



Criminal Justice Act 1982

1982 CHAPTER 48

PART I

TREATMENT OF YOUNG OFFENDERS

Custody and detention of persons under 21

1 General restriction on custodial sentences

- (1) Subject to subsection (2) below, no court shall pass a sentence of imprisonment on a person under 21 years of age or commit such a person to prison for any reason.
- (2) Nothing in subsection (1) above shall prevent the committal to prison of a person under 21 years of age who is remanded in custody or committed in custody for trial or sentence.
- (3) No court shall pass a sentence of Borstal training.
- (4) Where a person under 21 years of age is convicted or found guilty of an offence, the court may not—
 - (a) make a detention centre order in respect of him under section 4 below;
 - (b) pass a youth custody sentence on him under section 6 below; or
 - (c) pass a sentence of custody for life on him under section 8(2) below,unless it is of the opinion that no other method of dealing with him is appropriate because it appears to the court that he is unable or unwilling to respond to non-custodial penalties or because a custodial sentence is necessary for the protection of the public or because the offence was so serious that a non-custodial sentence cannot be justified.
- (5) No court shall commit a person under 21 years of age to be detained under section 9 below unless it is of the opinion that no other method of dealing with him is appropriate.
- (6) For the purposes of any provision of this Act which requires the determination of the age of a person by the court or the Secretary of State his age shall be deemed to be

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that which it appears to the court or the Secretary of State (as the case may be) to be after considering any available evidence.

2 Social inquiry reports etc.

- (1) For the purpose of determining whether there is any appropriate method of dealing with a person under 21 years of age other than a method whose use in the case of such a person is restricted by section 1(4) or (5) above the court shall obtain and consider information about the circumstances and shall take into account any information before the court which is relevant to his character and his physical and mental condition.
- (2) Subject to subsection (3) below, the court shall in every case obtain a social inquiry report for the purpose of determining whether there is any appropriate method of dealing with a person other than a method whose use is restricted by section 1 (4) above.
- (3) Subsection (2) above does not apply if, in the circumstances of the case, the court is of the opinion that it is unnecessary to obtain a social inquiry report.
- (4) Where a magistrates' court deals with a person under 21 years of age by a method whose use in the case of such a person is restricted by section 1(4) above, it shall state in open court the reason for its opinion that no other method of dealing with him is appropriate because it appears to the court that he is unable or unwilling to respond to non-custodial penalties or because a custodial sentence is necessary for the protection of the public or because the offence was so serious that a non-custodial sentence cannot be justified.
- (5) Where a magistrates' court deals with a person under 21 years of age by a method whose use in the case of such a person is restricted by section 1(5) above, it shall state in open court the reason for its opinion that no other method of dealing with him is appropriate.
- (6) Where a magistrates' court deals with a person under 21 years of age by a method whose use in the case of such a person is restricted by section 1(4) above without obtaining a social inquiry report, it shall state in open court the reason for its opinion that it was unnecessary to obtain such a report.
- (7) A magistrates' court shall cause a reason stated under subsection (4), (5) or (6) above to be specified in the warrant of commitment and to be entered in the register.
- (8) No sentence or order shall be invalidated by the failure of a court to comply with subsection (2) above, but any other court on appeal from that court shall obtain a social inquiry report if none was obtained by the court below, unless it is of the opinion that in the circumstances of the case it is unnecessary to do so.
- (9) In determining whether it should deal with the appellant by a method different from that by which the court below dealt with him the court hearing the appeal shall consider any social inquiry report obtained by it or by the court below.
- (10) In this section " social inquiry report" means a report about a person and his circumstances made by a probation officer or by a social worker of a local authority social services department.

3 Restriction on imposing custodial sentences on persons under 21 not legally represented

- (1) A magistrates' court on summary conviction or the Crown Court on committal for sentence or on conviction on indictment shall not—
- (a) make a detention centre order under section 4 below ;
 - (b) pass a youth custody sentence under section 6 below ;
 - (c) pass a sentence of custody for life under section 8(2) below; or
 - (d) make an order for detention under section 53(2) of the Children and Young Persons Act 1933, in respect of or on a person who is not legally represented in that court, unless either—
 - (i) 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
 - (ii) having been informed of his right to apply for legal aid and had the opportunity to do so, he refused or failed to apply.
- (2) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is found guilty and before he is sentenced, and in subsection (1)(i) and (ii) above " legal aid " means legal aid for the purposes of proceedings in that court, whether the whole proceedings or the proceedings on or in relation to sentence; but in the case of a person committed to the Crown Court for sentence or trial, it is immaterial whether he applied for legal aid in the Crown Court to, or was informed of his right to apply by, that court or the court which committed him.

4 Orders for detention of male offenders aged 14 to 20

- (1) Where—
- (a) a male offender under 21 but not less than 14 years of age is convicted of an offence which is punishable with imprisonment in the case of a person aged 21 or over; and
 - (b) the court considers—
 - (i) that the only appropriate method of dealing with him is to pass a custodial sentence on him; but
 - (ii) that the term of such a sentence should be no more than 4 months, the order that the court is to make, subject to the provisions of this section and to section 5(2) below, is an order for his detention in a detention centre for such period, not exceeding 4 months, as it considers appropriate.
- (2) If the maximum term of imprisonment that a court could impose for an offence is less than 4 months, the maximum term of detention it may specify for that offence in a detention centre order is the same as the maximum term of imprisonment.
- (3) Subject to subsection (4) below, no order may be made under this section for the detention of an offender in a detention centre for less than 21 days.
- (4) A court may order the detention of an offender in a detention centre for less than 21 days for an offence under section 15(11) below.

