



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

Referral orders

35 Referral conditions

- (1) Section 17 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (the referral conditions) is amended as follows.
- (2) In subsection (1)—
 - (a) after “section 16(2) above” insert “and subsection (2) below”,
 - (b) insert “and” at the end of paragraph (a), and
 - (c) omit paragraph (c).
- (3) For subsections (1A) and (2) substitute—
 - “(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;
 - (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
 - (c) subsection (2A), (2B) or (2C) below is satisfied in relation to the offender.

Status: This is the original version (as it was originally enacted).

- (2A) This subsection is satisfied in relation to the offender if the offender has never been convicted by or before a court in the United Kingdom (“a UK court”) of any offence other than the offence and any connected offence.
- (2B) This subsection is satisfied in relation to the offender if the offender has been dealt with by a UK court for any offence other than the offence and any connected offence on only one previous occasion, but was not referred to a youth offender panel under section 16 above on that occasion.
- (2C) This subsection is satisfied in relation to the offender if—
- (a) the offender has been dealt with by a UK court for any offence other than the offence and any connected offence on one or more previous occasions, but has been referred to a youth offender panel under section 16 above on only one previous occasion;
 - (b) an appropriate officer recommends to the court as suitable for the offender a referral to a youth offender panel under that section in respect of the offence; and
 - (c) the court considers that there are exceptional circumstances which justify ordering the offender to be so referred.
- (2D) In subsection (2C)(b) above “appropriate officer” means—
- (a) a member of a youth offending team;
 - (b) an officer of a local probation board; or
 - (c) an officer of a provider of probation services.”
- (4) Omit subsection (5).