



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

Status: This is the original version (as it was originally enacted).

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