



# Police, Crime, Sentencing and Courts Act 2022

## 2022 CHAPTER 32

### PART 8

#### YOUTH JUSTICE

##### *Youth remand*

#### 157 Youth remand

- (1) The Legal Aid, Sentencing and Punishment of Offenders Act 2012 is amended as follows.
- (2) In section 91 (remands of children otherwise than on bail), after subsection (4) insert—
  - “(4A) Before deciding whether to remand a child to youth detention accommodation in accordance with section 102 the court must consider the interests and welfare of the child.”
- (3) In section 98 (first set of conditions for a remand to youth detention accommodation)—
  - (a) in subsection (1), after paragraph (a) insert—
    - “(aa) the sentencing condition (see subsection (2A)),”;
  - (b) after subsection (2) insert—
    - “(2A) The sentencing condition is that it appears to the court that it is very likely that the child will be sentenced to a custodial sentence for the offence mentioned in section 91(1) or one or more of those offences.”;
  - (c) in subsection (4), at the end (after paragraph (b)) insert “, and that the risks posed by the child cannot be managed safely in the community”.
- (4) In section 99 (second set of conditions for a remand to youth detention accommodation)—

*Status: Point in time view as at 28/04/2022.*

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- (a) in subsection (3), for “there is a real prospect” substitute “it is very likely”;
  - (b) in subsection (5)(a)—
    - (i) after “recent” insert “and significant”;
    - (ii) after “remand” insert “, and it appears to the court that the history is relevant in all the circumstances of the case”;
  - (c) in subsection (6)—
    - (i) after “recent” insert “and significant”;
    - (ii) after “remand” insert “, and this appears to the court relevant in all the circumstances of the case”;
  - (d) in subsection (7), at the end (after paragraph (b)) insert “, and that the risks posed by the child cannot be managed safely in the community”.
- (5) In section 100 (first set of conditions for a remand to youth detention accommodation: extradition cases)—
- (a) in subsection (1), after paragraph (a) insert—
    - “(aa) the sentencing condition (see subsection (2A)),”;
  - (b) after subsection (2) insert—
    - “(2A) The sentencing condition is that it appears to the court that, if the child were convicted in England and Wales of an offence equivalent to the offence to which the extradition proceedings relate or one or more of those offences, it is very likely that the child would be sentenced to a custodial sentence for that offence or those offences.”;
  - (c) in subsection (4), at the end (after paragraph (b)) insert “, and that the risks posed by the child cannot be managed safely in the community”.
- (6) In section 101 (second set of conditions for a remand to youth detention accommodation: extradition cases)—
- (a) in subsection (3), for “there would be a real prospect” substitute “it is very likely”;
  - (b) in subsection (5)(a)—
    - (i) after “recent” insert “and significant”;
    - (ii) after “remand,” insert “and it appears to the court that the history is relevant in all the circumstances of the case,”;
  - (c) in subsection (6)—
    - (i) after “recent” insert “and significant”;
    - (ii) after “remand” insert “, and this appears to the court relevant in all the circumstances of the case”;
  - (d) in subsection (7), at the end (after paragraph (b)) insert “, and that the risks posed by the child cannot be managed safely in the community”.
- (7) In section 102 (remands to youth detention accommodation)—
- (a) in subsection (4), before paragraph (a) insert—
    - “(za) state in open court that it has considered subsections (3) and (4A) of section 91,”;
  - (b) in subsection (5), before paragraph (a) insert—
    - “(za) is given in writing to—
      - (i) the child,
      - (ii) any legal representative of the child, and

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- (iii) any youth offending team which appears to the court to have functions in relation to the child.”.

#### Commencement Information

II S. 157 in force at 28.6.2022, see s. 208(5)(t)

### *Detention and training orders*

#### **158 Discretion as to length of term**

In section 236(1) of the Sentencing Code (term of detention and training order), for “4, 6, 8, 10, 12, 18 or 24 months” substitute “at least 4 months but must not exceed 24 months”.

