and Young Persons Act 1969 (attendance centre orders made on breach of requirements in supervision orders); or
  - (c) by magistrates' courts under section 6(3)(c) of the Powers of Criminal Courts Act 1973 (attendance centre orders made on breach of requirements in probation orders).
- (3) The Secretary of State may by statutory instrument make rules for the regulation and management of attendance centres.
- (4) For the purpose of providing attendance centres the Secretary of State may make arrangements with any local authority or police authority for the use of premises of that authority.
- (5) A draft of any statutory instrument containing rules under this section shall be laid before Parliament.

## **17 Attendance centre orders**

- (1) Subject to subsections (3) and (4) below, where a court—
- (a) would have power, but for section 1 above, to pass a sentence of imprisonment on a person who is under 21 years of age or to commit such a person to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone ; or
  - (b) has power to deal with any such person under section 6 of the Powers of Criminal Courts Act 1973 for failure to comply with any of the requirements of a probation order,
- the court may, if it has been notified by the Secretary of State that an attendance centre is available for the reception of persons of his description, order him to attend at such a centre, to be specified in the order, for such number of hours as may be so specified.
- (2) An order under this section is referred to in this Act as an " attendance centre order ".
- (3) No attendance centre order shall be made in the case of an offender who has been previously sentenced—
- (a) to imprisonment;
  - (b) to detention under section 53 of the Children and Young Persons Act 1933 ;
  - (c) to Borstal training ;
  - (d) to youth custody or custody for life under this Act; or
  - (e) to detention in a detention centre,
- unless it appears to the court that there are special circumstances (whether relating to the offence or to the offender) which warrant the making of such an order in his case.
- (4) The aggregate number of hours for which an attendance centre order may require an offender to attend at an attendance centre shall not be less than 12 except where he is under 14 years of age and the court is of opinion that 12 hours would be excessive, having regard to his age or any other circumstances.
- (5) The aggregate number of hours shall not exceed 12 except where the court is of opinion, having regard to all the circumstances, that 12 hours would be inadequate, and in that case shall not exceed 24 where the offender is under 17 years of age, or 36 hours where the offender is under 21 but not less than 17 years of age.
- (6) A court may make an attendance centre order in respect of an offender before a previous attendance centre order made in respect of him has ceased to have effect, and may determine the number of hours to be specified in the order without regard—
- (a) to the number specified in the previous order ; or
  - (b) to the fact that that order is still in effect.
- (7) An attendance centre order shall not be made unless the court is satisfied that the attendance centre to be specified in it is reasonably accessible to the person concerned, having regard to his age, the means of access available to him and any other circumstances.
- (8) The times at which an offender is required to attend at an attendance centre shall be such as to avoid interference, so far as practicable, with his school hours or working hours.
- (9) The first such time shall be a time at which the centre is available for the attendance of the offender in accordance with the notification of the Secretary of State and shall be specified in the order.

- (10) The subsequent times shall be fixed by the officer in charge of the centre, having regard to the offender's circumstances.
- (11) An offender shall not be required under this section to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.
- (12) Where a court makes an attendance centre order, the clerk of the court shall deliver or send a copy of the order to the officer in charge of the attendance centre specified in it, and shall also deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode.
- (13) Where an offender has been ordered to attend at an attendance centre in default of the payment of any sum of money—
  - (a) on payment of the whole sum to any person authorised to receive it, the attendance centre order shall cease to have effect;
  - (b) on payment of a part of the sum to any such person, the total number of hours for which the offender is required to attend at the centre shall be reduced proportionately, that is to say by such number of complete hours as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part bears to the said sum.