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- (5) Subject to subsection (6) below, a court shall not make an order under this section for the detention of an offender in a detention centre—
- (a) if it considers that his detention in such a centre would be unsuitable because of his mental or physical condition ; or
 - (b) if he is serving or has ever served a sentence—
 - (i) of imprisonment;
 - (ii) of detention under section 53 of the Children and Young Persons Act 1933 (detention on conviction of certain grave crimes);
 - (iii) of Borstal training ;
 - (iv) of youth custody under section 6 below ; or
 - (v) of custody for life under section 8 below.
- (6) A court may make an order under this section for the detention in a detention centre of an offender who has served a sentence of a description specified in subsection (5)(b) above if it appears to the court that there are special circumstances (whether relating to the offence or to the offender) which warrant the making of such an order in his case.
- (7) An order under this section is referred to in this Act as a " detention centre order " .

5 Consecutive terms and aggregate periods of detention

- (1) Subject to the provisions of this section, any court which makes a detention centre order may direct that the term of detention under the order shall commence on the expiration of a term of detention under another detention centre order.
- (2) No court shall—
- (a) make a detention centre order in respect of an offender who is subject to another such order ; or
 - (b) give a direction under subsection (1) above,
 if the effect would be that the offender would be ordered to be detained in a detention centre for more than 4 months at a time.
- (3) If a court makes such an order or gives such a direction in respect of an offender aged less than 15 years, so much of the aggregate of all the terms of detention in a detention centre to which he is subject as exceeds 4 months shall be treated as remitted.
- (4) If a court makes such an order or gives such a direction in respect of an offender aged 15 years or over, he shall be treated for all purposes as if he had been sentenced to a term of youth custody equal to the aggregate of all the terms of detention in a detention centre to which he is subject.
- (5) Where
- (a) an offender not less than 15 years of age is serving a term of detention in a detention centre ; and
 - (b) on his conviction of an offence the court by which he is convicted considers that the only appropriate method of dealing with him is to pass a custodial sentence on him; and
 - (c) the length of sentence which the court considers appropriate is such that the period for which he would be ordered to be detained by virtue of the sentence, together with the period for which any detention centre order to which he is subject directed that he should be detained, would exceed 4 months,

the sentence that the court is to pass is a youth custody sentence for the term which it considers appropriate.

- (6) Where a court passes a youth custody sentence on an offender under subsection (5) above, it shall direct that any detention centre order to which he is subject at the time of the conviction for which the youth custody sentence is imposed shall be treated for all purposes as if it had been a sentence of youth custody.
- (7) Where a detention centre order is treated as a sentence of youth custody by virtue of this section, the portion of the term of detention imposed by the order which the offender has already served shall be deemed to have been a portion of a term of youth custody.

6 Youth custody: offenders aged 15 to 20

- (1) Subject to section 8 below and to section 53 of the Children and Young Persons Act 1933, where—
 - (a) a person under 21 but not less than 15 years of age is convicted of an offence which is punishable with imprisonment in the case of a person aged 21 or over; and
 - (b) the court considers for reasons which shall be stated in open court that the only appropriate method of dealing with the offender is to pass a custodial sentence ; and
 - (c) either—
 - (i) the court considers that it would be appropriate to sentence the offender to a term of more than 4 months, or where the offender has been convicted of more than one offence, to terms of more than 4 months in the aggregate ; or
 - (ii) the case falls within subsection (2) or (4) below,the sentence that the court is to pass is a sentence of youth custody.
- (2) A case falls within this subsection where the offender is male and the court determines—
 - (a) that a sentence of 4 months or less would be appropriate ; but
 - (b) that a detention centre order is precluded by section 4(5) above.
- (3) If a court passes a sentence of youth custody on an offender because it considers that his detention in a detention centre would be unsuitable because of his mental condition, it shall certify in the warrant of commitment that it passed the sentence of youth custody for that reason.
- (4) A case falls within this subsection if the offender is female and has attained the age of 17 years.
- (5) A sentence under this section is referred to in this Act as a " youth custody sentence ".

7 Youth custody: length of term

- (1) Subject to subsection (8) below, the maximum term of youth custody that a court may impose for an offence is the same as the maximum term of imprisonment that it may impose for that offence.
- (2) Subject to subsection (8) below, where—

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- (a) an offender is convicted of more than one offence for which he is liable to a sentence of youth custody ; or
 - (b) an offender who is serving a youth custody sentence is convicted of one or more further offences for which he is liable to such a sentence,
- the court shall have the same power to pass consecutive youth custody sentences as if they were sentences of imprisonment.
- (3) Where an offender who—
- (a) is serving a youth custody sentence ; and
 - (b) is aged over 21 years,
- is convicted of one or more further offences for which he is liable to imprisonment, the court shall have the power to pass one or more sentences of imprisonment to run consecutively upon the youth custody sentence.
- (4) Subject to subsections (6) and (7) below, a court shall not pass a youth custody sentence on an offender whose effect would be that he would be sentenced to a total term which is less than the usual term of youth custody.
- (5) The usual term of youth custody is a term exceeding 4 months.
- (6) If a case falls within section 6(2) or (4) above, the term of youth custody to which the offender is sentenced may be less than the usual term but not less than 21 days.
- (7) A court may pass a sentence of youth custody for less than 21 days for an offence under section 15(11) below.
- (8) An offender aged less than 17 years shall not be sentenced to a term of youth custody which exceeds 12 months at a time; and accordingly—
- (a) a court shall not pass a youth custody sentence on such an offender whose effect would be that he would be sentenced to a total term which exceeds 12 months; and
 - (b) so much of any such term for which such an offender is sentenced as exceeds 12 months shall be treated as remitted.
- (9) In subsections (4) and (8)(a) above " total term " means—
- (a) in the case of an offender sentenced to two or more terms of youth custody which are consecutive or wholly or partly concurrent, the aggregate of those terms ;
 - (b) in the case of any other offender, the term of the youth custody sentence in question.

