



# 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

##### *Remands to youth detention accommodation*

#### **102 Remands to youth detention accommodation**

- (1) A remand to youth detention accommodation is a remand to such accommodation of a kind listed in subsection (2) as the Secretary of State directs in the child's case.
- (2) Those kinds of accommodation are—
  - (a) a secure children's home,
  - (b) a secure training centre,
  - (c) a young offender institution, and
  - (d) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for purposes of detention and training order provisions).
- (3) A child's detention in one of those kinds of accommodation pursuant to a remand to youth detention accommodation is lawful.
- (4) Where a court remands a child to youth detention accommodation, the court must—

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*Status: This is the original version (as it was originally enacted).*

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- (a) state in open court that it is of the opinion mentioned in section 98(4), 99(7), 100(4) or 101(7) (as the case may be), and
  - (b) explain to the child in open court and in ordinary language why it is of that opinion.
- (5) A magistrates' court must ensure a reason that it gives under subsection (4)(b)—
  - (a) is specified in the warrant of commitment, and
  - (b) is entered in the register.
- (6) Where a court remands a child to youth detention accommodation, the court must designate a local authority as the designated authority for the child for the purposes of—
  - (a) subsection (8),
  - (b) regulations under section 103 (arrangements for remands), and
  - (c) section 104 (looked after child status).
- (7) That authority must be—
  - (a) in the case of a child who is being looked after by a local authority, that authority, and
  - (b) in any other case, the local authority in whose area it appears to the court that the child habitually resides or the offence or one of the offences was committed.
- (8) Before giving a direction under subsection (1), the Secretary of State must consult the designated authority.
- (9) 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.
- (10) The Secretary of State may by regulations provide that subsection (9) is not to apply, either generally or in relation to a particular description of case.
- (11) In this Chapter “secure children’s home” means accommodation which is provided in a children’s home, within the meaning of the Care Standards Act 2000—
  - (a) which provides accommodation for the purposes of restricting liberty, and
  - (b) in respect of which a person is registered under Part 2 of that Act.
- (12) Before the coming into force in relation to England of section 107(2) of the Health and Social Care (Community Health and Standards) Act 2003, subsection (11) has effect as if it defined “secure children’s home” in relation to England as accommodation which—
  - (a) is provided in a children’s home, within the meaning of the Care Standards Act 2000, in respect of which a person is registered under Part 2 of that Act, and
  - (b) is approved by the Secretary of State for the purpose of restricting the liberty of children.