

Status: Point in time view as at 26/06/2000.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 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)

SCHEDULES

SCHEDULE 5

Section 67.

YOUTH JUSTICE: PRE-CONSOLIDATION AMENDMENTS

Children and Young Persons Act 1969 (c.54)

- 1 The Children and Young Persons Act 1969 has effect subject to the following amendments.
- 2 In section 12A (requirements that may be included in supervision orders), at the end add—
 - “(14) In this section “make reparation” means make reparation for the offence otherwise than by the payment of compensation.”
- 3 (1) Section 15 (variation and discharge of supervision orders) is amended as follows.
 - (2) In subsection (3)(b) (magistrates’ powers of re-sentence on breach of supervision order), for “relevant court” substitute “ magistrates’ court ”.
 - (3) After subsection (8) insert—
 - “(8A) Where a supervision order has been made on appeal, for the purposes of subsection (3) above it shall be deemed—
 - (a) if it was made on an appeal brought from a magistrates’ court, to have been made by that magistrates’ court;
 - (b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court;and, in relation to a supervision order made on appeal, subsection (3)(b) above shall have effect as if the words “if the order had not been made” were omitted and subsection (5) above shall have effect as if the words “if it had not made the order” were omitted.”
- 4 (1) Section 16 (provisions supplementary to section 15) is amended as follows.
 - (2) In subsection (3A), for “(3C)” substitute “ (4A) ”.
 - (3) Omit subsections (3B) and (3C).
 - (4) In subsection (4), at the beginning insert “ Subject to subsection (4A) of this section,
”.

Status: Point in time view as at 26/06/2000.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 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)

(5) After subsection (4) insert—

“(4A) Where a supervised person has attained the age of eighteen at the time when he is brought before a justice under subsection (3) of this section, or has attained that age at a time when (apart from this subsection) a youth court could exercise its powers under subsection (4) of this section in respect of him, he shall not be remanded to local authority accommodation but may instead be remanded—

- (a) to a remand centre, if the justice or youth court has been notified that such a centre is available for the reception of persons under this subsection; or
- (b) to a prison, if the justice or youth court has not been so notified.

(4B) A court or justice remanding a person to local authority accommodation under this section shall designate, as the authority who are to receive him, the authority named in the supervision order.”

Crime and Disorder Act 1998 (c.37)

5 The Crime and Disorder Act 1998 has effect subject to the following amendments.

6 (1) Section 74 (duties and powers of court in relation to detention and training orders) is amended as follows.

(2) For subsection (2) substitute—

“(2) Subject to subsections (3) and (4A) below, a court making a detention and training order may order that its term shall commence on the expiration of the term of any other detention and training order made by that or any other court.”

(3) After subsection (4) insert—

“(4A) A court making a detention and training order shall not order that its term shall commence on the expiration of the term of a detention and training order under which the period of supervision has already begun (under section 76(1) below).

(4B) Where a detention and training order (“the new order”) is made in respect of an offender who is subject to a detention and training order under which the period of supervision has begun (“the old order”), the old order shall be disregarded in determining—

- (a) for the purposes of subsection (3) above whether the effect of the new order would be that the offender would be subject to detention and training orders for a term which exceeds 24 months; and
- (b) for the purposes of subsection (4) above whether the term of the detention and training orders to which the offender would (apart from that subsection) be subject exceeds 24 months.”

(4) After subsection (5) insert—

Status: Point in time view as at 26/06/2000.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 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)

- “(5A) Where a court proposes to make detention and training orders in respect of an offender for two or more offences—
- (a) subsection (5) above shall not apply, but
 - (b) in determining the total term of the detention and training orders it proposes to make in respect of the offender, the court shall take account of the total period for which he has been remanded in custody in connection with any of those offences, or any other offence the charge for which was founded on the same facts or evidence.
- (5B) Once a period of remand has, under subsection (5) or (5A) above, been taken account of in relation to a detention and training order made in respect of an offender for any offence or offences, it shall not subsequently be taken account of (under either of those subsections) in relation to such an order made in respect of the offender for any other offence or offences.”
- (5) In subsection (6), for “The reference in subsection (5) above” substitute “ Any reference in subsection (5) or (5A) above ”.
- (6) In subsection (8), omit “this section or”.
- 7 In section 75(5) (alteration of release of offender subject to detention and training order), for “the youth court” substitute “ a youth court ”.
- 8 In section 77 (detention and training orders: breach of supervision requirements), after subsection (4) insert—
- “(5) An offender may appeal to the Crown Court against any order made under subsection (3)(a) or (b) above.”
- 9 In section 79 (interaction of detention and training order with sentences of detention), after subsection (2) insert—
- “(2A) Subsection (1)(a) above has effect subject to section 78(3)(a) above and subsection (2)(a) above has effect subject to section 40(4)(b) of the 1991 Act.”
- 10 (1) Paragraph 3 of Schedule 5 (failure to comply with reparation and action plan orders) is amended as follows.
- (2) In sub-paragraph (2)(b), for “youth court” substitute “ magistrates’ court ”.
 - (3) Omit sub-paragraph (3).
 - (4) After sub-paragraph (8) insert—
- “(9) Where a reparation order or action plan order has been made on appeal, for the purposes of this paragraph it shall be deemed—
- (a) if it was made on an appeal brought from a magistrates’ court, to have been made by that magistrates’ court;

Status: Point in time view as at 26/06/2000.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 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) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court;

and, in relation to a reparation order or action plan order made on appeal, sub-paragraph (2)(b) above shall have effect as if the words “if the order had not been made” were omitted and sub-paragraph (5) above shall have effect as if the words “if it had not made the order” were omitted.”

- 11 (1) Paragraph 4 of that Schedule (presence of offender in court, remands, etc.) is amended as follows.

(2) In sub-paragraph (5)(b), for “(6)” substitute “ (7A) ”.

(3) Omit sub-paragraph (6).

(4) In sub-paragraph (7), at the beginning insert “ Subject to sub-paragraph (7A) below, ”.

(5) After sub-paragraph (7) insert—

“(7A) Where the offender is aged 18 or over at the time when he is brought before a youth court other than the appropriate court under sub-paragraph (4) above, or is aged 18 or over at a time when (apart from this sub-paragraph) the appropriate court could exercise its powers under sub-paragraph (7) above in respect of him, he shall not be remanded to local authority accommodation but may instead be remanded—

- (a) to a remand centre, if the court has been notified that such a centre is available for the reception of persons under this sub-paragraph; or
- (b) to a prison, if it has not been so notified.”

- 12 Omit paragraph 5(6) of that Schedule.

Status:

Point in time view as at 26/06/2000.

Changes to legislation:

Youth Justice and Criminal Evidence Act 1999, SCHEDULE 5 is up to date with all changes known to be in force on or before 20 July 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.