



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 2

YOUNG OFFENDERS

Detention of young offenders

38 Secure colleges and other places for detention of young offenders etc

(1) For section 43 of the Prison Act 1952 and the italic heading before it substitute—

“Places for the detention of young offenders etc

43 Places for the detention of young offenders etc

- (1) The Secretary of State may provide the following places for the detention of young persons sentenced to detention for an offence or remanded to custody (or for the detention of a class of such persons)—
- (a) young offender institutions,
 - (b) secure training centres, and
 - (c) secure colleges.
- (2) In subsection (1), “young person” means a person who is aged under 18 or who was aged under 18 when convicted of the offence or remanded.
- (3) Sections 1 to 42A and Schedule A1 (“the prisons provisions”) apply in relation to places listed in subsection (1) and to persons detained in them as they apply to prisons and prisoners, subject to subsections (4) to (7).
- (4) The following provisions do not apply in relation to the following places—

Place

Provisions

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, PART 2. (See end of Document for details)

Young offender institutions	Sections 28 and 37(2)
Secure training centres or secure colleges	Sections 5, 6(2) and (3), 12, 14, 19, 28 and 37(2)

- (5) In their application in relation to secure colleges, the prisons provisions apply as if references to the governor and deputy governor were references to the principal and deputy principal.
- (6) In their application in relation to places listed in subsection (1), the prisons provisions apply—
- as if references to imprisonment included references to detention in those places, and
 - subject to any other modifications specified in rules made by the Secretary of State (but see subsection (7)).
- (7) The following provisions, as they apply in relation to the following places, may not be modified by rules made under this section—

<i>Place</i>	<i>Provisions</i>
Young offender institutions	Sections 5A, 6(2) and (3), 16, 22, 36 and 42A and Schedule A1
Secure training centres or secure colleges	Sections 5A, 16, 22, 36 and 42A and Schedule A1

- (8) Rules made under this section may—
- make different provision for different cases;
 - contain transitional, transitory or saving provision.
- (9) The references in this section to a young person sentenced to detention—
- include a person sentenced to a detention and training order or an order under section 211 of the Armed Forces Act 2006;
 - do not include a person sentenced to service detention within the meaning of the Armed Forces Act 2006.
- (10) Subsections (11) to (13) have effect in relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution).
- (11) Subsection (2) of this section, as it applies for the purposes of the power under subsection (1) to provide young offender institutions, has effect as if for “18”, in each place, there were substituted “21”.
- (12) The Secretary of State may from time to time direct that a woman aged 21 or over who is serving a sentence of imprisonment or who has been committed to prison for default is to be detained in a young offender institution.
- (13) Nothing in this section prejudices the operation of section 108(5) of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of persons aged at least 18 but under 21 for default or contempt).”
- (2) In section 52 of the Prison Act 1952 (orders, rules and regulations), after subsection (2) insert—

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“(2ZA) A statutory instrument containing rules under section 43 is subject to annulment in pursuance of a resolution of either House of Parliament.”

- (3) Schedule 9 to this Act contains further amendments relating to secure colleges and other places for the detention of young offenders.

Commencement Information

I1 [S. 38](#) in force at 20.3.2015 for specified purposes by [S.I. 2015/778](#), [art. 2\(1\)\(a\)\(2\)](#)

39 Contracting out secure colleges

In Schedule 10—

- (a) Part 1 makes provision about contracting out the provision and running of secure colleges,
- (b) Part 2 makes provision about the certification of secure college custody officers,
- (c) Part 3 makes provision about contracting out functions at directly managed secure colleges,
- (d) Part 4 contains definitions, and
- (e) Part 5 contains further amendments relating to contracted-out secure colleges.

Commencement Information

I2 [S. 39](#) in force at 20.3.2015 by [S.I. 2015/778](#), [art. 2\(1\)\(b\)](#)

40 Powers of Youth Justice Board in relation to provision of accommodation

(1) Section 41(5)(i) of the Crime and Disorder Act 1998 (functions of the Youth Justice Board of entering into agreements for the provision of accommodation) is amended as follows.

(2) In sub-paragraph (ii)—

- (a) after “2000” insert “, section 226, 226B or 228 of the Criminal Justice Act 2003 ”, and
- (b) for “or 218” substitute “ 218, 221, 221A or 222 ”.

(3) Omit sub-paragraphs (v) and (vi).

Commencement Information

I3 [S. 40](#) in force at 13.4.2015 by [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 32](#)

Other matters

41 Youth cautions and conditional cautions: involvement of appropriate adults

(1) The Crime and Disorder Act 1998 is amended as follows.

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- (2) In section 66ZA (youth cautions)—
 - (a) in subsection (2) (caution to be given in presence of appropriate adult), omit “given to a person under the age of 17”, and
 - (b) in subsection (3)(b) (certain matters to be explained to appropriate adult), omit “where that person is under the age of 17”.
- (3) In section 66B(5) (requirements for giving youth conditional cautions: explanation and warning to be given in presence of appropriate adult), omit “If the offender is aged 16 or under”.

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Commencement Information

I4 S. 41 in force at 13.4.2015 by [S.I. 2015/778](#), art. 3, [Sch. 1 para. 33](#)

42 Duties of custody officer after charge: arrested juveniles

In section 37(15) of the Police and Criminal Evidence Act 1984 (definitions for the purposes of provisions about detention in Part 4 of that Act), in the definition of “arrested juvenile”, for “under the age of 17” substitute “ under the age of 18 ”.

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Commencement Information

I5 S. 42 in force at 26.10.2015 by [S.I. 2015/1778](#), art. 3(a)

^{F1}43 Referral orders: alternatives to revocation for breach of youth offender contract

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Textual Amendments

F1 [Ss. 43-45](#) repealed (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

^{F1}44 Referral orders: extension on further conviction

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Textual Amendments

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^{F1}45 Referral orders: revocation on further conviction

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Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, PART 2. (See end of Document for details)

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Changes to legislation:

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