



# 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*

#### **98 First set of conditions for a remand to youth detention accommodation**

- (1) For the purposes of section 91(4)(a), the first set of conditions for a remand to youth detention accommodation is met in relation to a child if each of the following is met in relation to the child—
  - (a) the age condition (see subsection (2)),
  - (b) the offence condition (see subsection (3)),
  - (c) the necessity condition (see subsection (4)), and
  - (d) the first or second legal representation condition (see subsections (5) and (6)).
- (2) The age condition is that the child has reached the age of twelve.
- (3) The offence condition is that the offence mentioned in section 91(1), or one or more of those offences—
  - (a) is a violent or sexual offence, or
  - (b) is an offence punishable in the case of an adult with imprisonment for a term of 14 years or more.

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*Status: This is the original version (as it was originally enacted).*

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- (4) The necessity condition is that the court is of the opinion, after considering all the options for the remand of the child, that only remanding the child to youth detention accommodation would be adequate—
  - (a) to protect the public from death or serious personal injury (whether physical or psychological) occasioned by further offences committed by the child, or
  - (b) to prevent the commission by the child of imprisonable offences.
- (5) The first legal representation condition is that the child is legally represented before the court.
- (6) The second legal representation condition is that the child is not legally represented before the court and—
  - (a) representation was provided to the child under Part 1 of this Act for the purposes of the proceedings, but was withdrawn—
    - (i) because of the child’s conduct, or
    - (ii) because it appeared that the child’s financial resources were such that the child was not eligible for such representation,
  - (b) the child applied for such representation and the application was refused because it appeared that the child’s financial resources were such that the child was not eligible for such representation, or
  - (c) having been informed of the right to apply for such representation and having had the opportunity to do so, the child refused or failed to apply.