

SCHEDULES

SCHEDULE 12

Section 105

REMANDS OF CHILDREN OTHERWISE THAN ON BAIL: MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Justice Act 1948 (c. 58)

- 1 Section 27 of the Criminal Justice Act 1948 (remand of persons aged 17 to 20) is amended as follows.
- 2 In the heading, for “17” substitute “18”.
- 3 In subsection (1) for “seventeen” substitute “eighteen”.

Prison Act 1952 (c. 52)

- 4 In section 43(1) of the Prison Act 1952 (power of Secretary of State to provide young offender institutions, secure training centres etc), at the end of paragraph (d) insert “and in which children who have been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 may be detained”.

Children and Young Persons Act 1969 (c. 54)

- 5 The Children and Young Persons Act 1969 is amended as follows.
- 6 Omit section 23 (remands and committals to local authority accommodation).
- 7 Omit section 23AA (electronic monitoring of conditions of remand).
- 8 Omit section 23A (liability to arrest for breaking conditions of remand).
- 9 (1) Section 23B (report by local authority in certain cases where person remanded on bail) is amended as follows.
 - (2) In subsection (2), at the end insert “under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.”
 - (3) In subsection (3), for “section 23(2) of this Act” substitute “section 92(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.
 - (4) In subsection (6)—
 - (a) in paragraph (a), for “17” substitute “18”, and
 - (b) for paragraph (b) and the “and” at the end of that paragraph substitute—
 - “(b) the requirements in section 94(3) and (4) or 95(3) and (4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 would have been fulfilled if the person had not been remanded on bail, and”.

Status: This is the original version (as it was originally enacted).

- (5) In subsection (7), in the definition of “serious offence”, after “means” insert “(subject to subsection (8))”.
- (6) After subsection (7) insert—
- “(8) For the purposes of the application of this section to a person remanded on bail in connection with proceedings under the Extradition Act 2003—
- (a) an offence is a “serious offence” if the conduct constituting the offence would, if committed in England and Wales, constitute an offence punishable in the case of an adult with imprisonment for a term of two years or more, and
- (b) the reference in subsection (1)(a) to a person being charged with a serious offence includes a reference to the person having been accused of such an offence.”
- 10 (1) Section 32 (detention of absentees) is amended as follows.
- (2) In subsection (1A)—
- (a) in paragraph (b), omit sub-paragraph (iii), and
- (b) after that paragraph insert—
- “(c) from a place in which the child or young person has been accommodated pursuant to a remand under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,”.
- (3) In subsection (1B), for the “or” at the end of paragraph (b) substitute—
- “(ba) the place mentioned in subsection (1A)(c); or”.
- (4) In subsection (1C), for paragraph (d) and the “or” preceding that paragraph substitute—
- “(d) where the child or young person was accommodated pursuant to a remand under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands to local authority accommodation), the designated authority within the meaning of section 107(1) of that Act; or
- (e) where the child or young person was accommodated pursuant to a remand under section 91(4) of that Act (remands to youth detention accommodation), the Secretary of State.”
- 11 In section 34(1) (transitional modifications of Part 1 for persons of specified ages)—
- (a) in paragraph (c) omit “, 23(1)”, and
- (b) omit paragraph (e).
- 12 In section 69 (orders and regulations etc) omit subsection (4A).

Local Authority Social Services Act 1970 (c. 42)

- 13 In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions for the purposes of the Act), at the end insert—

“Legal Aid, Sentencing and Punishment
of Offenders Act 2012

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

Section 92

Functions in relation to a child remanded to local authority accommodation.”

Bail Act 1976 (c. 63)