8 Custody for life

- (1) Where a person under the age of 21 is convicted of murder or any other offence the sentence for which is fixed by law as imprisonment for life, the court shall sentence him to custody for life unless he is liable to be detained under section 53(1) of the Children and Young Persons Act 1933 (detention of persons under 18 convicted of murder).
- (2) Where a person aged 17 years or over but under the age of 21 is convicted of any other offence for which a person aged 21 years or over would be liable to imprisonment for life, the court shall, if it considers that a custodial sentence for life would be appropriate, sentence him to custody for life.

9 Detention of persons aged 17 to 20 for default or contempt

- (1) In any case where, but for section 1(1) above, a court would have power—
- (a) to commit a person under 21 but not less than 17 years of age to prison for default in payment of a fine or any other sum of money ; or
 - (b) to make an order fixing a term of imprisonment in the event of such a default by such a person ; or
 - (c) to commit such a person to prison for contempt of court or any kindred offence,
- the court shall have power, subject to section 1(5) above, to commit him to be detained under this section or, as the case may be, to make an order fixing a term of detention under this section in the event of default, for a term not exceeding the term of imprisonment.
- (2) For the purposes of subsection (1) above, the power of a court to order a person to be imprisoned under section 23 of the Attachment of Earnings Act 1971 shall be taken to be a power to commit him to prison.

10 Computation of custodial sentences for young offenders

The following subsections shall be added at the end of section 67 of the Criminal Justice Act 1967 (reduction of custodial sentence by period already spent in custody)

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- “(5) This section applies—
- (a) to orders made under section 4 of the Criminal Justice Act 1982 (detention centre orders); and
 - (b) to sentences passed by virtue of section 6 of the Criminal Justice Act 1982 (youth custody sentences),
- as it applies to sentences of imprisonment.
- (6) The reference in subsection (1) above to an offender being committed to custody by an order of a court includes a reference to his being committed to a remand centre or to prison under section 23 of the Children and Young Persons Act 1969 or section 37 of the Magistrates' Courts Act 1980 but does not include a reference to his being committed to the care of a local authority under the said section 23.”.

Accommodation of young offenders

11 Provision of premises for young offenders etc.

The following section shall be substituted for section 43 of the Prison Act 1952—

“43 Remand centres, detention centres and youth custody centres.

- (1) The Secretary of State may provide—
- (a) remand centres, that is to say places for the detention of persons not less than 14 but under 21 years of age who are remanded or committed in custody for trial or sentence ;

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- (b) detention centres, that is to say places in which male offenders not less than 14 but under 21 years of age who are ordered to be detained in such centres under the Criminal Justice Act 1982 may be kept for short periods under discipline suitable to persons of their age and description; and
 - (c) youth custody centres, that is to say places in which offenders not less than 15 but under 21 years of age may be detained and given training, instruction and work and prepared for their release.
- (2) The Secretary of State may from time to time direct—
- (a) that a woman aged 21 years or over who is serving a sentence of imprisonment or who has been committed to prison for default shall be detained in a remand centre or a youth custody centre instead of a prison ;
 - (b) that a woman aged 21 years or over who is remanded in custody or committed in custody for trial or sentence shall be detained in a remand centre instead of a prison;
 - (c) that a person under 21 but not less than 17 years of age who is remanded in custody or committed in custody for trial or sentence shall be detained in a prison instead of a remand centre or a remand centre instead of a prison, notwithstanding anything in section 27 of the Criminal Justice Act 1948 or section 23(3) of the Children and Young Persons Act 1969.
- (3) Notwithstanding subsection (1) above, any person required to be detained in an institution to which this Act applies may be detained in a remand centre for any temporary purpose or for the purpose of providing maintenance and domestic services for that centre.
- (4) Sections 5A, 6(2) and (3), 16, 22, 25 and 36 of this Act shall apply to remand centres, detention centres and youth custody centres and to persons detained in them as they apply to prisons and prisoners.
- (5) The other provisions of this Act preceding this section, except sections 28 and 37(2) above, shall apply to such centres and to persons detained in them as they apply to prisons and prisoners, but subject to such adaptations and modifications as may be specified in rules made by the Secretary of State.
- (6) References in the preceding provisions of this Act to imprisonment shall, so far as those provisions apply to institutions provided under this section, be construed as including references to detention in those institutions.
- (7) Nothing in this section shall be taken to prejudice the operation of section 12 of the Criminal Justice Act 1982.”.

12 Accommodation of young offenders and defaulters etc.

- (1) Subject to subsection (11) below, a male offender sentenced to youth custody shall be detained in a youth custody centre
- (a) if the term of his youth custody sentence is more than 4 but not more than 18 months ; and
 - (b) if the term is not treated by virtue of section 67 of the Criminal Justice Act 1967 as reduced to less than 21 days,

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unless the Secretary of State gives a direction for his detention in a prison under subsection (4) below.

- (2) Subject to subsection (11) below, an offender aged 16 years or less who is sentenced to youth custody, other than an offender who falls to be detained in a youth custody centre by virtue of subsection (1) above, is to be detained in a youth custody centre or in a remand centre as the Secretary of State may from time to time direct unless—
 - (a) the term of his youth custody sentence is treated by virtue of section 67 of the Criminal Justice Act 1967 as reduced to less than 21 days; or
 - (b) he has been sentenced under section 15(11) below to youth custody for less than 21 days ; or
 - (c) the Secretary of State gives a direction for his detention in a prison under subsection (4) below.
- (3) Subject to subsection (11) below, an offender who has been sentenced to youth custody because the court considered that his detention in a detention centre would be unsuitable because of his mental condition is to be detained in a youth custody centre or in a remand centre as the Secretary of State may from time to time direct unless—
 - (a) the term of his youth custody sentence is treated by virtue of section 67 of the Criminal Justice Act 1967 as reduced to less than 21 days ; or
 - (b) he has been sentenced under section 15(11) below to youth custody for less than 21 days ; or
 - (c) the Secretary of State gives a direction for his detention in a prison under subsection (4) below.
- (4) The Secretary of State may from time to time direct that—
 - (a) an offender who falls to be detained in a youth custody centre by virtue of subsection (1) above ; or
 - (b) an offender who falls to be detained in a youth custody centre or a remand centre by virtue of subsection (2) or (3) above,is instead to be detained for any temporary purpose in a prison.
- (5) Any offender sentenced to youth custody, other than an offender who falls to be detained in a youth custody centre by virtue of subsection (1) above or an offender who falls to be detained in a youth custody centre or a remand centre by virtue of subsection (2) or (3) above, is to be detained—
 - (a) in a youth custody centre ;
 - (b) in a remand centre ; or
 - (c) in a prison,as the Secretary of State may from time to time direct.
- (6) Subject—
 - (a) to subsection (7) below, and
 - (b) to the enactments mentioned in subsection (11) below,an offender sentenced to custody for life is to be detained in a prison.
- (7) The Secretary of State may from time to time direct that an offender sentenced to custody for life—
 - (a) who is female ; or
 - (b) who is male and under 22 years of age,is to be detained in a youth custody centre instead of a prison.

