



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 Crime and Disorder Act 1998.

Status: This is the original version (as it was originally enacted).

- (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 Magistrates' Courts Act 1980 (adjournment for inquiries);
- or
- (c) section 35, 38, 43 or 44 of the Mental Health Act 1983 (remand for reports, interim hospital orders and committal to Crown Court for restriction order).