



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 the compulsory referral conditions are satisfied in relation to an offence if the offender—
 - (a) pleaded guilty to the offence and to any connected offence;
 - (b) has never been convicted by or before a court in the United Kingdom of any offence other than the offence and any connected offence; and
 - (c) has never been bound over in criminal proceedings in England and Wales or Northern Ireland to keep the peace or to be of good behaviour.
- (2) For the purposes of section 16(3) above the discretionary referral conditions are satisfied in relation to an offence if—
 - (a) the offender is being dealt with by the court for the offence and one or more connected offences;
 - (b) although he pleaded guilty to at least one of the offences mentioned in paragraph (a) above, he also pleaded not guilty to at least one of them;
 - (c) he has never been convicted by or before a court in the United Kingdom of any offence other than the offences mentioned in paragraph (a) above; and
 - (d) he has never been bound over in criminal proceedings in England and Wales or Northern Ireland to keep the peace or to be of good behaviour.
- (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

Status: This is the original version (as it was originally enacted).

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).
- (5) For the purposes of this section an offender who has been convicted of an offence in respect of which he was conditionally discharged (whether by a court in England and Wales or in Northern Ireland) shall be treated, despite—
- (a) section 14(1) above (conviction of offence for which offender so discharged deemed not a conviction), or
 - (b) Article 6(1) of the Criminal Justice (Northern Ireland) Order 1996 (corresponding provision for Northern Ireland),
- as having been convicted of that offence.