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- (8) Where a detention centre order has been made in respect of an offender aged 15 years or over, the Secretary of State may from time to time direct that he shall be detained for any temporary purpose in a youth custody centre or a prison instead of a detention centre.
- (9) Where in the case of an offender aged 15 years or over—
- (a) either—
 - (i) a detention centre order has been made; and
 - (ii) the term for which he is ordered to be detained is treated by virtue of section 67 of the Criminal Justice Act 1967 as reduced to less than 21 days ; or
 - (b) he is ordered under section 15(11) below to be detained in a detention centre for less than 21 days,
- the Secretary of State may from time to time direct that he is to be detained (otherwise than for a temporary purpose) in a remand centre, a youth custody centre or (where the offender is aged 17 or over) a prison instead of a detention centre.
- (10) A person in respect of whom an order has been made under section 9 above is to be detained—
- (a) in a remand centre ;
 - (b) in a detention centre ;
 - (c) in a youth custody centre ; or
 - (d) in any place in which a person aged 21 years or over could be imprisoned or detained for default in payment of a fine or any other sum of money,
- as the Secretary of State may from time to time direct.
- (11) This section is without prejudice—
- (a) to section 22(2)(b) of the Prison Act 1952 (removal to hospital etc.); and
 - (b) to section 43(3) of that Act (detention in remand centre for a temporary purpose or for the purpose of providing maintenance and domestic services).

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

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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.
- (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

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- (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.
- (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—

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" 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.

Attendance centres

16 Provision, regulation and management of attendance centres

- (1) The Secretary of State may continue to provide attendance centres.
- (2) In this Act " attendance centre " means a place at which offenders under 21 years of age may be required to attend and be given under supervision appropriate occupation or instruction, in pursuance of orders made—
 - (a) by the Crown Court or magistrates' courts under section 17 below;
 - (b) by juvenile courts or other magistrates' courts under section 15(2A) or (4) of the Children and Young Persons Act 1969 (attendance centre orders made on breach of requirements in supervision orders); or
 - (c) by magistrates' courts under section 6(3)(c) of the Powers of Criminal Courts Act 1973 (attendance centre orders made on breach of requirements in probation orders).
- (3) The Secretary of State may by statutory instrument make rules for the regulation and management of attendance centres.
- (4) For the purpose of providing attendance centres the Secretary of State may make arrangements with any local authority or police authority for the use of premises of that authority.
- (5) A draft of any statutory instrument containing rules under this section shall be laid before Parliament.

17 Attendance centre orders

- (1) Subject to subsections (3) and (4) below, where a court—
 - (a) would have power, but for section 1 above, to pass a sentence of imprisonment on a person who is under 21 years of age or to commit such a person to prison in default of payment of any sum of money or for failing to do or abstain from doing anything required to be done or left undone ; or
 - (b) has power to deal with any such person under section 6 of the Powers of Criminal Courts Act 1973 for failure to comply with any of the requirements of a probation order,the court may, if it has been notified by the Secretary of State that an attendance centre is available for the reception of persons of his description, order him to attend at such a centre, to be specified in the order, for such number of hours as may be so specified.
- (2) An order under this section is referred to in this Act as an " attendance centre order ".
- (3) No attendance centre order shall be made in the case of an offender who has been previously sentenced—
 - (a) to imprisonment;
 - (b) to detention under section 53 of the Children and Young Persons Act 1933 ;

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- (c) to Borstal training ;
- (d) to youth custody or custody for life under this Act; or
- (e) to detention in a detention centre,

unless it appears to the court that there are special circumstances (whether relating to the offence or to the offender) which warrant the making of such an order in his case.

- (4) The aggregate number of hours for which an attendance centre order may require an offender to attend at an attendance centre shall not be less than 12 except where he is under 14 years of age and the court is of opinion that 12 hours would be excessive, having regard to his age or any other circumstances.
- (5) The aggregate number of hours shall not exceed 12 except where the court is of opinion, having regard to all the circumstances, that 12 hours would be inadequate, and in that case shall not exceed 24 where the offender is under 17 years of age, or 36 hours where the offender is under 21 but not less than 17 years of age.
- (6) A court may make an attendance centre order in respect of an offender before a previous attendance centre order made in respect of him has ceased to have effect, and may determine the number of hours to be specified in the order without regard—
 - (a) to the number specified in the previous order ; or
 - (b) to the fact that that order is still in effect.
- (7) An attendance centre order shall not be made unless the court is satisfied that the attendance centre to be specified in it is reasonably accessible to the person concerned, having regard to his age, the means of access available to him and any other circumstances.
- (8) The times at which an offender is required to attend at an attendance centre shall be such as to avoid interference, so far as practicable, with his school hours or working hours.
- (9) The first such time shall be a time at which the centre is available for the attendance of the offender in accordance with the notification of the Secretary of State and shall be specified in the order.
- (10) The subsequent times shall be fixed by the officer in charge of the centre, having regard to the offender's circumstances.
- (11) An offender shall not be required under this section to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.
- (12) Where a court makes an attendance centre order, the clerk of the court shall deliver or send a copy of the order to the officer in charge of the attendance centre specified in it, and shall also deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode.
- (13) Where an offender has been ordered to attend at an attendance centre in default of the payment of any sum of money—
 - (a) on payment of the whole sum to any person authorised to receive it, the attendance centre order shall cease to have effect;
 - (b) on payment of a part of the sum to any such person, the total number of hours for which the offender is required to attend at the centre shall be reduced proportionately, that is to say by such number of complete hours as bears to the total number the proportion most nearly approximating to, without exceeding, the proportion which the part bears to the said sum.

