



# Criminal Justice Act 1982

## 1982 CHAPTER 48

### PART I

#### TREATMENT OF YOUNG OFFENDERS

##### *Provisions supplementary to sections 1 to 12*

### **13 Conversion of sentence of youth custody to sentence of imprisonment**

- (1) Subject to subsection (3) below, where—
- (a) an offender has been sentenced to a term of youth custody ; and
  - (b) either—
    - (i) he has attained the age of 21 years ; or
    - (ii) the conditions specified in subsection (2) below are satisfied in relation to him,
- the Secretary of State may direct that he shall be treated as if he had been sentenced to imprisonment for the same term.
- (2) The conditions mentioned in subsection (1) above are—
- (a) that the offender has attained the age of 18 years; and
  - (b) that he has been reported to the Secretary of State by the board of visitors of the institution in which he is detained as exercising a bad influence on the other inmates of the institution or as behaving in a disruptive manner to the detriment of those inmates.
- (3) An offender who by virtue of this section falls to be treated as if he had been sentenced to imprisonment instead of youth custody is not to be so treated for the purposes of section 15 below.
- (4) Where the Secretary of State gives a direction under subsection (1) above in relation to an offender, the portion of the term of youth custody imposed by the youth custody sentence which he has already served shall be deemed to have been a portion of a term of imprisonment.

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*Status: This is the original version (as it was originally enacted).*

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- (5) Rules under section 47 of the Prison Act 1952 may provide that any award for an offence against discipline made in respect of an offender serving a youth custody sentence shall continue to have effect after a direction under subsection (1) above has been given in relation to him.

#### **14 Power to make certain alterations by order**

- (1) The Secretary of State may by order made by statutory instrument—
- (a) amend any enactment in sections 1 to 13 above which contains a reference to a period of time, by substituting a reference to some other period of time ; or
  - (b) remove either of the references to periods of time from section 12(1)(a) above ; or
  - (c) repeal that paragraph.
- (2) An order under this section may make different provision for different cases.
- (3) An order under this section may not—
- (a) amend section 4(1) above so as to increase the period specified in paragraph (b)(ii) of that subsection in its application to offenders under the age of 15 ; or
  - (b) amend section 5(2) above so as to increase the period specified in that subsection in its application to such offenders; or
  - (c) amend section 5(3) above so as to increase the period specified in that subsection ; or
  - (d) amend section 7(8) above so as to authorise a sentence of youth custody for a term which exceeds 12 months at a time.
- (4) An order under this section may make such incidental or supplemental provision (including provision amending enactments) as the Secretary of State considers appropriate.
- (5) An order shall not be made under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

#### **15 Release of young offenders**

- (1) Subject to subsection (13) below, if subsection (2), (3) or (4) below applies to a person under 22 years of age who is released from a term of detention under a detention centre order or a term of youth custody, he shall be under the supervision of a probation officer or a social worker of a local authority social services department
- (2) This subsection applies to a person who was neither granted remission nor released on licence.
- (3) This subsection applies to a person who was granted remission.
- (4) This subsection applies to a person—
- (a) who was under 21 years of age when sentence was passed on him; and
  - (b) who is released on licence ; and
  - (c) whose licence expires less than 12 months after his release.
- (5) The supervision period ends on the offender's 22nd birthday if it has not ended before.

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

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- (6) Subject to subsection (5) above, where subsection (2) above applies, the supervision period begins on the offender's release and ends 3 months from his release.
- (7) Subject to subsection (5) above and to subsection (9) below, where subsection (3) above applies, the supervision period begins on the offender's release and ends—
- (a) 3 months from his release; or
  - (b) on the date on which his sentence would have expired if he had not been granted remission,
- whichever is the later.
- (8) Subject to subsection (5) above and to subsection (9) below, where subsection (4) above applies, the supervision period begins when the offender's licence expires and ends on the date on which he would have been released if he had never been granted remission or released on licence.
- (9) If the date mentioned in subsection (1)(b) or (8) above is more than 12 months from the date of the offender's release, the supervision period ends 12 months from the date of his release.
- (10) While a person is under supervision by virtue of this section, he shall comply with such requirements, if any, as may for the time being be specified in a notice from the Secretary of State.
- (11) A person who without reasonable excuse fails to comply with a requirement imposed under subsection (10) above shall be guilty of an offence and liable on summary conviction—
- (a) to a fine not exceeding £200 ; or
  - (b) to an appropriate custodial sentence for a period not exceeding 30 days.
- (12) In subsection (11) above " appropriate custodial sentence " means—
- (a) a sentence of imprisonment, if the offender has attained the age of 21 years when he is sentenced ; and
  - (b) a detention centre order or a youth custody sentence, if he has not then attained that age.
- (13) A person released from a custodial sentence passed under subsection (11) above shall not be liable to a period of supervision in consequence of his conviction under that subsection, but his conviction shall not prejudice any liability to supervision to which he was previously subject, and that liability shall accordingly continue until the end of the supervision period.
- (14) In this section—
- " licence " means a licence under section 60 of the Criminal Justice Act 1967 ; and
  - " remission " means remission under rules made by virtue of section 47 of the Prison Act 1952.