## **18 Discharge and variation of attendance centre orders**

- (1) An attendance centre order may be discharged on an application made by the offender or the officer in charge of the relevant attendance centre.
- (2) An application under subsection (1) above shall be made to one of the courts specified in subsection (3) below or to the Crown Court under subsection (4) below, and the discharge of such an order shall be by order of the court.
- (3) Subject to subsection (4) below, the power to discharge an attendance centre order shall be exercised—
  - (a) by a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated ; or
  - (b) by the court which made the order.
- (4) Where the court which made the order is the Crown Court and there is included in the order a direction that the power to discharge the order is reserved to that court, the power shall be exercised by that court.
- (5) An attendance centre order may, on the application of the offender or of the officer in charge of the relevant attendance centre, be varied by a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated; and an attendance centre order made by a magistrates' court may also be varied, on such an application, by that court.
- (6) The power to vary an attendance centre order is a power by order—
  - (a) to vary the day or hour specified in the order for the offender's first attendance at the relevant attendance centre; or
  - (b) if the court is satisfied that the offender proposes to change or has changed his residence, to substitute for the relevant attendance centre an attendance centre which the court is satisfied is reasonably accessible to the offender, having regard to his age, the means of access available to him and any other circumstances.

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

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- (7) Where an application is made under this section by the officer in charge of an attendance centre, the court may deal with it without summoning the offender.
- (8) It shall be the duty of the clerk to a court which makes an order under this section—
- (a) to deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode ; and
  - (b) to deliver or send a copy—
    - (i) if the order is made by virtue of subsection (1) or (6)(a) above, to the officer in charge of the relevant attendance centre ; and
    - (ii) if it is made by virtue of subsection (6)(b) above, to the officer in charge of the attendance centre which the order as varied will require the offender to attend.
- (9) In this section " the relevant attendance centre ", in relation to an attendance centre order, means the attendance centre specified in the order or substituted for the attendance centre so specified by an order made by virtue of subsection (6)(b) above.

## **19 Breaches of attendance centre orders or attendance centre rules**

- (1) Where an attendance centre order has been made and it appears on information to a justice acting for a relevant petty sessions area that the offender—
- (a) has failed to attend in accordance with the order ; or
  - (b) while attending has committed a breach of rules made under section 16(3) above which cannot be adequately dealt with under those rules,
- the justice may issue a summons requiring the offender to appear at the place and time specified in the summons before a magistrates' court acting for the area or, if the information is in writing and on oath, may issue a warrant for the offender's arrest requiring him to be brought before such a court.
- (2) For the purposes of this section a petty sessions area is a relevant petty sessions area in relation to an attendance centre order—
- (a) if the attendance centre which the offender is required to attend by an order made by virtue of section 17(1) or 18(6)(b) above is situated in it; or
  - (b) if the order was made by a magistrates' court acting for it.
- (3) If it is proved to the satisfaction of the magistrates' court before which an offender appears or is brought under this section that he has failed without reasonable excuse to attend as mentioned in paragraph (a) of subsection (1) above or has committed such a breach of rules as is mentioned in paragraph (b) of that subsection, that court—
- (a) if the attendance centre order was made by a magistrates' court, may revoke it and deal with him, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made ;
  - (b) if the order was made by the Crown Court, may commit him in custody or release him on bail until he can be brought or appear before the Crown Court.
- (4) A magistrates' court which deals with an offender's case under subsection (3) (b) above shall send to the Crown Court a certificate signed by a justice of the peace giving particulars of the offender's failure to attend or, as the case may be, the breach of the rules which he has committed, together with such other particulars of the case as

may be desirable; and a certificate purporting to be so signed shall be admissible as evidence of the failure or the breach before the Crown Court.

- (5) Where by virtue of subsection (3)(b) above the offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court that he has failed to attend as mentioned in paragraph (a) of subsection (1) above or has committed such a breach of rules as is mentioned in paragraph (b) of that subsection, that court may revoke the attendance centre order and deal with him, for the offence in respect of which the order was made, in any manner in which it could have dealt with him for that offence if it had not made the order.
- (6) A person sentenced under subsection (3)(a) above for an offence may appeal to the Crown Court against the sentence.
- (7) In proceedings before the Crown Court under this section, any question whether there has been a failure to attend or a breach of the rules shall be determined by the court and not by the verdict of a jury.