

# CRIMINAL JUSTICE AND COURTS ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 2 – Young Offenders

##### Other matters

##### *Section 42: Duties of custody officer after charge: arrested juveniles*

399. **Section 42** changes the definition of “arrested juvenile” in section 37(15) of the Police and Criminal Evidence Act 1984 (“PACE”) to include a person aged 17 (currently the definition covers 10 to 16 year olds).
400. **Section 42** affects Part 4 of PACE. The effect of this change is that where a 17 year old who is arrested and charged is not released (either on bail or without bail) then, as with 10 to 16 year olds, the police will be required to transfer them to local authority accommodation, as is required under section 38(6) of PACE, unless a custody officer certifies that to do so is impractical. Currently 17 year olds who are denied bail would be kept in police custody before appearing in court.
401. For those 17 year olds where transfer to local authority accommodation is not practicable, the requirement under section 38(6)(a) to complete a certificate by way of explanation of their continued detention overnight at the police station would apply.
402. The section also affects section 39(4) of PACE, so that a custody officer's responsibility to arrested 17 year olds (as with 10 to 16 year olds) would cease when they were moved to local authority accommodation. This responsibility encompasses the duty to ensure that the person is treated in accordance with the requirements of PACE and the PACE codes of practice and that all details in relation to them are recorded in a custody record.