

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, SCHEDULE 1 is up to date with all changes known to be in force on or before 25 August 2019. 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) View outstanding changes

SCHEDULES

SCHEDULE 1

Section 28.

YOUTH OFFENDER PANELS: FURTHER COURT PROCEEDINGS

PART I

REFERRAL BACK TO APPROPRIATE COURT [F1: REVOCATION OF REFERRAL ORDER]

Textual Amendments

- F1** Words in Sch. 1 Pt. I heading inserted (27.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 26 para. 49\(2\)](#); S.I. 2009/860, art. 2(2)(f)

Introductory

- 1 (1) This Part of this Schedule applies where a youth offender panel refers an offender back to the appropriate court under section 22(2), 25(2) or (3), 26(5), (8) or (10) [F2, 27(4) or 27A(2)] of this Act.
- (2) For the purposes of this Part of this Schedule and the provisions mentioned in subparagraph (1) above the appropriate court is—
- (a) in the case of an offender aged under 18 at the time when (in pursuance of the referral back) he first appears before the court, a youth court [F3 acting in the local justice area] in which it appears to the youth offender panel that the offender resides or will reside; and
- (b) otherwise, a magistrates' court (other than a youth court) [F3 acting in that area] .

Textual Amendments

- F2** Words in Sch. 1 para. 1(1) substituted (27.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 36\(3\)](#), 153(7); S.I. 2009/860, art. 2(2)(b)
- F3** Words in Sch. 1 para. 1(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, [Sch. para. 81\(a\)](#)

Mode of referral back to court

- 2 The panel shall make the referral by sending a report to the appropriate court explaining why the offender is being referred back to it.

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Bringing the offender before the court

- 3 (1) Where the appropriate court receives such a report, the court shall cause the offender to appear before it.
- (2) For the purpose of securing the attendance of the offender before the court, a justice [^{F4}acting in the local justice area in which the court acts] may—
- (a) issue a summons requiring the offender to appear at the place and time specified in it; or
 - (b) if the report is substantiated on oath, issue a warrant for the offender's arrest.
- (3) Any summons or warrant issued under sub-paragraph (2) above shall direct the offender to appear or be brought before the appropriate court.

Textual Amendments

- F4** Words in Sch. 1 para. 3(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 1, Sch. para. 81\(b\)](#)

Detention and remand of arrested offender

- 4 (1) Where the offender is arrested in pursuance of a warrant under paragraph 3(2) above and cannot be brought immediately before the appropriate court—
- (a) the person in whose custody he is may make arrangements for his detention in a place of safety (within the meaning given by section 107(1) of the ^{M1}Children and Young Persons Act 1933) for a period of not more than 72 hours from the time of the arrest (and it shall be lawful for him to be detained in pursuance of the arrangements); and
 - (b) that person shall within that period bring him before a court which—
 - (i) if he is under the age of 18 when he is brought before the court, shall be a youth court; and
 - (ii) if he has then attained that age, shall be a magistrates' court other than a youth court.
- (2) Sub-paragraphs (3) to (5) below apply where the court before which the offender is brought under sub-paragraph (1)(b) above (“the alternative court”) is not the appropriate court.
- (3) The alternative court may direct that he is to be released forthwith or remand him.
- (4) Section 128 of the ^{M2}Magistrates' Courts Act 1980 (remand in custody or on bail) shall have effect where the alternative court has power under sub-paragraph (3) above to remand the offender as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the appropriate court.
- (5) That section shall have effect where the alternative court has power so to remand him, or the appropriate court has (by virtue of sub-paragraph (4) above) power to further remand him, as if in subsection (1) there were inserted after paragraph (c) “or
- (d) if he is aged under 18, remand him to accommodation provided by or on behalf of a local authority (within the meaning of the ^{M3}Children Act 1989) and, if it does so, shall designate as the authority who are to receive him the local authority for the area in which it appears to the court that he resides or will reside;”.

