



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 3

#### SENTENCING AND PUNISHMENT OF OFFENDERS

### CHAPTER 3

#### REMANDS OF CHILDREN OTHERWISE THAN ON BAIL

#### *Supplementary*

#### **103 Arrangements for remands**

- (1) The Secretary of State may make arrangements for or in connection with [<sup>F1</sup>the provision of accommodation of a kind listed in section 102(2) for] children remanded to youth detention accommodation.
- (2) The Secretary of State may by regulations make provision about the recovery from the designated authority by a person mentioned in subsection (3) of the costs of—
  - (a) a child being subject to a remand to youth detention accommodation;
  - (b) the exercise of functions of the kind mentioned in—
    - (i) section 80(1)(a) to (e) of the Criminal Justice Act 1991 (escort functions) read with section 92(3) of that Act, or
    - (ii) paragraph 1(1)(a) to (d) of Schedule 1 to the Criminal Justice and Public Order Act 1994 (escort functions),in relation to a child subject to such a remand.
- (3) Those persons are—
  - (a) the Secretary of State;

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 09 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)*

- (b) a person other than the Secretary of State by whom the accommodation pursuant to the remand to youth detention accommodation is provided or the functions are exercised (as the case may be).
- (4) The Secretary of State may make payments to a local authority for the purpose of enabling the authority—
  - (a) to exercise functions under section 92(4) (duty to receive and accommodate child remanded to local authority accommodation);
  - (b) to make payments pursuant to regulations under this section.
- (5) A function of the Secretary of State under this section (other than the function of making regulations) is exercisable by the Youth Justice Board for England and Wales concurrently with the Secretary of State.
- (6) The power to make regulations under subsection (2) includes power to make provision about the recovery of costs by the Youth Justice Board for England and Wales.
- (7) The Secretary of State may by regulations provide that subsection (5), or provision made by virtue of subsection (6), is not to apply, either generally or in relation to a particular description of case.

#### Textual Amendments

- F1** Words in [s. 103\(1\)](#) substituted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 30](#); [S.I. 2015/778](#), art. 2(1)(c)

#### Commencement Information

- I1** [S. 103](#) wholly in force at 3.12.2012, see [s. 151\(1\)](#) and [S.I. 2012/2906](#), art. 2(c) (with art. 7(1)(3))

### 104 Looked after child status

- (1) A child who is remanded to youth detention accommodation is to be treated as a child who is looked after by the designated authority.
- (2) The Secretary of State may by regulations provide for any Act or instrument made under an Act that applies to a child looked after by a local authority to apply with modifications, or not to apply, in relation to a child who is to be treated as looked after by a designated authority by virtue of this Chapter.
- (3) In this section “Act” includes an Act or Measure of the National Assembly for Wales.

#### Commencement Information

- I2** [S. 104](#) wholly in force at 3.12.2012, see [s. 151\(1\)](#) and [S.I. 2012/2906](#), art. 2(c) (with art. 7(1)(3))

### 105 Minor and consequential amendments

Schedule 12 (remands of children otherwise than on bail: minor and consequential amendments) has effect.

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 09 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)*

#### Commencement Information

**I3** [S. 105](#) wholly in force at 3.12.2012, see [s. 151\(1\)](#) and [S.I. 2012/2906](#), **art. 2(c)** (with [art. 7\(1\)\(3\)](#))

### 106 Regulations under this Chapter

- (1) Regulations under this Chapter are to be made by statutory instrument.
- (2) Regulations under this Chapter may—
  - (a) make different provision for different cases;
  - (b) include supplementary, incidental, transitional, transitory or saving provision.
- (3) A statutory instrument containing regulations under this Chapter is subject to annulment in pursuance of a resolution of either House of Parliament, subject to subsection (4).
- (4) A statutory instrument containing regulations under section 102(10) or 103(7) (whether alone or with any other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

#### Commencement Information

**I4** [S. 106](#) wholly in force at 3.12.2012, see [s. 151\(1\)](#) and [S.I. 2012/2906](#), **art. 2(c)** (with [art. 7\(1\)\(3\)](#))

### 107 Interpretation of Chapter

- (1) In this Chapter—
  - “child” has the meaning given by section 91(6);
  - “court” and “magistrates’ court” include a justice of the peace;
  - “custodial sentence” has the meaning given by section 99(10);
  - “the designated authority”—
    - (a) in relation to a child remanded to local authority accommodation, means the local authority that is designated by the court under section 92(2) to receive the child;
    - (b) in relation to a child remanded to youth detention accommodation, means the local authority that is designated by the court under section 102(6) as the designated authority for the child;
  - “electronic monitoring condition” has the meaning given by section 94(8);
  - “extradition proceedings” means proceedings under the Extradition Act 2003;
  - “imprisonable offence” has the meaning given by section 94(8);
  - “local authority” means—
    - (a) a county council;
    - (b) a county borough council;
    - (c) a district council for an area for which there is no county council;
    - (d) a London borough council;
    - (e) the Common Council of the City of London;

*Status: Point in time view as at 06/04/2016.*

*Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 09 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)*

- (f) the Council of the Isles of Scilly;
  - “secure children's home” has the meaning given by section 102(11);
  - “sexual offence” has the meaning given by section 94(8);
  - “violent offence” has the meaning given by section 94(8);
  - “youth offending team” has the meaning given by section 94(8).
- (2) In this Chapter, references to the remand of a child, and related expressions, are to be construed in accordance with section 91(7) and (8).
- (3) In this Chapter, references to a remand to local authority accommodation, and related expressions, are to be construed in accordance with section 92(1).
- (4) In this Chapter, references to a child being subject to a custodial remand are to be construed in accordance with section 94(9).
- (5) In this Chapter, references to a remand to youth detention accommodation, and related expressions, are to be construed in accordance with section 102(1).
- [<sup>F2</sup>(6) In this Chapter, references to a child who is looked after by a local authority are to be construed—
  - (a) in relation to a local authority in England, in accordance with section 22 of the Children Act 1989;
  - (b) in relation to a local authority in Wales, in accordance with section 74 of the Social Services and Well-being (Wales) Act 2014]
- (7) Subsections (3) and (5) are subject to sections 94(10) and 99(11) (references to remand to local authority accommodation or youth detention accommodation to include such a remand under section 23 of the Children and Young Persons Act 1969 or a remand to prison).

#### Textual Amendments

**F2** S. 107(6) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **289**

#### Commencement Information

**I5** S. 107 wholly in force at 3.12.2012, see s. 151(1) and [S.I. 2012/2906](#), **art. 2(c)** (with [art. 7\(1\)\(3\)](#))

**Status:**

Point in time view as at 06/04/2016.

**Changes to legislation:**

Legal Aid, Sentencing and Punishment of Offenders Act 2012, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 09 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.