



Criminal Justice Act 1991

1991 CHAPTER 53

PART III

CHILDREN AND YOUNG PERSONS

Detention etc. pending trial

62 ^{F1} **Transitory provisions pending provision of secure accommodation.**

- (1) In relation to any time before such day as the Secretary of State may by order made by statutory instrument appoint, section 23 of the 1969 Act as substituted by section 60(1) above shall have effect with the following modifications.
- (2) In subsection (1), immediately before the words “the remand” there shall be inserted the words “then, unless he is declared by the court, after consultation with a probation officer or a social worker of a local authority social services department, to be a person to whom subsection (5) below applies”.
- (3) For subsections (4) and (5) there shall be substituted the following subsections—
 - “(4) Where a court declares a person to be one to whom subsection (5) below applies, it shall remand 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.
 - (4A) A court shall not declare a person who is not legally represented in the court to be a person to whom subsection (5) below applies unless—
 - (a) he applied for legal aid and the application was refused on the ground that it did not appear his means were such that he required assistance; or
 - (b) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.

Changes to legislation: *Criminal Justice Act 1991, Section 62 is up to date with all changes known to be in force on or before 27 December 2023. 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) View outstanding changes*

(5) This subsection applies to a young person who is male and has attained the age of fifteen, but 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 remanding him to a remand centre or prison would be adequate to protect the public from serious harm from him.”

(4) In subsection (6)—

- (a) for the words “imposes a security requirement in respect of a young person” there shall be substituted the words “declares a person to be one to whom subsection (5) above applies”; and
- (b) for the words “subsection (5) above” there shall be substituted the words “that subsection”.

(5) In subsections (7) and (9), the words “without imposing a security requirement” shall be omitted.

(6) After subsection (9) there shall be inserted the following subsection—

“(9A) Where a person is remanded to local authority accommodation, a relevant court may, on the application of the designated authority, declare him to be a person to whom subsection (5) above applies; and on its doing so, he shall cease to be remanded to local authority accommodation and subsection (4) above shall apply.”

(7) In subsection (12), the definition of “secure accommodation” shall be omitted.

Textual Amendments

F1 S. 62 repealed and superseded (1.6.1999) by 1998 c. 37, ss. 98(7), 120(1), **Sch. 10**; S.I. 1999/1279, **art. 2**

Changes to legislation:

Criminal Justice Act 1991, Section 62 is up to date with all changes known to be in force on or before 27 December 2023. 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))