



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART III

#### MANDATORY AND DISCRETIONARY REFERRAL OF YOUNG OFFENDERS

##### *Referral orders*

#### **19 Making of referral orders: effect on court's other sentencing powers.**

- (1) Subsections (2) to (5) below apply where a court makes a referral order in respect of an offence.
- (2) The court may not deal with the offender for the offence in any of the prohibited ways.
- (3) The court—
  - (a) shall, in respect of any connected offence, either sentence the offender by making a referral order or make an order discharging him absolutely; and
  - (b) may not deal with the offender for any such offence in any of the prohibited ways.
- (4) For the purposes of subsections (2) and (3) above the prohibited ways are—
  - (a) imposing a community sentence on the offender;
  - (b) ordering him to pay a fine;
  - (c) making a reparation order in respect of him; and
  - (d) making an order discharging him conditionally.
- (5) The court may not make, in connection with the conviction of the offender for the offence or any connected offence—
  - (a) an order binding him over to keep the peace or to be of good behaviour;
  - (b) an order under section 150 below (binding over of parent or guardian); or
  - (c) a parenting order under section 8 of the <sup>M1</sup>Crime and Disorder Act 1998.

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*Status: Point in time view as at 18/08/2003. This version of this provision has been superseded.*

**Changes to legislation:** *Powers of Criminal Courts (Sentencing) Act 2000, Section 19 is up to date with all changes known to be in force on or before 25 July 2023. 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)*

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- (6) Subsections (2), (3) and (5) above do not affect the exercise of any power to deal with the offender conferred by paragraph 5 (offender referred back to court by panel) or paragraph 14 (powers of a court where offender convicted while subject to referral) of Schedule 1 to this Act.
- (7) Where section 16(2) above requires a court to make a referral order, the court may not under section 1 above defer passing sentence on him, but section 16(2) and subsection (3)(a) above do not affect any power or duty of a magistrates' court under—
- (a) section 8 above (remission to youth court, or another such court, for sentence);
  - (b) section 10(3) of the <sup>M2</sup>Magistrates' Courts Act 1980 (adjournment for inquiries); or
  - (c) section 35, 38, 43 or 44 of the <sup>M3</sup>Mental Health Act 1983 (remand for reports, interim hospital orders and committal to Crown Court for restriction order).

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**Marginal Citations**

**M1** 1998 c. 37.

**M2** 1980 c. 43.

**M3** 1983 c. 20.

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