

CRIMINAL JUSTICE AND POLICE ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 6: Minor and Consequential Amendments relating to NCIS and NCS

Part 6: Miscellaneous and supplemental

Registration for criminal records purposes

Section 130: Remands and committals to secure accommodation etc

378. There are two versions of section 23 of the 1969 Act as amended by the Crime and Disorder Act 1998. The principal version deals with all juveniles aged 12-14 and also 15 and 16 year old girls. The modified version (which was introduced by section 98 of the 1998 Act) deals just with 15 and 16 year old boys.
379. *Subsections (2) –(4)* amend the principal version of section 23 of the 1969 Act. This will enable courts, in addition to their current powers, to remand into custody any juvenile aged 12-14 years and any 15-16 year old girl, who is charged with or who has been convicted of one or more imprisonable offences which would amount, in the court's opinion, to a recent history of repeatedly committing imprisonable offences while remanded on bail or to local authority accommodation.
380. The provision repeats the existing condition that the court must also be satisfied that only a secure remand-rather than bail or remand to non-secure accommodation-will protect the public from serious harm from him or her. It also adds an alternative condition that the court be satisfied that only a secure remand would be adequate to prevent the commission of further imprisonable offences by the young person.
381. It also requires the court to consider all the possible options before making any decision as to whether to remand the young person to secure accommodation. These options include unconditional bail, bail with conditions and supervised bail.
382. *Subsections (5)- (7)* amend the modified version of section 23 of the 1969 Act which applies to 15 and 16 year old boys in exactly the same way.