18 Discharge and variation of attendance centre orders

- (1) An attendance centre order may be discharged on an application made by the offender or the officer in charge of the relevant attendance centre.
- (2) An application under subsection (1) above shall be made to one of the courts specified in subsection (3) below or to the Crown Court under subsection (4) below, and the discharge of such an order shall be by order of the court.
- (3) Subject to subsection (4) below, the power to discharge an attendance centre order shall be exercised—
 - (a) by a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated ; or
 - (b) by the court which made the order.
- (4) Where the court which made the order is the Crown Court and there is included in the order a direction that the power to discharge the order is reserved to that court, the power shall be exercised by that court.
- (5) An attendance centre order may, on the application of the offender or of the officer in charge of the relevant attendance centre, be varied by a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated; and an attendance centre order made by a magistrates' court may also be varied, on such an application, by that court.
- (6) The power to vary an attendance centre order is a power by order—
 - (a) to vary the day or hour specified in the order for the offender's first attendance at the relevant attendance centre; or
 - (b) if the court is satisfied that the offender proposes to change or has changed his residence, to substitute for the relevant attendance centre an attendance centre which the court is satisfied is reasonably accessible to the offender, having regard to his age, the means of access available to him and any other circumstances.
- (7) Where an application is made under this section by the officer in charge of an attendance centre, the court may deal with it without summoning the offender.
- (8) It shall be the duty of the clerk to a court which makes an order under this section—
 - (a) to deliver a copy to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode ; and
 - (b) to deliver or send a copy—
 - (i) if the order is made by virtue of subsection (1) or (6)(a) above, to the officer in charge of the relevant attendance centre ; and
 - (ii) if it is made by virtue of subsection (6)(b) above, to the officer in charge of the attendance centre which the order as varied will require the offender to attend.
- (9) In this section " the relevant attendance centre ", in relation to an attendance centre order, means the attendance centre specified in the order or substituted for the attendance centre so specified by an order made by virtue of subsection (6)(b) above.

19 Breaches of attendance centre orders or attendance centre rules

- (1) Where an attendance centre order has been made and it appears on information to a justice acting for a relevant petty sessions area that the offender—
 - (a) has failed to attend in accordance with the order ; or
 - (b) while attending has committed a breach of rules made under section 16(3) above which cannot be adequately dealt with under those rules,the justice may issue a summons requiring the offender to appear at the place and time specified in the summons before a magistrates' court acting for the area or, if the information is in writing and on oath, may issue a warrant for the offender's arrest requiring him to be brought before such a court.
- (2) For the purposes of this section a petty sessions area is a relevant petty sessions area in relation to an attendance centre order—
 - (a) if the attendance centre which the offender is required to attend by an order made by virtue of section 17(1) or 18(6)(b) above is situated in it; or
 - (b) if the order was made by a magistrates' court acting for it.
- (3) If it is proved to the satisfaction of the magistrates' court before which an offender appears or is brought under this section that he has failed without reasonable excuse to attend as mentioned in paragraph (a) of subsection (1) above or has committed such a breach of rules as is mentioned in paragraph (b) of that subsection, that court—
 - (a) if the attendance centre order was made by a magistrates' court, may revoke it and deal with him, for the offence in respect of which the order was made, in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made ;
 - (b) if the order was made by the Crown Court, may commit him in custody or release him on bail until he can be brought or appear before the Crown Court.
- (4) A magistrates' court which deals with an offender's case under subsection (3) (b) above shall send to the Crown Court a certificate signed by a justice of the peace giving particulars of the offender's failure to attend or, as the case may be, the breach of the rules which he has committed, together with such other particulars of the case as may be desirable; and a certificate purporting to be so signed shall be admissible as evidence of the failure or the breach before the Crown Court.
- (5) Where by virtue of subsection (3)(b) above the offender is brought or appears before the Crown Court and it is proved to the satisfaction of the court that he has failed to attend as mentioned in paragraph (a) of subsection (1) above or has committed such a breach of rules as is mentioned in paragraph (b) of that subsection, that court may revoke the attendance centre order and deal with him, for the offence in respect of which the order was made, in any manner in which it could have dealt with him for that offence if it had not made the order.
- (6) A person sentenced under subsection (3)(a) above for an offence may appeal to the Crown Court against the sentence.
- (7) In proceedings before the Crown Court under this section, any question whether there has been a failure to attend or a breach of the rules shall be determined by the court and not by the verdict of a jury.

Supervision orders

20 Requirements in supervision orders

(1) The following subsections shall be substituted for subsections (2) to (3C) of section 12 of the Children and Young Persons Act 1969 (power to include requirements in supervision orders)—

“(2) Subject to section 19(12) of this Act, a supervision order may require the supervised person to comply with any directions given from time to time by the supervisor and requiring him to do all or any of the following things—

- (a) to live at a place or places specified in the directions for a period or periods so specified ;
- (b) to present himself to a person or persons specified in the directions at a place or places and on a day or days so specified ;
- (c) to participate in activities specified in the directions on a day or days so specified;

but it shall be for the supervisor to decide whether and to what extent he exercises any power to give directions conferred on him by virtue of this subsection and to decide the form of any directions; and a requirement imposed by a supervision order in pursuance of this subsection shall be subject to any such requirement of the order as is authorised by subsection (4) of this section.