- 14 The Bail Act 1976 is amended as follows.
- 15 (1) Section 3AA (conditions for the imposition of electronic monitoring requirements: children and young persons) is amended as follows.
- (2) In subsection (3)(b), for “to local authority accommodation” substitute “subject to a custodial remand”.
- (3) For subsection (11) substitute—
- “(11) The references in subsection (3)(b) to an imprisonable offence include a reference to an offence—
- (a) of which the child or young person has been convicted outside England and Wales, and
- (b) which is equivalent to an offence that is punishable with imprisonment in England and Wales.
- (12) The reference in subsection (3)(b) to a child or young person being subject to a custodial remand is to the child or young person being—
- (a) remanded to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,
- (b) remanded to local authority accommodation under section 23 of the Children and Young Persons Act 1969 or to prison under that section as modified by section 98 of the Crime and Disorder Act 1998 or under section 27 of the Criminal Justice Act 1948, or
- (c) subject to a form of custodial detention in a country or territory outside England and Wales while awaiting trial or sentence in that country or territory or during a trial in that country or territory.”
- 16 In section 7(6) (arrest for absconding or breaking conditions of bail: powers of justice), for the words from “section 23” to the end of the subsection substitute “section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail)”.
- 17 In Part 3 of Schedule 1 (supplementary provisions about persons entitled to bail: interpretation), in paragraph 3, for the words from “the care of” to the end of the paragraph substitute “accommodation pursuant to a remand under section 91(3) or (4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands to local authority accommodation or youth detention accommodation).”

Child Abduction Act 1984 (c. 37)

- 18 The Child Abduction Act 1984 is amended as follows.
- 19 In section 1(8) (offence of child abduction: modifications in relation to children remanded to local authority accommodation etc), for “to a local authority accommodation” substitute “otherwise than on bail”.

- 20 In paragraph 2 of the Schedule (modifications of section 1 in case of children in places of safety etc)—
- (a) in sub-paragraph (1), in paragraph (b) omit “section 23 of the Children and Young Persons Act 1969,”,
 - (b) in that sub-paragraph, at the end of paragraph (ba) insert “; or
 - (bb) remanded to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.”,
 - and
 - (c) in sub-paragraph (2)(a), after “place of safety” insert “, local authority accommodation or youth detention accommodation”.

Police and Criminal Evidence Act 1984 (c. 60)

- 21 In section 17(1)(ca) of the Police and Criminal Evidence Act 1984 (powers of entry and search of premises for purpose of arresting child or young person remanded to local authority accommodation), for the words from “or committed” to “that Act” substitute “to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.

Prosecution of Offences Act 1985 (c. 23)

- 22 In section 22(11) of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of criminal proceedings: interpretation), in the definition of “custody” for the words from “to which” to “Act 1969” substitute “or youth detention accommodation to which a person is remanded under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.

Children Act 1989 (c. 41)

- 23 The Children Act 1989 is amended as follows.
- 24 In section 21(2)(c) (duty to receive and provide accommodation for certain kinds of children) omit sub-paragraph (i) (children on remand under section 23(1) of the Children and Young Persons Act 1969).
- 25 In Schedule 12 (minor amendments), omit paragraph 28(b).

Criminal Justice Act 1991 (c. 53)

- 26 The Criminal Justice Act 1991 is amended as follows.
- 27 Omit section 60(1).
- 28 In section 60(3) (applications under section 25 of the Children Act 1989 in case of child remanded or committed to local authority accommodation)—
- (a) omit “or committed”, and
 - (b) after “local authority accommodation” insert “under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.
- 29 Omit section 61 (provision by local authorities of secure accommodation).
- 30 Omit section 61A (cost of secure accommodation).

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

- 31 In section 92(3) (application of prisoner escort provisions to persons remanded etc under section 23 of the Children and Young Persons Act 1969)—
- (a) in paragraph (a), for the words from “or committed” to “1969 Act” substitute “to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”, and
 - (b) in paragraph (b) for “such accommodation” substitute “accommodation in which a person is or is to be accommodated pursuant to such a remand”.

Bail (Amendment) Act 1993 (c. 26)

- 32 In section 1(10) of the Bail (Amendment) Act 1993 (prosecution right of appeal against grant of bail: application to children and young persons)—
- (a) for the words from “child” to “Act 1969” substitute “person under the age of 18”, and
 - (b) in paragraph (b) for the words from “section 23” to “accommodation)” substitute “Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail)”.

Criminal Justice and Public Order Act 1994 (c. 33)

- 33 The Criminal Justice and Public Order Act 1994 is amended as follows.
- 34 Omit sections 19(1) and (3), 21 and 23.
- 35 In Schedule 9 (minor amendments) omit paragraph 38.

