



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART III

#### MANDATORY AND DISCRETIONARY REFERRAL OF YOUNG OFFENDERS

##### *Referral orders*

#### 17 The referral conditions.

(1) For the purposes of section 16(2) above [<sup>F1</sup>and subsection (2) below] the compulsory referral conditions are satisfied in relation to an offence if [<sup>F2</sup>the offence is an offence punishable with imprisonment and] the offender—

- (a) pleaded guilty to the offence and to any connected offence; [<sup>F3</sup>and ]
- [<sup>F4</sup>(b) has never been—
  - (i) convicted by or before a court in the United Kingdom of any offence other than the offence and any connected offence, or
  - (ii) convicted by or before a court in another member State of any offence.]

<sup>F5</sup>(c) .....

[<sup>F6</sup>(2) For the purposes of section 16(3) above, the discretionary referral conditions are satisfied in relation to an offence if—

- (a) the compulsory referral conditions are not satisfied in relation to the offence; [<sup>F7</sup>and]
- (b) the offender pleaded guilty—
  - (i) to the offence; or
  - (ii) if the offender is being dealt with by the court for the offence and any connected offence, to at least one of those offences; and]

<sup>F8</sup>(c) .....

*Status: Point in time view as at 03/12/2012. This version of this provision has been superseded.*

*Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 17 is up to date with all changes known to be in force on or before 20 January 2024. 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)*

F<sup>9</sup>(2A) .....

F<sup>9</sup>(2B) .....

F<sup>9</sup>(2C) .....

F<sup>9</sup>(2D) .....

- (3) The Secretary of State may by regulations make such amendments of this section as he considers appropriate for altering in any way the descriptions of offenders in the case of which the compulsory referral conditions or the discretionary referral conditions fall to be satisfied for the purposes of section 16(2) or (3) above (as the case may be).
- (4) Any description of offender having effect for those purposes by virtue of such regulations may be framed by reference to such matters as the Secretary of State considers appropriate, including (in particular) one or more of the following—
- (a) the offender's age;
  - (b) how the offender has pleaded;
  - (c) the offence (or offences) of which the offender has been convicted;
  - (d) the offender's previous convictions (if any);
  - (e) how (if at all) the offender has been previously punished or otherwise dealt with by any court; and
  - (f) any characteristics or behaviour of, or circumstances relating to, any person who has at any time been charged in the same proceedings as the offender (whether or not in respect of the same offence).

F<sup>10</sup>(5) .....

#### Textual Amendments

- F1** Words in s. 17(1) inserted (27.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 35(2)(a)**, 153(7); S.I. 2009/860, art. 2(2)(a)
- F2** Words in s. 17(1) inserted (18.8.2003) by [The Referral Orders \(Amendment of Referral Conditions\) Regulations 2003 \(S.I. 2003/1605\)](#), regs. 1(1), **2(1)**
- F3** Word in s. 17(1)(a) inserted (27.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 35(2)(b)**, 153(7); S.I. 2009/860, art. 2(2)(a)
- F4** S. 17(1)(b) substituted (15.8.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(5), **Sch. 17 para. 12(2)** (with s. 180, [Sch. 22 para. 41](#)); S.I. 2010/1858, art. 3(d)(vi)
- F5** S. 17(1)(c) repealed (27.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 35(2)(c)**, 153(7), **Sch. 28 Pt. 2**; S.I. 2009/860, art. 2(2)(a)(g)
- F6** S. 17(2)-(2D) substituted for s. 17(1A)(2) (27.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 35(3)**, 153(7); S.I. 2009/860, art. 2(2)(a)
- F7** Word in s. 17(2)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 79(2)(a)**, 151(1) (with s. 79(4)); S.I. 2012/2906, art. 2(a)
- F8** S. 17(2)(c) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 79(2)(b)**, 151(1) (with s. 79(4)); S.I. 2012/2906, art. 2(a)
- F9** S. 17(2A)-(2D) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 79(2)(b)**, 151(1) (with s. 79(4)); S.I. 2012/2906, art. 2(a)
- F10** S. 17(5) repealed (27.4.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 35(4)**, 153(7), **Sch. 28 Pt. 2**; S.I. 2009/860, art. 2(2)(a)(g)

**Status:**

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