SCHEDULES

SCHEDULE 1

YOUTH OFFENDER PANELS: FURTHER COURT PROCEEDINGS

PART II

FURTHER CONVICTIONS DURING REFERRAL

Extension of referral for further offences

10 (1) Paragraphs 11 and 12 below apply where, at a time when an offender aged under 18 is subject to referral, a youth court or other magistrates' court ("the relevant court") is dealing with him for an offence in relation to which paragraphs (a) to (c) of section 16(1) of this Act are applicable.

(2) But paragraphs 11 and 12 do not apply unless the offender's compliance period is less than twelve months.Extension where further offences committed pre-referral

11 If—

(a) the occasion on which the offender was referred to the panel is the only other occasion on which it has fallen to a court in the United Kingdom to deal with the offender for any offence or offences, and

(b) the offender committed the offence mentioned in paragraph 10 above, and any connected offence, before he was referred to the panel,

the relevant court may sentence the offender for the offence by making an order extending his compliance period.

Extension where further offence committed after referral

12 (1) If—

(a) paragraph 11(a) above applies, but

(b) the offender committed the offence mentioned in paragraph 10 above, or any connected offence, after he was referred to the panel,

the relevant court may sentence the offender for the offence by making an order extending his compliance period, but only if the requirements of sub-paragraph (2) below are complied with.

(2) Those requirements are that the court must—

(a) be satisfied, on the basis of a report made to it by the relevant body, that there are exceptional circumstances which indicate that, even though the offender has re-offended since being referred to the panel, extending his compliance period is likely to help prevent further re-offending by him; and

(b) state in open court that it is so satisfied and why it is.

(3) In sub-paragraph (2) above "the relevant body" means the panel to which the offender has been referred or, if no contract has yet taken effect between the offender and the panel under section 23 of this Act, the specified team.

Provisions supplementary to paragraphs 11 and 12

13 (1) An order under paragraph 11 or 12 above, or two or more orders under one or other of those paragraphs made in respect of connected offences, must not so extend the offender's compliance period as to cause it to exceed twelve months.

(2) Sub-paragraphs (3) to (5) below apply where the relevant court makes an order under paragraph 11 or 12 above in respect of the offence mentioned in paragraph 10 above; 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.

(6) For the purposes of paragraphs 11 and 12 above any occasion on which the offender was discharged absolutely in respect of the offence, or each of the offences, for which he was being dealt with shall be disregarded.

(7) Any occasion on which, in criminal proceedings in England and Wales or Northern Ireland, the offender was bound over to keep the peace or to be of good behaviour shall be regarded for those purposes as an occasion on which it fell to a court in the United Kingdom to deal with the offender for an offence.

(8) The Secretary of State may by regulations make such amendments of paragraphs 10 to 12 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 relation to regulations under this sub-paragraph as it applies in relation to regulations under subsection (3) of that section.

Further convictions which lead to revocation of referral

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 paragraph 11 or 12 above; or

(b) an order discharging him absolutely.

(2) In such a case the order of the court shall have the effect of revoking—

(a) the referral order (or orders); and

(b) any related order or orders under paragraph 11 or 12 above.

(3) Where any order is revoked by virtue of sub-paragraph (2) above, the court may, if 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.

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.