(3) The total number of days in respect of which a supervised person may be required to comply with directions given by virtue of paragraph (a), (b) or (c) of subsection (2) above in pursuance of a supervision order shall not exceed 90 or such lesser number, if any, as the order may specify for the purposes of this subsection; and for the purpose of calculating the total number of days in respect of which such directions may be given the supervisor shall be entitled to disregard any day in respect of which directions were previously given in pursuance of the order and on which the directions were not complied with.

(3A) Subject to subsection (3B) of this section, this subsection applies to—

- (a) any supervision order made under section 7(7) of this Act in respect of a child or young person found guilty as there mentioned ; and
- (b) any supervision order made in respect of a person under section 21(2) of this Act by a court on discharging a care order made in respect of him under the said section 7(7).

(3B) Subsection (3A) of this section does not apply to any supervision order which by virtue of subsection (2) of this section requires the supervised person to comply with directions given by the supervisor.

(3C) Subject to the following provisions of this section and to section 19(13) of this Act, but without prejudice to subsection (4) below, a supervision order to which subsection (3A) of this section applies may require a supervised person—

- (a) to do anything that by virtue of subsection (2) of this section a supervisor has power, or would but for section 19(12) of this Act have power, to direct a supervised person to do ;
- (b) to remain for specified periods between 6 p.m. and 6 a.m.—
 - (i) at a place specified in the order ; or

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- (ii) at one of several places so specified ;
 - (c) to refrain from participating in activities specified in the order—
 - (i) on a specified day or days during the period for which the supervision order is in force; or
 - (ii) during the whole of that period or a specified portion of it.
- (3D) A requirement under subsection (3C)(b) of this section is referred to in this section as a " night restriction " .
- (3E) The total number of days in respect of which a supervised person may be subject to requirements imposed by virtue of subsection (3C)(a) or (b) of this section shall not exceed 90.
- (3F) The court may not include requirements under subsection (3C) of this section in a supervision order unless—
 - (a) it has first consulted the supervisor as to—
 - (i) the offender's circumstances; and
 - (ii) the feasibility of securing compliance with the requirements, and is satisfied, having regard to the supervisor's report, that it is feasible to secure compliance with them;
 - (b) having regard to the circumstances of the case, it considers the requirements necessary for securing the good conduct of the supervised person or for preventing a repetition by him of the same offence or the commission of other offences; and
 - (c) the supervised person or, if he is a child, his parent or guardian, consents to their inclusion.
- (3G) The court shall not include in such an order by virtue of subsection (3C) of this section—
 - (a) any requirement that would involve the co-operation of a person other than the supervisor and the supervised person unless that other person consents to its inclusion ; or
 - (b) any requirement requiring the supervised person to reside with a specified individual; or
 - (c) any such requirement as is mentioned in subsection (4) of this section.
- (3H) The place, or one of the places, specified for the purposes of a night restriction shall be the place where the supervised person lives.
- (3J) A night restriction shall not require the supervised person to remain at a place for longer than 10 hours on any one night.
- (3K) A night restriction shall not be imposed in respect of any day which falls outside the period of three months beginning with the date when the supervision order is made.
- (3L) A night restriction shall not be imposed in respect of more than 30 days in all.
- (3M) A supervised person who is required by a night restriction to remain at a place may leave it if he is accompanied—
 - (a) by his parent or guardian ;
 - (b) by his supervisor; or
 - (c) by some other person specified in the supervision order.

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- (3N) For the purposes of this section a night restriction imposed in respect of a period of time beginning in the evening and ending in the morning shall be treated as imposed only in respect of the day upon which the period begins.”.
- (2) The following subsection shall be substituted for section 18(4) of the Children and Young Persons Act 1969 (expenditure incurred by supervisor for purposes of directions under section 12(2) to be defrayed by local authority)—
- “(4) Where a supervision order—
- (a) requires compliance with directions given by virtue of section 12(2) of this Act; or
 - (b) includes by virtue of section 12(3Q) of this Act a requirement which involves the use of facilities for the time being specified in a scheme in force under section 19 of this Act for an area in which the supervised person resides or will reside,
- any expenditure incurred by the supervisor for the purposes of the directions or requirements shall be defrayed by the local authority whose area is named in the order in pursuance of subsection (2) of this section.”.

21 Provision of supervision facilities

- (1) The following section shall be substituted for section 19 of the Children and Young Persons Act 1969—

“19 Facilities for the carrying out of supervisors' directions and requirements included in supervision orders by virtue of section 12(3C).

- (1) It shall be the duty of a local authority, acting either individually or in association with other local authorities, to make arrangements with such persons as appear to them to be appropriate, for the provision by those persons of facilities for enabling—
- (a) directions given by virtue of section 12(2) of this Act to persons resident in their area; and
 - (b) requirements that may only be included in a supervision order by virtue of section 12(3C) of this Act if they are for the time being specified in a scheme,
- to be carried out effectively.
- (2) The authority or authorities making any arrangements in accordance with subsection (1) of this section shall consult each relevant probation committee as to the arrangements.
- (3) Any such arrangements shall be specified in a scheme made by the authority or authorities making them.
- (4) A scheme shall come into force on a date to be specified in it.
- (5) The authority or authorities making a scheme shall send copies of it to the clerk to the justices for each petty sessions area of which any part is included in the area to which the scheme relates.
- (6) A copy of a scheme shall be kept available at the principal office of every authority who are a party to it for inspection by members of the public at

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all reasonable hours, and any such authority shall on demand by any person furnish him with a copy of the scheme free of charge.

