



Criminal Justice Act 1982

1982 CHAPTER 48

PART I

TREATMENT OF YOUNG OFFENDERS

Custody and detention of persons under 21

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—
- [^{F1}(a) pass a sentence of detention in a young offender institution under section 1A above;]
 - (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 ^{M1}Children and Young Persons Act 1933 [^{F2}or
 - (e) make a secure training order,]
- 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.

Status: Point in time view as at 01/03/1998. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 1982, Section 3 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F1** S. 3(1)(a) substituted (1.10.1992) for s. 3(1)(a)(b) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 32](#); [S.I. 1992/333](#), art. 2(2), [Sch. 2](#)
- F2** S. 3(1)(e) and the word “or” immediately preceding it inserted (1.3.1998) by [1994 c. 33](#), s. 168(2), [Sch. 10 para.49](#); [S.I. 1998/277](#), [art. 3\(2\)](#)
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Marginal Citations

- M1** [1933 c. 12](#).

Status:

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