

These notes refer to the Youth Justice and Criminal Evidence Act 1999 (c.23) which received Royal Assent on 27 July 1999

YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part I: Referrals to youth offender panels

Section 4: Effect of referral order on availability of other sentences

44. When a referral to a youth offender panel is made it will constitute the entire sentence for the offence (and any associated offences) with which the court is dealing. The referral is not to be treated as an additional sentence to run alongside others (*subsections (2) and (3)*) although the referral may be accompanied by certain ancillary orders such as orders for costs, compensation, forfeiture of items used in committing an offence, exclusion from football matches, etc. *Subsection (5)* prevents bind overs being made in respect of either the young offender or his or her parents and also prevents the making of parenting orders. But, as set out in *subsection (3)(a)*, the court may order an absolute discharge in respect of an associated offence.
45. Where a young offender is referred back to the court by the panel, because (for example) he is in breach of his contract, or he has committed a further offence while subject to a referral order, the court may decide to revoke the original order and re-sentence. At this point the sentencing restrictions imposed by subsections (2), (3) and (5) of this section will no longer apply and the court may deal with the offender in any way that, if section 1 of the Act had not applied, the court which originally sentenced the offender could have dealt with him (*subsection (6)*).