- (7) The authority or authorities who made a scheme may at any time make a further scheme altering the arrangements or specifying arrangements to be substituted for those previously specified.
- (8) A scheme which specifies arrangements to be substituted for those specified in a previous scheme shall revoke the previous scheme.
- (9) The powers conferred by subsection (7) of this section shall not be exercisable by an authority or authorities unless they have first consulted each relevant probation committee.
- (10) The authority or authorities who made a scheme shall send to the clerk to the justices for each petty sessions area of which any part is included in the area for which arrangements under this section have been specified in the scheme notice of any exercise of a power conferred by subsection (7) of this section, specifying the date for the coming into force, and giving details of the effect, of the new or altered arrangements, and the new or altered arrangements shall come into force on that date.
- (11) Arrangements shall not be made under this section for the provision of any facilities unless the facilities are approved or are of a kind approved by the Secretary of State for the purposes of this section.
- (12) A supervision order shall not require compliance with directions given by virtue of section 12(2) of this Act unless the court making it is satisfied that a scheme under this section is in force for the area where the supervised person resides or will reside; and no such directions may involve the use of facilities which are not for the time being specified in a scheme in force under this section for that area.
- (13) Subject to subsection (14) of this section, a supervision order may not include by virtue of subsection 12(3C) of this Act
 - (a) any requirement that would involve the supervised person in absence from home—
 - (i) for more than 2 consecutive nights; or
 - (ii) for more than 2 nights in any one week; or
 - (b) if the supervised person is of compulsory school age, any requirement to participate in activities during normal school hours,
unless the court making the order is satisfied that the facilities whose use would be involved are for the time being specified in a scheme in force under this section for the area in which the supervised person resides or will reside.
- (14) Subsection (13)(b) of this section does not apply to activities carried out in accordance with arrangements made or approved by the local education authority in whose area the supervised person resides or will reside.
- (15) It shall be the duty of every local authority to ensure that a scheme made by them in accordance with this section, either individually or in association with any other local authority, comes into force for their area not later than 30th April 1983 or such later date as the Secretary of State may allow.

- (16) In this section " relevant probation committee " means a probation committee for an area of which any part is included in the area to which a scheme under this section relates.
- (17) Expressions used in this section and in the Education Act 1944 have the same meanings in this section as in that Act.”.
- (2) A scheme under section 19 of the Children and Young Persons Act 1969, as originally enacted, which is in force for an area at the commencement of this section shall continue in force thereafter until the coming into force of the first scheme for that area made under the section substituted for that section by subsection (1) above.

Offences by person subject to care order owing to previous offence

22 Charge and control of offenders

The following section shall be inserted after section 20 of the Children and Young Persons Act 1969—

“20A Power of court to add condition as to charge and control of offender in care.

- (1) Where a person to whom a care order relates which was made—
- (a) by virtue of subsection (3) of section 1 of this Act in a case where the court which made the order was of the opinion that the condition mentioned in subsection (2)(f) of that section was satisfied ; or
 - (b) by virtue of section 7(7) of this Act,
- is convicted or found guilty of an offence punishable with imprisonment in the case of a person over 21, the court which convicts or finds him guilty of that offence may add to the care order a condition under this section that the power conferred by section 21(2) of the Child Care Act 1980 (power of local authority to allow a parent, guardian, relative or friend charge and control) shall for such period not exceeding 6 months as the court may specify in the condition—
- (a) not be exercisable ; or
 - (b) not be exercisable except to allow the person to whom the order relates to be under the charge and control of a specified parent, guardian, relative or friend.
- (2) Where—
- (a) the power conferred by subsection (1) above has been exercised ; and
 - (b) before the period specified in the condition has expired the person to whom the care order relates is convicted or found guilty of another offence punishable with imprisonment in the case of a person over 21,
- the court may replace the condition with another condition under this section.
- (3) A court shall not exercise the powers conferred by this section unless the court is of opinion that it is appropriate to exercise those powers because of the seriousness of the offence and that no other method of dealing with the person to whom the care order relates is appropriate; and for the purpose of determining whether any other method of dealing with him is appropriate the court shall obtain and consider information about the circumstances.

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- (4) A court shall not exercise the said powers in respect of a person who is not legally represented in that court unless either—
- (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.
- (5) Before adding a condition under this section to a care order a court shall explain to the person to whom the care order relates the purpose and effect of the condition.
- (6) At any time when a care order includes a condition under this section—
- (a) the person to whom the order relates ;
 - (b) his parent or guardian, acting on his behalf; or
 - (c) the local authority in whose care he is,
- may apply to a juvenile court for the revocation or variation of the condition.
- (7) The local authority may appeal to the Crown Court against the imposition of a condition under this section by a magistrates' court or against the terms of such a condition.
- (8) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is convicted or found guilty and before any power conferred by this section is exercised, and in this section " legal aid " means legal aid for the purposes of proceedings in that court, whether the whole proceedings or the proceedings on or in relation to the exercise of the power ; but in the case of a person committed to the Crown Court for sentence or trial, it is immaterial whether he applied for legal aid in the Crown Court to, or was informed of his right to apply by, that court or the court which committed him.”.

Care orders and children in care

23 Criteria for making care orders

In section 7 of the Children and Young Persons Act 1969—

- (a) in subsection (7) (under which a court has power to make a care order where a child is found guilty of homicide or a young person is found guilty of any imprisonable offence) after the word " Subject" there shall be inserted the words " to subsection (7A) of this section and "; and
- (b) the following subsection shall be inserted after that subsection—

“(7A) A court shall not make a care order under subsection (7) of this section in respect of a child or young person unless it is of opinion—

 - (a) that a care order is appropriate because of the seriousness of the offence; and
 - (b) that the child or young person is in need of care or control which he is unlikely to receive unless the court makes a care order.”.

24 Restriction on making care orders in respect of persons not legally represented

The following section shall be inserted after section 7 of the Children and Young Persons Act 1969—

“7A Legal representation.