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Marginal Citations

- M1** 1933 c. 12.
M2 1980 c. 43.
M3 1989 c. 41.

Power of court where it upholds panel's decision

- 5 (1) If it is proved to the satisfaction of the appropriate court as regards any decision of the panel which resulted in the offender being referred back to the court—
- (a) that, so far as the decision relied on any finding of fact by the panel, the panel was entitled to make that finding in the circumstances, and
 - (b) that, so far as the decision involved any exercise of discretion by the panel, the panel reasonably exercised that discretion in the circumstances,
- the court may exercise the power conferred by sub-paragraph (2) below.
- (2) That power is a power to revoke the referral order (or each of the referral orders).
- (3) The revocation under sub-paragraph (2) above of a referral order has the effect of revoking any related order under [F5 paragraphs 9ZD or 10] below.
- (4) Where any order is revoked under sub-paragraph (2) above or by virtue of sub-paragraph (3) above, the appropriate court may deal with the offender in accordance with sub-paragraph (5) below for the offence in respect of which the revoked order was made.
- (5) In so dealing with the offender for such an offence, the appropriate court—
- (a) may deal with him in any way in which (assuming section 16 of this Act had not applied) he could have been dealt with for that offence by the court which made the order; and
 - (b) shall have regard to—
 - (i) the circumstances of his referral back to the court; and
 - (ii) where a contract has taken effect under section 23 of this Act between the offender and the panel, the extent of his compliance with the terms of the contract.
- (6) The appropriate court may not exercise the powers conferred by sub-paragraph (2) or (4) above unless the offender is present before it; but those powers are exercisable even if, in a case where a contract has taken effect under section 23, the period for which the contract has effect has expired (whether before or after the referral of the offender back to the court).

Textual Amendments

- F5** Words in Sch. 1 para. 5(3) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 44\(3\)\(a\)](#), [95\(1\)](#) (with [s. 44\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 35](#)

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Appeal

- 6 Where the court in exercise of the power conferred by paragraph 5(4) above deals with the offender for an offence, the offender may appeal to the Crown Court against the sentence.

[^{F6}Power of court to impose fine or extend period for which contract has effect

Textual Amendments

F6 Sch. 1 para. 6A and cross-heading inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 43\(1\), 95\(1\)](#) (with [s. 43\(5\)](#)); [S.I. 2015/778](#), art. 3, Sch. 1 para. 34

- 6A (1) This paragraph applies where—
- (a) an offender has been referred back to the appropriate court under section 22(2), 26(5) or 27(4), and
 - (b) it is proved to the satisfaction of the court that the offender has failed, without reasonable excuse, to comply with the terms of a contract under section 23.
- (2) If the court does not revoke the order under paragraph 5 it may—
- (a) order the offender to pay a fine of an amount not exceeding £2,500, or
 - (b) make an order extending the length of the period for which the contract under section 23 has effect.
- (3) The court may not extend the length of the period for which the contract has effect so that it becomes longer than 12 months.
- (4) If the period for which the contract has effect has expired (whether before or after the referral of the offender back to court) the court—
- (a) may make an order under sub-paragraph (2)(a), but
 - (b) may not make an order under sub-paragraph (2)(b).
- (5) The court may not exercise a power under sub-paragraph (2) unless the offender is present before it.
- (6) A fine imposed under sub-paragraph (2)(a) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.
- (7) The Secretary of State may by order amend any sum for the time being specified in sub-paragraph (2)(a).]

[^{F7}Consequences of] Court not revoking referral order or orders

Textual Amendments

F7 Words in Sch. 1 para. 7 cross-heading inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 43\(3\), 95\(1\)](#) (with [s. 43\(5\)](#)); [S.I. 2015/778](#), art. 3, Sch. 1 para. 34

- 7 (1) This paragraph applies—
- (a) where the appropriate court decides that the matters mentioned in paragraphs (a) and (b) of paragraph 5(1) above have not been proved to its satisfaction;
- or

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- (b) where, although by virtue of paragraph 5(1) above the appropriate court—
- (i) is able to exercise the power conferred by paragraph 5(2) above, or
 - (ii) would be able to do so if the offender were present before it,
- the court (for any reason) decides not to exercise that power.

