



# Criminal Justice Act 1991

## 1991 CHAPTER 53

### PART III

#### CHILDREN AND YOUNG PERSONS

##### *Detention etc. pending trial*

#### 60 Remands and committals to local authority accommodation

(1) For section 23 of the 1969 Act there shall be substituted the following section—

##### **“23 Remands and committals to local authority accommodation**

- (1) Where—
- (a) a court remands a child or young person charged with or convicted of one or more offences or commits him for trial or sentence; and
  - (b) he is not released on bail,
- the remand or committal shall be to local authority accommodation; and in the following provisions of this section, any reference (however expressed) to a remand shall be construed as including a reference to a committal.
- (2) A court remanding a person to local authority accommodation shall designate the local authority who are to receive him; and that authority shall be—
- (a) in the case of a person who is being looked after by a local authority, that authority; and
  - (b) in any other case, the local authority in whose area it appears to the court that he resides or 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.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Subject to subsection (5) below, a court remanding a person to local authority accommodation may, after consultation with the designated authority, require that authority to comply with a security requirement, that is to say, a requirement that the person in question be placed and kept in secure accommodation.
- (5) A court shall not impose a security requirement except in respect of a young person who has attained the age of fifteen, and then only if—
- (a) he is charged with or has been convicted of a violent or sexual offence, or an offence punishable in the case of an adult with imprisonment for a term of fourteen years or more; or
  - (b) he has a recent history of absconding while remanded to local authority accommodation, and is charged with or has been convicted of an imprisonable offence alleged or found to have been committed while he was so remanded,
- and (in either case) the court is of opinion that only such a requirement would be adequate to protect the public from serious harm from him.
- (6) Where a court imposes a security requirement in respect of a person, it shall be its duty—
- (a) to state in open court that it is of such opinion as is mentioned in subsection (5) above; and
  - (b) to explain to him in open court and in ordinary language why it is of that opinion;
- and a magistrates' court shall cause a reason stated by it under paragraph (b) above to be specified in the warrant of commitment and to be entered in the register.
- (7) A court remanding a person to local authority accommodation without imposing a security requirement may, after consultation with the designated authority, require that person to comply with any such conditions as could be imposed under section 3(6) of the Bail Act 1976 if he were then being granted bail.
- (8) Where a court imposes on a person any such conditions as are mentioned in subsection (7) above, it shall be its duty to explain to him in open court and in ordinary language why it is imposing those conditions; and a magistrates' court shall cause a reason stated by it under this subsection to be specified in the warrant of commitment and to be entered in the register.
- (9) A court remanding a person to local authority accommodation without imposing a security requirement may, after consultation with the designated authority, impose on that authority requirements—
- (a) for securing compliance with any conditions imposed on that person under subsection (7) above; or
  - (b) stipulating that he shall not be placed with a named person.
- (10) Where a person is remanded to local authority accommodation, a relevant court—
- (a) may, on the application of the designated authority, impose on that person any such conditions as could be imposed under subsection (7)

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

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- above if the court were then remanding him to such accommodation;  
and
- (b) where it does so, may impose on that authority any requirements for securing compliance with the conditions so imposed.
- (11) Where a person is remanded to local authority accommodation, a relevant court may, on the application of the designated authority or that person, vary or revoke any conditions or requirements imposed under subsection (7), (9) or (10) above.
- (12) In this section—
- “court” and “magistrates’ court” include a justice;
- “imprisonable offence” means an offence punishable in the case of an adult with imprisonment;
- “relevant court”, in relation to a person remanded to local authority accommodation, means the court by which he was so remanded, or any magistrates’ court having jurisdiction in the place where he is for the time being;
- “secure accommodation” means accommodation which is provided in a community home for the purpose of restricting liberty, and is approved for that purpose by the Secretary of State;
- “sexual offence” and “violent offence” have the same meanings as in Part I of the Criminal Justice Act 1991;
- “young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.
- (13) In this section—
- (a) any reference to a person who is being looked after by a local authority shall be construed in accordance with section 22 of the Children Act 1989;
- (b) any reference to consultation shall be construed as a reference to such consultation (if any) as is reasonably practicable in all the circumstances of the case; and
- (c) any reference, in relation to a person charged with or convicted of a violent or sexual offence, to protecting the public from serious harm from him shall be construed as a reference to protecting members of the public from death or serious personal injury, whether physical or psychological, occasioned by further such offences committed by him.
- (14) 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.”
- (2) In section 37 of the 1980 Act (committal of young person to Crown Court for sentence)
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- (a) in subsection (1), for the words “17 years old” there shall be substituted the words “18 years old”;
  - (b) in subsection (2), for the words “A person committed in custody under subsection (1) above” there shall be substituted the words “Where a person committed in custody under subsection (1) above is not less than 17 years old, he”; and
  - (c) after that subsection there shall be inserted the following subsection—
    - “(3) Where a person committed in custody under subsection (1) above is less than 17 years old—
      - (a) he shall be committed to accommodation provided by or on behalf of a local authority (within the meaning of the Children Act 1989) and
      - (b) the court by which he is so committed shall impose a security requirement within the meaning of section 23 of the Children and Young Persons Act 1969.”
- (3) In the case of a child or young person who has been remanded or committed to local authority accommodation by a youth court or a magistrates' court other than a youth court, any application under section 25 of the Children Act 1989 (use of accommodation for restricting liberty) shall, notwithstanding anything in section 92(2) of that Act or section 65 of the 1980 Act, be made to that court.