

Status: Point in time view as at 13/04/2015.

Changes to legislation: Legal Aid, Sentencing and Punishment of Offenders Act 2012, SCHEDULE 12 is up to date with all changes known to be in force on or before 25 June 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 12

Section 105

REMANDS OF CHILDREN OTHERWISE THAN ON BAIL: MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Justice Act 1948 (c. 58)

- 1 Section 27 of the Criminal Justice Act 1948 (remand of persons aged 17 to 20) is amended as follows.
- 2 In the heading, for “17” substitute “ 18 ”.
- 3 In subsection (1) for “seventeen” substitute “ eighteen ”.

Prison Act 1952 (c. 52)

- 4 In section 43(1) of the Prison Act 1952 (power of Secretary of State to provide young offender institutions, secure training centres etc), at the end of paragraph (d) insert “ and in which children who have been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 may be detained ”.

Children and Young Persons Act 1969 (c. 54)

- 5 The Children and Young Persons Act 1969 is amended as follows.
- 6 Omit section 23 (remands and committals to local authority accommodation).

Commencement Information

11 Sch. 12 para. 6 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 7 Omit section 23AA (electronic monitoring of conditions of remand).

Commencement Information

12 Sch. 12 para. 7 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 8 Omit section 23A (liability to arrest for breaking conditions of remand).

Commencement Information

13 Sch. 12 para. 8 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 9 (1) Section 23B (report by local authority in certain cases where person remanded on bail) is amended as follows.

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- (2) In subsection (2), at the end insert “ under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. ”
- (3) In subsection (3), for “section 23(2) of this Act” substitute “ section 92(2) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ”.
- (4) In subsection (6)—
- (a) in paragraph (a), for “17” substitute “ 18 ”, and
 - (b) for paragraph (b) and the “and” at the end of that paragraph substitute—
 - “(b) the requirements in section 94(3) and (4) or 95(3) and (4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 would have been fulfilled if the person had not been remanded on bail, and”.
- (5) In subsection (7), in the definition of “serious offence”, after “means” insert “ (subject to subsection (8)) ”.
- (6) After subsection (7) insert—
- “(8) For the purposes of the application of this section to a person remanded on bail in connection with proceedings under the Extradition Act 2003—
 - (a) an offence is a “serious offence” if the conduct constituting the offence would, if committed in England and Wales, constitute an offence punishable in the case of an adult with imprisonment for a term of two years or more, and
 - (b) the reference in subsection (1)(a) to a person being charged with a serious offence includes a reference to the person having been accused of such an offence.”
- 10 (1) Section 32 (detention of absentees) is amended as follows.
- (2) In subsection (1A)—
- (a) in paragraph (b), omit sub-paragraph (iii), and
 - (b) after that paragraph insert—
 - “(c) from a place in which the child or young person has been accommodated pursuant to a remand under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,”.
- (3) In subsection (1B), for the “or” at the end of paragraph (b) substitute—
- “(ba) the place mentioned in subsection (1A)(c); or”.
- (4) In subsection (1C), for paragraph (d) and the “or” preceding that paragraph substitute—
- “(d) where the child or young person was accommodated pursuant to a remand under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands to local authority accommodation), the designated authority within the meaning of section 107(1) of that Act; or
 - (e) where the child or young person was accommodated pursuant to a remand under section 91(4) of that Act (remands to youth detention accommodation), the Secretary of State.”

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Commencement Information

I4 Sch. 12 para. 10 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 11 In section 34(1) (transitional modifications of Part 1 for persons of specified ages)
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- (a) in paragraph (c) omit “, 23(1)”, and
- (b) omit paragraph (e).

Commencement Information

I5 Sch. 12 para. 11 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 12 In section 69 (orders and regulations etc) omit subsection (4A).

Commencement Information

I6 Sch. 12 para. 12 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Local Authority Social Services Act 1970 (c. 42)

- 13 In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions for the purposes of the Act), at the end insert—

“Legal Aid, Sentencing and Punishment
of Offenders Act 2012

Section 92

Functions in relation to a child remanded
to local authority accommodation.”

Bail Act 1976 (c. 63)

- 14 The Bail Act 1976 is amended as follows.
- 15 (1) Section 3AA (conditions for the imposition of electronic monitoring requirements: children and young persons) is amended as follows.
- (2) In subsection (3)(b), for “to local authority accommodation” substitute “ subject to a custodial remand ”.
- (3) For subsection (11) substitute—
- “(11) The references in subsection (3)(b) to an imprisonable offence include a reference to an offence—
- (a) of which the child or young person has been convicted outside England and Wales, and
- (b) which is equivalent to an offence that is punishable with imprisonment in England and Wales.
- (12) The reference in subsection (3)(b) to a child or young person being subject to a custodial remand is to the child or young person being—

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- (a) remanded to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,
 - (b) remanded to local authority accommodation under section 23 of the Children and Young Persons Act 1969 or to prison under that section as modified by section 98 of the Crime and Disorder Act 1998 or under section 27 of the Criminal Justice Act 1948, or
 - (c) subject to a form of custodial detention in a country or territory outside England and Wales while awaiting trial or sentence in that country or territory or during a trial in that country or territory.”
- 16 In section 7(6) (arrest for absconding or breaking conditions of bail: powers of justice), for the words from “section 23” to the end of the subsection substitute “section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail)”.
- 17 In Part 3 of Schedule 1 (supplementary provisions about persons entitled to bail: interpretation), in paragraph 3, for the words from “the care of” to the end of the paragraph substitute “accommodation pursuant to a remand under section 91(3) or (4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands to local authority accommodation or youth detention accommodation).”