(2) If either—

- (a) no contract has taken effect under section 23 of this Act between the offender and the panel, or
- (b) a contract has taken effect under that section but the period for which it has effect has not expired,

the offender shall continue to remain subject to the referral order (or orders) in all respects as if he had not been referred back to the court [^{F8}(subject to any order under paragraph 6A(2)(b))].

(3) If—

- (a) a contract had taken effect under section 23 of this Act, but
- (b) the period for which it has effect has expired (otherwise than by virtue of section 24(6)),

the court shall make an order declaring that the referral order (or each of the referral orders) is discharged.

Textual Amendments

F8 Words in Sch. 1 para. 7(2) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 43\(2\), 95\(1\)](#) (with s. 43(5)); S.I. 2015/778, art. 3, Sch. 1 para. 34

Exception where court satisfied as to completion of contract

- 8 If, in a case where the offender is referred back to the court under section 27(4) of this Act, the court decides (contrary to the decision of the panel) that the offender's compliance with the terms of the contract has, or will have, been such as to justify the conclusion that he has satisfactorily completed the contract, the court shall make an order declaring that the referral order (or each of the referral orders) is discharged.

Discharge of extension orders

- 9 The discharge under paragraph 7(3) or 8 above of a referral order has the effect of discharging any related order under [^{F9}paragraphs 9ZD or 10] below.

Textual Amendments

F9 Words in Sch. 1 para. 9 substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 44\(3\)\(a\), 95\(1\)](#) (with s. 44(4)); S.I. 2015/778, art. 3, Sch. 1 para. 35

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[^{F10}Power to adjourn hearing and remand offender

Textual Amendments

F10 Sch. 1 para. 9ZA inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), [Sch. 4 para. 107](#) (with [Sch. 27 paras. 15](#)); S.I. 2009/3074, art. 2(p)(xv)

- 9ZA (1) This paragraph applies to any hearing relating to an offender held by a youth court or other magistrates' court in proceedings under this Part of this Schedule.
- (2) The court may adjourn the hearing, and, where it does so, may—
- (a) direct that the offender be released forthwith, or
 - (b) remand the offender.
- (3) Where the court remands the offender under sub-paragraph (2)—
- (a) it must fix the time and place at which the hearing is to be resumed, and
 - (b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.
- (4) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
- (a) it may fix the time and place at which the hearing is to be resumed, but
 - (b) if it does not do so, it must not resume the hearing unless it is satisfied that the persons mentioned in sub-paragraph (5) have had adequate notice of the time and place for the resumed hearing.
- (5) The persons referred to in sub-paragraph (4)(b) are—
- (a) the offender,
 - (b) if the offender is aged under 14, a parent or guardian of the offender, and
 - (c) a member of the youth offending team specified under section 18(1)(a) as responsible for implementing the order.
- (6) If a local authority has parental responsibility for an offender who is in its care or provided with accommodation by it in the exercise of any social services functions, the reference in sub-paragraph (5)(b) to a parent or guardian of the offender is to be read as a reference to that authority.
- (7) In sub-paragraph (6)—
- “local authority” has the same meaning as it has in Part 1 of the Criminal Justice and Immigration Act 2008 by virtue of section 7 of that Act,
- “parental responsibility” has the same meaning as it has in the Children Act 1989 by virtue of section 3 of that Act, and
- “social services functions” has the same meaning as it has [^{F11}—
- (a) in relation to a local authority in England,]
 - (b) [^{F12}in relation to a local authority in Wales, in section 143 of the Social Services and Well-being (Wales) Act 2014]
- in the Local Authority Social Services Act 1970 by virtue of section 1A of that Act.
- (8) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.

