



Criminal Justice Act 1988

1988 CHAPTER 33

PART IX

YOUNG OFFENDERS

123 Custodial sentences for young offenders.

(1) Part I of the ^{M1}Criminal Justice Act 1982 shall be amended as mentioned in subsections (2) to (5) below.

^{F1}(2)

^{F1}(3)

^{F2}(4)

(5) The following subsection shall be substituted for section 2(4)—

“(4) Where—

- (a) the Crown Court passes a sentence of detention in a young offender institution or a sentence of custody for life under section 8(2) below, or
- (b) a magistrates’ court passes a sentence of detention in a young offender institution,

it shall be its duty—

- (i) to state in open court that it is satisfied that he qualifies for a custodial sentence under one or more of the paragraphs of section 1(4A) above, the paragraph or paragraphs in question and why it is so satisfied; and
- (ii) to explain to the offender in open court and in ordinary language why it is passing a custodial sentence on him.”.

(6) The amendments and transitional provisions in Schedule 8 to this Act shall have effect.

Status: Point in time view as at 24/03/2003.

Changes to legislation: Criminal Justice Act 1988, Part IX is up to date with all changes known to be in force on or before 17 August 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)

Textual Amendments

- F1 S. 123(2)(3) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), Sch. 13; S.I. 1992/333, art. 2(2), Sch. 2
- F2 S. 123(4) repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), Sch. 12 Pt. I (with Sch. 11 paras. 1, 2)

Marginal Citations

- M1 1982 c. 48.

124 Detention of young offenders in Scotland.

(1) In each of sections 207 and 415 of the ^{M2}Criminal Procedure (Scotland) Act 1975 for subsections (5) to (10) there shall be substituted the following subsection—

“(5) A sentence of detention imposed under this section shall be a sentence of detention in a young offenders institution.”.

(2) Subject to subsection (3) below, in any enactment—

- (a) for a reference to a detention centre there shall be substituted a reference to a young offenders institution; and
- (b) for a reference (however expressed) to a detention centre order there shall be substituted a reference to a sentence of detention in a young offenders institution.

(3) Nothing in subsection (2) above applies—

- (a) to section 21 of the ^{M3}Firearms Act 1968;
- (b) to Part I of Schedule I to the ^{M4}Law Reform (Miscellaneous Provisions) (Scotland) Act 1980;
- (c) to section 41(2) of the ^{M5}Criminal Justice (Scotland) Act 1980.

(4) The amendments and transitional provisions in Schedule 9 to this Act shall have effect.

Marginal Citations

- M2 1975 c. 21.
- M3 1968 c. 27.
- M4 1980 c. 55.
- M5 1980 c. 62.

125 Abolition of power of court to commit juvenile to remand centre instead of local authority care. 1969 c. 54.

Section 22(5) of the Children and Young Persons Act 1969 shall cease to have effect.

^{F3}126

Textual Amendments

- F3 S. 126 repealed (9.1.1995) by 1994 c. 33, s. 168(3), Sch.11; S.I. 1994/3192, art. 2,Sch.

Status: Point in time view as at 24/03/2003.

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^{F4}127

Textual Amendments

F4 S. 127 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F5}128

Textual Amendments

F5 S. 128 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

^{F6}129

Textual Amendments

F6 S. 129 repealed (25.8.2000) by 2000 c. 6, ss. 165(4), 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

130 Computation of sentence—time passed in care of local authority in accommodation provided for restricting liberty. 1967 c. 80.

- (1) At the end of section 67(1A) of the Criminal Justice Act 1967 there shall be added the words “or—
 - (c) any period during which, in connection with the offence for which the sentence was passed, he was in the care of a local authority by virtue of an order under section 23 of the Children and Young Persons Act 1969 and in accommodation provided for the purpose of restricting liberty.”.
- (2) This section shall not have effect in relation to any sentence imposed before it comes into force.

Status:

Point in time view as at 24/03/2003.

Changes to legislation:

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