- (1) A court shall not make a care order under section 7(7) of this Act in respect of a child or young person who is not legally represented in that court unless either—
 - (a) he applied for legal aid and the application was refused on the ground that it did not appear that 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.
- (2) For the purposes of this section a person is to be treated as legally represented in a court if, but only if, he has the assistance of counsel or a solicitor to represent him in the proceedings in that court at some time after he is found guilty and before a care order is made, and in this section " legal aid " means legal aid for the purposes of proceedings in that court, whether the whole proceedings or the proceedings on or in relation to the making of the care order ; but in the case of a person committed to the Crown Court for sentence or trial, it is immaterial whether he applied for legal aid in the Crown Court to, or was informed of his right to apply by, that court or the court which committed him.”.

25 Restriction of liberty of children in care

(1) The following section shall be inserted after section 21 of the Child Care Act 1980—

“21A Use of accommodation for restricting liberty.

- (1) Subject to regulations under subsection (2) (a) below, a child in the care of a local authority may not be placed, and, if placed, may not be kept, in accommodation provided for the purpose of restricting liberty unless it appears—
 - (a) that—
 - (i) he has a history of absconding and is likely to abscond from any other description of accommodation ; and
 - (ii) if he absconds it is likely that his physical, mental or moral welfare will be at risk; or
 - (b) that if he is kept in any other description of accommodation he is likely to injure himself or other persons.
- (2) The Secretary of State may by regulations—
 - (a) specify—
 - (i) exceptional cases where subsection (1) above is not to apply to children committed to the care of a local authority under section 23 of the Children and Young Persons Act 1969 ;
 - (ii) a maximum period beyond which a child may not be kept in such accommodation without the authority of a juvenile court; and

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- (iii) a maximum period for which a juvenile court may authorise a child to be kept in such accommodation ;
 - (b) empower a juvenile court from time to time to authorise a child to be kept in such accommodation for such further period as the regulations may specify ; and
 - (c) provide that the power conferred by virtue of paragraph (b) above shall be exercisable on the application of the local authority in whose care the child is.
- (3) It shall be the duty of a juvenile court before which a child is brought by virtue of this section to determine whether the criteria for keeping a child in accommodation provided for the purpose of restricting liberty are satisfied in his case; and if a court determines that the criteria are satisfied, it shall make an order authorising the child to be kept in such accommodation and specifying the maximum period for which he may be so kept.
- (4) On any adjournment of a hearing under subsection (3) above a juvenile court may make an interim order permitting the keeping of the child to whom the hearing relates during the period of the adjournment in accommodation provided for the purpose of restricting liberty.
- (5) An appeal shall lie to the Crown Court from a decision of a juvenile court under this section.
- (6) A juvenile court shall not exercise the powers conferred by this section in respect of a child who is not legally represented in that court unless either—
- (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.”.
- (2) In the Legal Aid Act 1974—
- (a) in section 28(3)(a) and (6), after " 1969 " there shall be inserted " or under section 21A of the Child Care Act 1980 "; and
 - (b) at the end of section 29(1)(d) there shall be inserted “or
 - (e) where a child is brought before a juvenile court under section 21A of the Child Care Act 1980 and is not (but wishes to be) legally represented before that court.”.

Sanctions against parents and guardians

26 Payment of fines by parents and guardians

The following section shall be substituted for section 55 of the Children and Young Persons Act 1933—

“55 Power to order parent or guardian to pay fine etc.

- (1) Where—
- (a) a child or young person is convicted or found guilty of any offence for the commission of which a fine or costs may be imposed or a

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compensation order may be made under section 35 of the Powers of Criminal Courts Act 1973; and

- (b) the court is of opinion that the case would best be met by the imposition of a fine or costs or the making of such an order, whether with or without any other punishment,

it shall be the duty of the court to order that the fine, compensation or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person himself, unless the court is satisfied—

- (i) that the parent or guardian cannot be found; or
- (ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.
- (2) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.
- (3) A parent or guardian may appeal to the Crown Court against an order under this section made by a magistrates' court.
- (4) A parent or guardian may appeal to the Court of Appeal against an order made under this section by the Crown Court, as if he had been convicted on indictment and the order were a sentence passed on his conviction.”.

27 Compensation

The following subsections shall be substituted for section 3(6) of the Children and Young Persons Act 1969 (which gives the court power in care proceedings to order a parent or guardian to pay compensation if it is of the opinion that the child or young person brought before it is guilty of an offence)—

“(6) Where in any care proceedings the court finds the offence condition satisfied with respect to the relevant infant, then, whether or not the court makes an order under section 1 of this Act—

- (a) section 35 of the Powers of Criminal Courts Act 1973 (which relates to compensation for personal injury and loss of or damage to property) shall apply as if the finding were a finding of guilty of the offence; and
- (b) it shall be the duty of the court, subject to sub sections (6A) and (6B) of this section, to order that any sum awarded by virtue of this section be paid by the relevant infant's parent or guardian instead of by the relevant infant, unless the court is satisfied—
- (i) that the parent or guardian cannot be found; or
- (ii) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.

(6A) An order shall not be made in pursuance of the preceding subsection unless the parent or guardian has been given an opportunity of being heard or has been required to attend the proceedings and failed to do so.

(6B) Where the finding that the offence condition is satisfied is made in pursuance of subsection (5) of this section, the powers conferred by subsection (6) of this section shall be exercisable by the court to which the case is remitted instead of by the court which made the finding.”.

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28 Increase of limit on amount of recognisance to be taken from parents and guardians

In section 2(13) of the Children and Young Persons Act 1969 (by virtue of which the maximum amount for which the parent or guardian of a child or a young person can be required by an order under section 1 of that Act to enter into a recognisance to take proper care of and exercise proper control over him is £200), for " £200 " there shall be substituted " £500 ".