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- (9) This paragraph—
- (a) applies to any hearing in proceedings under this Part of this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
 - (b) is not to be taken to affect the application of that section to hearings of any other description.]

Textual Amendments

- F11** Words in Sch. 1 para. 9ZA(7) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **168(a)**
- F12** Words in Sch. 1 para. 9ZA(7) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **168(b)**

[^{F13}PART 1ZA

REFERRAL BACK TO APPROPRIATE COURT: EXTENSION
OF PERIOD FOR WHICH CONTRACT HAS EFFECT

Textual Amendments

- F13** Sch. 1 Pt. 1ZA inserted (27.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. **37(3)**, 153(7); S.I. 2009/860, art. 2(2)(c)

Introductory

- 9ZB (1) This Part of this Schedule applies where a youth offender panel refers an offender back to the appropriate court under section 27B of this Act with a view to the court extending the period for which the offender's youth offender contract has effect.
- (2) For the purposes of this Part of this Schedule and that section the appropriate court is—
- (a) in the case of an offender aged under 18 at the time when (in pursuance of the referral back) the offender first appears before the court, a youth court acting in the local justice area in which it appears to the youth offender panel that the offender resides or will reside; and
 - (b) otherwise, a magistrates' court (other than a youth court) acting in that area.

Mode of referral back to court

- 9ZC The panel shall make the referral by sending a report to the appropriate court explaining why the offender is being referred back to it.

Power of court

- 9ZD (1) If it appears to the appropriate court that it would be in the interests of justice to do so having regard to circumstances which have arisen since the contract took effect, the court may make an order extending the length of the period for which the contract has effect.

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- (2) An order under sub-paragraph (1) above—
 - (a) must not extend that period by more than three months; and
 - (b) must not so extend that period as to cause it to exceed twelve months.
- (3) In deciding whether to make an order under sub-paragraph (1) above, the court shall have regard to the extent of the offender's compliance with the terms of the contract.
- (4) The court may not make an order under sub-paragraph (1) above unless—
 - (a) the offender is present before it; and
 - (b) the contract has effect at the time of the order.

Supplementary

- 9ZE The following paragraphs of Part 1 of this Schedule apply for the purposes of this Part of this Schedule as they apply for the purposes of that Part—
- (a) paragraph 3 (bringing the offender before the court);
 - (b) paragraph 4 (detention and remand of arrested offender); and
 - (c) paragraph 9ZA (power to adjourn hearing and remand offender).]

[^{F14}PART 1A

REFERRAL OF PARENT OR GUARDIAN FOR BREACH OF SECTION 20 ORDER

Textual Amendments

- F14** Sch. 1 Pt. 1A inserted (27.2.2004) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 34 para. 6](#); [S.I. 2004/81, art. 5\(1\)\(2\)\(d\)](#)

Introductory

- 9A (1) This Part of this Schedule applies where, under section 22(2A) of this Act, a youth offender panel refers an offender's parent or guardian to a youth court.
- (2) In this Part of this Schedule—
- (a) “the offender” means the offender whose parent or guardian is referred under section 22(2A);
 - (b) “the parent” means the parent or guardian so referred; and
 - (c) “the youth court” means a youth court as mentioned in section 22(2A).

Mode of referral to court

- 9B The panel shall make the referral by sending a report to the youth court explaining why the parent is being referred to it.

Bringing the parent before the court

- 9C (1) Where the youth court receives such a report it shall cause the parent to appear before it.

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- (2) For the purpose of securing the attendance of the parent before the court, a justice [F15 acting in the local justice area in which the court acts] may—
 - (a) issue a summons requiring the parent to appear at the place and time specified in it; or
 - (b) if the report is substantiated on oath, issue a warrant for the parent’s arrest.
- (3) Any summons or warrant issued under sub-paragraph (2) above shall direct the parent to appear or be brought before the youth court.