Crime and Disorder Act 1998 (c. 37)

- 36 The Crime and Disorder Act 1998 is amended as follows.
- 37 In section 38(4)(d) (definition of “youth justice services”: placements pursuant to remands to local authority accommodation), for the words from “or committed” to “1969 Act)” substitute “to such accommodation under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.
- 38 In section 41(5) (functions of the Youth Justice Board for England and Wales) omit—
- (a) paragraph (i)(iii) (agreements for the provision of accommodation for detention under section 23(4)(c) of the Children and Young Persons Act 1969 as modified by section 98 of the Crime and Disorder Act 1998), and
 - (b) paragraph (k) (assistance to local authorities in discharging duty under section 61 of the Criminal Justice Act 1991).
- 39 In section 57A(3) (use of live link for accused’s attendance at preliminary or sentencing hearing: interpretation), in paragraph (a) of the definition of “custody”, for the words from “to which” to “Act 1969” substitute “or youth detention accommodation to which a person is remanded under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”.
- 40 Omit sections 97 and 98.

Access to Justice Act 1999 (c. 22)

- 41 In Schedule 4 to the Access to Justice Act 1999 (amendments consequential on Part 1), omit paragraphs 4, 6 and 7.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 42 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- 43 In section 101 (taking account of remands in relation to a detention and training order)—
- (a) in subsection (11), for paragraph (c) and the “or” at the end of that paragraph substitute—
 - “(c) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012; or”, and
 - (b) in subsection (12) omit the words from “and in that subsection” to the end of the subsection.
- 44 In Schedule 9 (consequential amendments), omit paragraphs 93 and 126.

Care Standards Act 2000 (c. 14)

- 45 In Schedule 4 to the Care Standards Act 2000 (minor and consequential amendments), omit paragraphs 3 and 17.

Criminal Justice and Court Services Act 2000 (c. 43)

- 46 (1) Schedule 7 to the Criminal Justice and Court Services Act 2000 (minor and consequential amendments) is amended as follows.
- (2) In paragraph 4(2), in the entry for the Children and Young Persons Act 1969, omit the words from “section 23(4)” to “15 and 16 year old boys)”.
 - (3) Omit paragraph 39.

Criminal Justice and Police Act 2001 (c. 16)

- 47 In the Criminal Justice and Police Act 2001, omit sections 130, 132 and 133(1).

Courts Act 2003 (c. 39)

- 48 In Schedule 8 to the Courts Act 2003 (minor and consequential amendments), omit paragraph 135.

Extradition Act 2003 (c. 41)

- 49 In the Extradition Act 2003, omit section 201.

Criminal Justice Act 2003 (c. 44)

- 50 The Criminal Justice Act 2003 is amended as follows.
- 51 In section 242 (interpretation of provisions about crediting periods of remand in custody)—
- (a) in subsection (2)(b), for the words from “or committed” to “that section” substitute “to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012”, and
 - (b) omit subsection (3).

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

52 In Schedule 32 (amendments relating to sentencing), omit paragraph 15.

Criminal Defence Service Act 2006 (c. 9)

53 In section 4(2) of the Criminal Defence Service Act 2006 (provisions to which certain consequential amendments apply), omit paragraphs (a) and (b).

Violent Crime Reduction Act 2006 (c. 38)

54 In the Violent Crime Reduction Act 2006, omit section 61.

Criminal Justice and Immigration Act 2008 (c. 4)

55 In Schedule 26 to the Criminal Justice and Immigration Act 2008 (minor and consequential amendments), omit paragraph 5.

Children and Young Persons Act 2008 (c. 23)

56 In Schedule 1 to the Children and Young Persons Act 2008 (children looked after by local authorities: supplementary and consequential provision), omit paragraph 8.

Offender Management Act 2007 (Consequential Amendments) Order 2008 (SI 2008/912)

57 In Schedule 1 to the Offender Management Act 2007 (Consequential Amendments) Order 2008 (amendments of Acts), omit paragraph 13(6).

Policing and Crime Act 2009 (c. 26)

58 In paragraph 14(3) of Schedule 5A to the Policing and Crime Act 2009 (detention order for breach of injunction: meaning of youth detention accommodation) for paragraph (c) substitute—

“(c) a secure children’s home, as defined by section 102(11) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.”