

Status: Point in time view as at 14/10/1991.

Changes to legislation: Children Act 1989, Paragraph 26 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 12

MINOR AMENDMENTS

The Children and Young Persons Act 1969 (c. 54)

- 26 For section 23 of that Act (remand to care of local authorities etc.) there shall be substituted—

“23 Remand to local authority accommodation, committal of young persons of unruly character, etc.

- (1) Where a court—
 - (a) remands or commits for trial a child charged with homicide or remands a child convicted of homicide; or
 - (b) remands a young person charged with or convicted of one or more offences or commits him for trial or sentence,and he is not released on bail, then, unless he is a young person who is certified by the court to be of unruly character, the court shall remand him to local authority accommodation.
- (2) A court remanding a person to local authority accommodation shall designate the authority who are to receive him and that authority shall be the authority in whose area it appears to the court that—
 - (a) he resides; or
 - (b) the offence or one of the offences was committed.
- (3) Where a person is remanded to local authority accommodation, it shall be lawful for any person acting on behalf of the designated authority to detain him.
- (4) The court shall not certify a young person as being of unruly character unless—
 - (a) he cannot safely be remanded to local authority accommodation; and
 - (b) the conditions prescribed by order made by the Secretary of State under this subsection are satisfied in relation to him.
- (5) Where the court certifies that a young person is of unruly character, it shall commit 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.
- (6) Where a young person is remanded to local authority accommodation, a court may, on the application of the designated authority, certify him to be of unruly character in accordance with subsection (4) of this section (and on so

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doing he shall cease to be remanded to local authority accommodation and subsection (5) of this section shall apply).

(7) For the purposes of subsection (6) of this section,

“a court” means—

- (a) the court which remanded the young person; or
- (b) any magistrates’ court having jurisdiction in the place where that person is for the time being,

and in this section “court” and “magistrates’ court” include a justice.

(8) This section has effect subject to—

- (a) section 37 of the Magistrates’ Courts Act 1980 (committal to the Crown Court with a view to a sentence of detention in a young offender institution); and
- (b) section 128(7) of that Act (remands to the custody of a constable for periods of not more than three days),

but section 128(7) shall have effect in relation to a child or young person as if for the reference to three clear days there were substituted a reference to twenty-four hours.”

Commencement Information

II Sch. 12 para. 26 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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