# Youth Remand Provisions

## 10 - 11 Years Old

Youths aged 10 and 11 can only be remanded to local authority accommodation.

## 12 - 17 Years Old

The Court may remand youths aged between 12 and 17 to youth detention accommodation, rather than local authority accommodation if the youth satisfies either:

### **First Set of Conditions (s.98 LASPO 2012)**

* The age condition - The youth must be aged 12 to 17 years (s.98(2) LASPO 2012);
* The sentencing condition - it is very likely that the child will be sentenced to a custodial sentence (s.98(2A) LASPO);
* The offence condition **-** The offence with which the youth is currently charged or convicted awaiting sentence is a violent sexual or terrorism offence (as defined in Parts 1 and 2 of Schedule 15 Criminal Justice Act 2003) or imprisonable with a sentence of 14 years of more in the case of an adult (s.98(3) LASPO 2012);
* The necessity condition **-** The court is of the opinion, after considering all of the options for the remand of the child, that only a remand to youth detention accommodation would be adequate to:
	1. protect the public from death or serious personal injury (physical or psychological) occasioned by further offences committed by the child; or
	2. to prevent the commission by the youth of further imprisonable offences.

and that the risks posed by the child cannot be managed safely in the community. (s.98(4)LASPO);

* The legal representation conditions -The youth must be legally represented, or is not legally represented because the youth is not eligible or has been informed of the right to be represented but has not applied for representation or has had representation withdrawn because of his conduct (sections 98(5), 98(6), LASPO 2012);

### **Second Set of Conditions (s.99 LASPO 2012)**

* The age condition - The youth must be aged 12 to 17 years (s.99(2) LASPO 2012);
* The sentencing condition - it is very likely that the child will be sentenced to a custodial sentence (s.99(3) LASPO);
* The offence condition **-** one of the offences for which the child is currently remanded is imprisonable (s.99(4) LASPO 2012);
* The history condition **-** The court is satisfied that either:
	1. The youth has a recent and significant history of absconding while remanded to local authority accommodation or youth detention accommodation; and the offence(s) that the court is considering under section 91 of which the child has been charged with or convicted of, was committed while remanded to local authority accommodation or youth detention accommodation. (section 99(5) LASPO 2012); **or**
	2. The offence(s) the court is currently considering (of which the child has been charged with or convicted of), is one when taken with previous imprisonable offences for which they have been convicted, amounts to a recent and significant history of committing imprisonable offences while on bail or remand to local authority accommodation or youth detention accommodation. (s. 99(6) LASPO 2012)
* The necessity condition **-** The court is of the opinion, after considering all of the options for the remand of the child, that only a remand to youth detention accommodation would be adequate to:
	1. protect the public from death or serious personal injury (physical or psychological) occasioned by further offences committed by the child; or
	2. to prevent the commission by the youth of further imprisonable offences.

and that the risks posed by the child cannot be managed safely in the community. (s.99(7)LASPO);

* The legal representation conditions -The youth must be legally represented, or is not legally represented because the youth is not eligible or has been informed of the right to be represented but has not applied for representation or has had representation withdrawn because of his conduct (sections 99(8) and (9) LASPO 2012);