#### **159 Consecutive detention and training order and sentence of detention: effect of early release decision**

- (1) In section 237 of the Sentencing Code (making of detention and training order where offender subject to other order or sentence of detention), omit subsection (5).
- (2) In section 241 of that Code (period of detention and training), after subsection (5) insert—

*“Consecutive detention and training order and sentence of detention*

- (5A) Where the offender is also subject to a sentence of any of the following kinds that is to take effect, by virtue of an order to which subsection (7) applies, when the offender would otherwise be released for supervision—
  - (a) a sentence of detention under section 250 or 252A,
  - (b) a sentence of detention under section 209 or 224A of the Armed Forces Act 2006, or
  - (c) an extended sentence of detention under section 254 (including one passed as a result of section 221A of the Armed Forces Act 2006),subsection (4) is to be read as if, instead of conferring a power to release the offender, it conferred a power to determine that the Secretary of State would, but for the sentence concerned, have released the offender.”
- (3) In section 264AA of the Criminal Justice Act 2003 (consecutive terms: detention and training orders), after subsection (1) insert—

“(1A) In a case where the detention and training order was made on or after the day on which section 159 of the Police, Crime, Sentencing and Courts Act 2022 came into force, section 246(1)(a) is to be read as if, instead of conferring a power to release the offender, it conferred a power to determine that the Secretary of State would, but for the detention and training order, have directed the offender’s release under that section.”

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## **160 Detention and training orders: time to count as served**

Schedule 16 makes provision in relation to the treatment of time spent remanded in custody or on bail as time served in relation to detention and training orders.

### *Youth rehabilitation orders*

## **161 Youth rehabilitation orders**

- (1) Schedule 17 contains amendments to provisions of the Criminal Justice and Immigration Act 2008 and the Sentencing Act 2020 which relate to youth rehabilitation orders.
- (2) In the following provisions of this section, “the relevant YRO provisions” means—
  - (a) Parts 2 and 3 of Schedule 17, and
  - (b) subsection (1) of this section so far as relating to those Parts.
- (3) Regulations under section 208(1) which bring any of the relevant YRO provisions into force only for a specified purpose or in relation to a specified area may—
  - (a) provide for that provision to be in force for that purpose or in relation to that area for a specified period, and
  - (b) make transitional or saving provision in connection with that provision ceasing to be in force at the end of the specified period.
- (4) Regulations containing provision by virtue of subsection (3)(a) may be amended by subsequent regulations under section 208(1) so as to continue any of the relevant YRO provisions in force for the specified purpose or in relation to the specified area for a further specified period.
- (5) Accordingly, the reference to section 419(1) of the Sentencing Act 2020, as applied by section 206, to the coming into force of an amendment is to be read as including a reference to the continuing in force of an amendment by reason of subsection (4).
- (6) In subsections (3) and (4), “specified” means specified in regulations under section 208(1).
- (7) Subsection (8) applies if—
  - (a) the Secretary of State has made regulations under section 208(1) which make provision permitted by subsection (3), and
  - (b) the Secretary of State subsequently makes regulations under section 208(1) which bring any of the relevant YRO provisions into force without making provision permitted by subsection (3).
- (8) The regulations mentioned in subsection (7)(b) may—
  - (a) provide that those provisions are to come into force with the amendments specified in the regulations;
  - (b) make amendments to the Criminal Justice and Immigration Act 2008 or the Sentencing Act 2020 in consequence of the amendments made by paragraph (a).
- (9) A statutory instrument containing regulations under section 208(1) which make provision permitted by subsection (8) (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

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**Commencement Information**

- I5** S. 161(1) in force at Royal Assent for specified purposes, see [s. 208\(4\)\(r\)](#)
- I6** S. 161(2)-(9) in force at Royal Assent, see [s. 208\(4\)\(s\)](#)

*Abolition of reparation orders*

**162 Abolition of reparation orders**

In section 110(1) of the Sentencing Code (availability of reparation order), before paragraph (a) insert—

“(za) the offender is convicted of the offence before the day on which section 162 of the Police, Crime, Sentencing and Courts Act 2022 comes into force.”.

**Commencement Information**

- I7** [S. 162](#) in force at 28.6.2022, see [s. 208\(5\)\(v\)](#)

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