

CRIMINAL JUSTICE AND POLICE ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 6: Minor and Consequential Amendments relating to NCIS and NCS

Part 6: Miscellaneous and supplemental

Juvenile secure remands and electronic monitoring

373. Section 23 of the Children and Young Persons Act 1969 as modified by the Crime and Disorder Act 1998 currently provides that courts may remand all 12-14 year olds, 15 and 16 year old girls and some vulnerable 15 and 16 year old boys to local authority secure accommodation if certain criteria are satisfied. Other 15 and 16 year old boys requiring custodial remand are held in prison service accommodation. The court has to be satisfied that the young person is charged with or convicted of a violent or sexual offence or an offence punishable in the case of an adult with 14 years or more imprisonment *or* has a recent history of absconding while remanded to local authority accommodation and is charged with or had been convicted of an imprisonable offence while so remanded. In addition, in either case, the court must also be of the opinion that only a secure remand is adequate to protect the public from serious harm from the alleged offender. The provisions currently exclude those offenders who commit while on bail strings of medium level offences such as theft, criminal damage and assault.
374. The new provisions strengthen the courts' powers by extending the current criteria for court-ordered secure remands in section 23 of the Children and Young Persons Act 1969. This will cover alleged offenders who have a recent history of being charged with or committing imprisonable offences while on bail or on remand to local authority accommodation and are also deemed to be at risk of committing further imprisonable offences.
375. The sections also offer to the courts the option of using electronic monitoring for juveniles on bail or on non-secure remand to local authority accommodation who would otherwise have been remanded into secure accommodation. In addition, they will allow local authority secure remandees to be placed in secure training centres.