Commencement Information

17 Sch. 12 para. 17 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Child Abduction Act 1984 (c. 37)

- 18 The Child Abduction Act 1984 is amended as follows.
- 19 In section 1(8) (offence of child abduction: modifications in relation to children remanded to local authority accommodation etc), for “to a local authority accommodation” substitute “otherwise than on bail”.
- 20 In paragraph 2 of the Schedule (modifications of section 1 in case of children in places of safety etc)—
- (a) in sub-paragraph (1), in paragraph (b) omit “section 23 of the Children and Young Persons Act 1969”,
 - (b) in that sub-paragraph, at the end of paragraph (ba) insert “; or
 - (bb) remanded to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.”, and
 - (c) in sub-paragraph (2)(a), after “place of safety” insert “, local authority accommodation or youth detention accommodation”.

Commencement Information

18 Sch. 12 para. 20 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

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Police and Criminal Evidence Act 1984 (c. 60)

- 21 In section 17(1)(ca) of the Police and Criminal Evidence Act 1984 (powers of entry and search of premises for purpose of arresting child or young person remanded to local authority accommodation), for the words from “or committed” to “that Act” substitute “ to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ”.

Commencement Information

I9 Sch. 12 para. 21 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Prosecution of Offences Act 1985 (c. 23)

- 22 In section 22(11) of the Prosecution of Offences Act 1985 (time limits in relation to preliminary stages of criminal proceedings: interpretation), in the definition of “custody” for the words from “to which” to “Act 1969” substitute “ or youth detention accommodation to which a person is remanded under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ”.

Children Act 1989 (c. 41)

- 23 The Children Act 1989 is amended as follows.

Commencement Information

I10 Sch. 12 para. 23 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 24 In section 21(2)(c) (duty to receive and provide accommodation for certain kinds of children) omit sub-paragraph (i) (children on remand under section 23(1) of the Children and Young Persons Act 1969).

Commencement Information

I11 Sch. 12 para. 24 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 25 In Schedule 12 (minor amendments), omit paragraph 28(b).

Commencement Information

I12 Sch. 12 para. 25 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Criminal Justice Act 1991 (c. 53)

- 26 The Criminal Justice Act 1991 is amended as follows.
- 27 Omit section 60(1).
- 28 In section 60(3) (applications under section 25 of the Children Act 1989 in case of child remanded or committed to local authority accommodation)—
- (a) omit “or committed”, and

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- (b) after “local authority accommodation” insert “ under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ”.

Commencement Information

I13 Sch. 12 para. 28 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 29 Omit section 61 (provision by local authorities of secure accommodation).

Commencement Information

I14 Sch. 12 para. 29 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 30 Omit section 61A (cost of secure accommodation).
- 31 In section 92(3) (application of prisoner escort provisions to persons remanded etc under section 23 of the Children and Young Persons Act 1969)—
- (a) in paragraph (a), for the words from “or committed” to “1969 Act” substitute “ to local authority accommodation or youth detention accommodation under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ”, and
 - (b) in paragraph (b) for “such accommodation” substitute “ accommodation in which a person is or is to be accommodated pursuant to such a remand ”.

Commencement Information

I15 Sch. 12 para. 31 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Bail (Amendment) Act 1993 (c. 26)

- 32 In section 1(10) of the Bail (Amendment) Act 1993 (prosecution right of appeal against grant of bail: application to children and young persons)—
- (a) for the words from “child” to “Act 1969)” substitute “ person under the age of 18 ”, and
 - (b) in paragraph (b) for the words from “section 23” to “accommodation)” substitute “ Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail) ”.

Criminal Justice and Public Order Act 1994 (c. 33)

- 33 The Criminal Justice and Public Order Act 1994 is amended as follows.

Commencement Information

I16 Sch. 12 para. 33 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 34 Omit sections 19(1) and (3), 21 and 23.

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I17 Sch. 12 para. 34 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

35 In Schedule 9 (minor amendments) omit paragraph 38.

Commencement Information

I18 Sch. 12 para. 35 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Crime and Disorder Act 1998 (c. 37)

36 The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

I19 Sch. 12 para. 36 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

37 In section 38(4)(d) (definition of “youth justice services”: placements pursuant to remands to local authority accommodation), for the words from “or committed” to “1969 Act”)” substitute “ to such accommodation under section 91(3) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ”.

