



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 8

YOUTH JUSTICE

Youth remand

157 Youth remand

- (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In section 91 (remands of children otherwise than on bail), after subsection (4) insert—

“(4A) Before deciding whether to remand a child to youth detention accommodation in accordance with section 102 the court must consider the interests and welfare of the child.”
- (3) In section 98 (first set of conditions for a remand to youth detention accommodation)—
 - (a) in subsection (1), after paragraph (a) insert—

“(aa) the sentencing condition (see subsection (2A)),”;
 - (b) after subsection (2) insert—

“(2A) The sentencing condition is that it appears to the court that it is very likely that the child will be sentenced to a custodial sentence for the offence mentioned in section 91(1) or one or more of those offences.”;
 - (c) in subsection (4), at the end (after paragraph (b)) insert “, and that the risks posed by the child cannot be managed safely in the community”.
- (4) In section 99 (second set of conditions for a remand to youth detention accommodation)—

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- (a) in subsection (3), for “there is a real prospect” substitute “it is very likely”;
 - (b) in subsection (5)(a)—
 - (i) after “recent” insert “and significant”;
 - (ii) after “remand” insert “, and it appears to the court that the history is relevant in all the circumstances of the case”;
 - (c) in subsection (6)—
 - (i) after “recent” insert “and significant”;
 - (ii) after “remand” insert “, and this appears to the court relevant in all the circumstances of the case”;
 - (d) in subsection (7), at the end (after paragraph (b)) insert “, and that the risks posed by the child cannot be managed safely in the community”.
- (5) In section 100 (first set of conditions for a remand to youth detention accommodation: extradition cases)—
- (a) in subsection (1), after paragraph (a) insert—
 - “(aa) the sentencing condition (see subsection (2A)),”;
 - (b) after subsection (2) insert—
 - “(2A) The sentencing condition is that it appears to the court that, if the child were convicted in England and Wales of an offence equivalent to the offence to which the extradition proceedings relate or one or more of those offences, it is very likely that the child would be sentenced to a custodial sentence for that offence or those offences.”;
 - (c) in subsection (4), at the end (after paragraph (b)) insert “, and that the risks posed by the child cannot be managed safely in the community”.
- (6) In section 101 (second set of conditions for a remand to youth detention accommodation: extradition cases)—
- (a) in subsection (3), for “there would be a real prospect” substitute “it is very likely”;
 - (b) in subsection (5)(a)—
 - (i) after “recent” insert “and significant”;
 - (ii) after “remand,” insert “and it appears to the court that the history is relevant in all the circumstances of the case,”;
 - (c) in subsection (6)—
 - (i) after “recent” insert “and significant”;
 - (ii) after “remand” insert “, and this appears to the court relevant in all the circumstances of the case”;
 - (d) in subsection (7), at the end (after paragraph (b)) insert “, and that the risks posed by the child cannot be managed safely in the community”.
- (7) In section 102 (remands to youth detention accommodation)—
- (a) in subsection (4), before paragraph (a) insert—
 - “(za) state in open court that it has considered subsections (3) and (4A) of section 91,”;
 - (b) in subsection (5), before paragraph (a) insert—
 - “(za) is given in writing to—
 - (i) the child,
 - (ii) any legal representative of the child, and

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- (iii) any youth offending team which appears to the court to have functions in relation to the child,”.

Commencement Information

I1 [S. 157](#) in force at 28.6.2022, see [s. 208\(5\)\(t\)](#)

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