Textual Amendments

F15 Words in Sch. 1 para. 9C(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, [Sch. para. 81\(b\)](#)

Power of court to make parenting order: application of supplemental provisions

- 9D
- (1) Where the parent appears or is brought before the youth court under paragraph 9C above, the court may make a parenting order in respect of the parent if—
 - (a) it is proved to the satisfaction of the court that the parent has failed without reasonable excuse to comply with the order under section 20 of this Act; and
 - (b) the court is satisfied that the parenting order would be desirable in the interests of preventing the commission of any further offence by the offender.
 - (2) A parenting order is an order which requires the parent—
 - (a) to comply, for a period not exceeding twelve months, with such requirements as are specified in the order, and
 - (b) subject to sub-paragraph (4) below, to attend, for a concurrent period not exceeding three months, such counselling or guidance programme as may be specified in directions given by the responsible officer.
 - (3) The requirements that may be specified under sub-paragraph (2)(a) above are those which the court considers desirable in the interests of preventing the commission of any further offence by the offender.
 - (4) A parenting order under this paragraph may, but need not, include a requirement mentioned in subsection (2)(b) above in any case where a parenting order under this paragraph or any other enactment has been made in respect of the parent on a previous occasion.
 - (5) A counselling or guidance programme which a parent is required to attend by virtue of subsection (2)(b) above may be or include a residential course but only if the court is satisfied—
 - (a) that the attendance of the parent at a residential course is likely to be more effective than his attendance at a non-residential course in preventing the commission of any further offence by the offender, and
 - (b) that any interference with family life which is likely to result from the attendance of the parent at a residential course is proportionate in all the circumstances.
 - (6) Before making a parenting order under this paragraph where the offender is aged under 16, the court shall obtain and consider information about his family circumstances and the likely effect of the order on those circumstances.

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- (7) Sections 8(3) and (8), 9(3) to (7) and 18(3) and (4) of the Crime and Disorder Act 1998 apply in relation to a parenting order made under this paragraph as they apply in relation to any other parenting order.

Appeal

- 9E (1) An appeal shall lie to the Crown Court against the making of a parenting order under paragraph 9D above.
- (2) Subsections (2) and (3) of section 10 of the Crime and Disorder Act 1998 (appeals against parenting orders) apply in relation to an appeal under this paragraph as they apply in relation to an appeal under subsection (1)(b) of that section.

Effect on section 20 order

- 9F (1) The making of a parenting order under paragraph 9D above is without prejudice to the continuance of the order under section 20 of this Act.
- (2) Section 63(1) to (4) of the Magistrates' Courts Act 1980 (power of magistrates' court to deal with person for breach of order, etc) apply (as well as section 22(2A) of this Act and this Part of this Schedule) in relation to an order under section 20 of this Act.]

PART II

FURTHER CONVICTIONS DURING REFERRAL

Extension of referral for further offences

- [^{F16}10 (1) This paragraph applies where—
 - (a) an offender aged under 18 is subject to referral, and
 - (b) a relevant court is dealing with the offender for an offence in relation to which paragraphs (a) to (c) of section 16(1) apply.
- (2) The relevant court may sentence the offender for the offence by making an order extending any compliance period.
- (3) The relevant court may not extend the length of a compliance period so that it becomes longer than 12 months.
- (4) In this paragraph and paragraph 13 “relevant court” means a youth court or other magistrates' court.]