Commencement Information

I20 Sch. 12 para. 37 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

38 In section 41(5) (functions of the Youth Justice Board for England and Wales) omit—

- (a) paragraph (i)(iii) (agreements for the provision of accommodation for detention under section 23(4)(c) of the Children and Young Persons Act 1969 as modified by section 98 of the Crime and Disorder Act 1998), and
- (b) paragraph (k) (assistance to local authorities in discharging duty under section 61 of the Criminal Justice Act 1991).

Commencement Information

I21 Sch. 12 para. 38 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

39 In section 57A(3) (use of live link for accused's attendance at preliminary or sentencing hearing: interpretation), in paragraph (a) of the definition of “custody”, for the words from “to which” to “Act 1969” substitute “ or youth detention accommodation to which a person is remanded under section 91 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ”.

Commencement Information

I22 Sch. 12 para. 39 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

40 Omit sections 97 and 98.

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I23 Sch. 12 para. 40 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Access to Justice Act 1999 (c. 22)

- 41 In Schedule 4 to the Access to Justice Act 1999 (amendments consequential on Part 1), omit paragraphs 4, 6 and 7.

Commencement Information

I24 Sch. 12 para. 41 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 42 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

Commencement Information

I25 Sch. 12 para. 42 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 43 In section 101 (taking account of remands in relation to a detention and training order)—
- (a) in subsection (11), for paragraph (c) and the “or” at the end of that paragraph substitute—
 - “(c) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012; or”, and
 - (b) in subsection (12) omit the words from “and in that subsection” to the end of the subsection.

Commencement Information

I26 Sch. 12 para. 43 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 44 In Schedule 9 (consequential amendments), omit paragraphs 93 and 126.

Commencement Information

I27 Sch. 12 para. 44 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Care Standards Act 2000 (c. 14)

- 45 In Schedule 4 to the Care Standards Act 2000 (minor and consequential amendments), omit paragraphs 3 and 17.

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Commencement Information

I28 Sch. 12 para. 45 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Criminal Justice and Court Services Act 2000 (c. 43)

- 46 (1) Schedule 7 to the Criminal Justice and Court Services Act 2000 (minor and consequential amendments) is amended as follows.
- (2) In paragraph 4(2), in the entry for the Children and Young Persons Act 1969, omit the words from “section 23(4)” to “15 and 16 year old boys),”.
- (3) Omit paragraph 39.

Commencement Information

I29 Sch. 12 para. 46 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Criminal Justice and Police Act 2001 (c. 16)

- 47 In the Criminal Justice and Police Act 2001, omit sections 130, 132 and 133(1).

Commencement Information

I30 Sch. 12 para. 47 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Courts Act 2003 (c. 39)

- 48 In Schedule 8 to the Courts Act 2003 (minor and consequential amendments), omit paragraph 135.

Commencement Information

I31 Sch. 12 para. 48 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Extradition Act 2003 (c. 41)

- 49 In the Extradition Act 2003, omit section 201.

Commencement Information

I32 Sch. 12 para. 49 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Criminal Justice Act 2003 (c. 44)

- 50 The Criminal Justice Act 2003 is amended as follows.

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Commencement Information

I33 Sch. 12 para. 50 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 51 In section 242 (interpretation of provisions about crediting periods of remand in custody)—
- (a) in subsection (2)(b), for the words from “or committed” to “that section” substitute “ to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ”, and
 - (b) omit subsection (3).

Commencement Information

I34 Sch. 12 para. 51 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

- 52 In Schedule 32 (amendments relating to sentencing), omit paragraph 15.

Commencement Information

I35 Sch. 12 para. 52 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Criminal Defence Service Act 2006 (c. 9)

- 53 In section 4(2) of the Criminal Defence Service Act 2006 (provisions to which certain consequential amendments apply), omit paragraphs (a) and (b).

Commencement Information

I36 Sch. 12 para. 53 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Violent Crime Reduction Act 2006 (c. 38)

- 54 In the Violent Crime Reduction Act 2006, omit section 61.

Commencement Information

I37 Sch. 12 para. 54 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Criminal Justice and Immigration Act 2008 (c. 4)

- 55 In Schedule 26 to the Criminal Justice and Immigration Act 2008 (minor and consequential amendments), omit paragraph 5.

Commencement Information

I38 Sch. 12 para. 55 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

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Children and Young Persons Act 2008 (c. 23)

- 56 In Schedule 1 to the Children and Young Persons Act 2008 (children looked after by local authorities: supplementary and consequential provision), omit paragraph 8.

Commencement Information

I39 Sch. 12 para. 56 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Offender Management Act 2007 (Consequential Amendments) Order 2008 (SI 2008/912)

- 57 In Schedule 1 to the Offender Management Act 2007 (Consequential Amendments) Order 2008 (amendments of Acts), omit paragraph 13(6).

Commencement Information

I40 Sch. 12 para. 57 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

Policing and Crime Act 2009 (c. 26)

- 58 In paragraph 14(3) of Schedule 5A to the Policing and Crime Act 2009 (detention order for breach of injunction: meaning of youth detention accommodation) for paragraph (c) substitute—
“(c) a secure children's home, as defined by section 102(11) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.”

Commencement Information

I41 Sch. 12 para. 58 wholly in force at 3.12.2012, see s. 151(1) and S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

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