Textual Amendments
F16 Sch. 1 para. 10 substituted for Sch. 1 para. 10-12 (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), ss. 44\(1\), 95\(1\)](#) (with s. 44(4)); S.I. 2015/778, art. 3, Sch. 1 para. 35

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Textual Amendments

F16 Sch. 1 para. 10 substituted for Sch. 1 para. 10-12 (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 44\(1\), 95\(1\)](#) (with [s. 44\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 35](#)

Extension where further offence committed after referral

F16 12

Textual Amendments

F16 Sch. 1 para. 10 substituted for Sch. 1 para. 10-12 (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 44\(1\), 95\(1\)](#) (with [s. 44\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 35](#)

Provisions supplementary to [F17 paragraph 10]

Textual Amendments

F17 Words in Sch. 1 para. 13 cross-heading substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 44\(3\)\(b\), 95\(1\)](#) (with [s. 44\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 35](#)

13 **F18**(1)

- (2) Sub-paragraphs (3) to (5) below apply where the relevant court makes an order under [F19 paragraph 10 in respect of an offence]; but sub-paragraphs (3) to (5) do not affect the exercise of any power to deal with the offender conferred by paragraph 5 or 14 of this Schedule.
- (3) The relevant court may not deal with the offender for that offence in any of the prohibited ways specified in section 19(4) of this Act.
- (4) The relevant court—
 - (a) shall, in respect of any connected offence, either—
 - (i) sentence the offender by making an order under the same paragraph;
or
 - (ii) make an order discharging him absolutely; and
 - (b) may not deal with the offender for any connected offence in any of those prohibited ways.
- (5) The relevant court may not, in connection with the conviction of the offender for the offence or any connected offence, make any such order as is mentioned in section 19(5) of this Act.

F20(6)

F21(7)

- (8) The Secretary of State may by regulations make such amendments of [F22 paragraph 10] above and this paragraph as he considers appropriate for altering in any way the descriptions of offenders in the case of which an order extending the compliance period may be made; and subsection (4) of section 17 of this Act shall apply in

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relation to regulations under this sub-paragraph as it applies in relation to regulations under subsection (3) of that section.

Textual Amendments

- F18** Sch. 1 para. 13(1) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 44\(2\)\(a\), 95\(1\)](#) (with [s. 44\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 35](#)
- F19** Words in Sch. 1 para. 13(2) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 44\(2\)\(b\), 95\(1\)](#) (with [s. 44\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 35](#)
- F20** Sch. 1 para. 13(6) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 44\(2\)\(a\), 95\(1\)](#) (with [s. 44\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 35](#)
- F21** Sch. 1 para. 13(7) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 44\(2\)\(a\), 95\(1\)](#) (with [s. 44\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 35](#)
- F22** Words in Sch. 1 para. 13(8) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 44\(2\)\(c\), 95\(1\)](#) (with [s. 44\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 35](#)

Further convictions ^{F23}: power to revoke referral orders]

Textual Amendments

- F23** Words in Sch. 1 para. 14 cross-heading substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 45\(2\)\(c\), 95\(1\)](#) (with [s. 45\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 36](#)

- 14 (1) This paragraph applies where, at a time when an offender is subject to referral, a court in England and Wales deals with him for an offence (whether committed before or after he was referred to the panel) by making an order other than—
- (a) an order under ^{F24}paragraph 10] above; or
 - (b) an order discharging him ^{F25}, whether absolutely or conditionally].
- ^{F26}(2) The court may revoke the referral order (or any one or more of the referral orders) if it appears to the court to be in the interests of justice to do so.
- (2A) The revocation of a referral order under sub-paragraph (2) has the effect of revoking any related order under paragraph 9ZD or 10.]
- (3) Where any order is revoked by virtue of sub-paragraph (2) above, the court may, if it appears to the court that it would be in the interests of justice to do so, deal with the offender for the offence in respect of which the revoked order was made in any way in which (assuming section 16 of this Act had not applied) he could have been dealt with for that offence by the court which made the order.
- (4) When dealing with the offender under sub-paragraph (3) above the court shall, where a contract has taken effect between the offender and the panel under section 23 of this Act, have regard to the extent of his compliance with the terms of the contract.

Textual Amendments

- F24** Words in Sch. 1 para. 14(1)(a) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 44\(3\)\(c\), 95\(1\)](#) (with [s. 44\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 35](#)
- F25** Words in Sch. 1 para. 14(1)(b) substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 45\(2\)\(a\), 95\(1\)](#) (with [s. 45\(4\)](#)); [S.I. 2015/778](#), [art. 3](#), [Sch. 1 para. 36](#)

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, SCHEDULE 1 is up to date with all changes known to be in force on or before 25 August 2019. 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) [View outstanding changes](#)

F26 Sch. 1 para. 14(2) (2A) substituted for Sch. 1 para. 14(2) (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 45\(2\)\(b\), 95\(1\)](#) (with [s. 45\(4\)](#)); [S.I. 2015/778](#), art. 3, Sch. 1 para. 36

Interpretation

- 15 (1) For the purposes of this Part of this Schedule an offender is for the time being subject to referral if—
- (a) a referral order has been made in respect of him and that order has not, or
 - (b) two or more referral orders have been made in respect of him and any of those orders has not,
- been discharged (whether by virtue of section 27(3) of this Act or under paragraph 7(3) or 8 above) or revoked (whether under paragraph 5(2) above or by virtue of paragraph 14(2) above).
- (2) In this Part of this Schedule “compliance period”, in relation to an offender who is for the time being subject to referral, means the period for which (in accordance with section 24 of this Act) any youth offender contract taking effect in his case under section 23 of this Act has (or would have) effect.

Changes to legislation:

Powers of Criminal Courts (Sentencing) Act 2000, SCHEDULE 1 is up to date with all changes known to be in force on or before 25 August 2019. 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.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 12(1A)(g) inserted by [2019 c. 17 s. 13\(6\)](#)
- s. 41(9A) inserted by [2000 c. 43 Sch. 7 para. 165\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 41(12) inserted by [2000 c. 43 Sch. 7 para. 165\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 165 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 58(2) inserted by [2000 c. 43 Sch. 7 para. 172](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 172 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- s. 82A(3A)-(3C) inserted by [2008 c. 4 s. 19\(3\)](#)
- s. 83(2)(aa) substituted for s. 83(2)(b)(c) by [2000 c. 43 Sch. 7 para. 178](#)
- s. 101(2A) inserted by [2003 c. 44 s. 298\(3\)](#)
- s. 147A(6)(a) words substituted by [2012 c. 10 Sch. 13 para. 12\(b\)](#)
- s. 147A(6)(b) words inserted by [2012 c. 10 Sch. 13 para. 12\(c\)](#)
- Sch. 2 para. 8 and cross-heading inserted by [2000 c. 43 s. 51](#) (This amendment not applied to legislation.gov.uk. S. 51 repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 6A and cross-heading inserted by [2000 c. 43 Sch. 7 para. 199\(9\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(9) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 26 inserted by [2000 c. 43 Sch. 7 para. 199\(26\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(26) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 3 para. 4(4A) inserted by [2004 c. 28 Sch. 5 para. 5\(4\)](#) (Effect not applied as it relates to a version of Sch. 3 para. 4 prospectively substituted but not brought into force)
- Sch. 3 para. 7(4)-(7) substituted for Sch. 3 para. 7(4)-(6) by [2000 c. 43 Sch. 7 para. 199\(10\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 199(10)(c) repealed (4.4.2005) without ever being in force by 2003 c. 44, Sch. 37 Pt. 7; S.I. 2005/950, art. 2(1), Sch. 1 para. 44(4)(t))
- Sch. 10 para. 12(2)(e)(f) inserted by [2000 c. 43 Sch. 7 para. 204](#) (This amendment not applied to legislation.gov.uk. Sch. 7 para. 204 repealed (30.11.2009) without ever being in force by 2008 c. 4, Sch. 28 Pt. 1; S.I. 2009/3074, art. 2(u)(xxix))