



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

Referral orders

36 Power to revoke a referral order

- (1) Part 3 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (mandatory and discretionary referral of young offenders) is amended as follows.
- (2) After section 27 insert—

“Referrals back to court in the interests of justice

27A Revocation of referral order where offender making good progress etc.

- (1) This section applies where, having regard to circumstances which have arisen since a youth offender contract took effect under section 23 above, it appears to the youth offender panel to be in the interests of justice for the referral order (or each of the referral orders) to be revoked.
- (2) The panel may refer the offender back to the appropriate court requesting it—
 - (a) to exercise only the power conferred by sub-paragraph (2) of paragraph 5 of Schedule 1 to this Act to revoke the order (or each of the orders); or
 - (b) to exercise both—
 - (i) the power conferred by that sub-paragraph to revoke the order (or each of the orders); and

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- (ii) the power conferred by sub-paragraph (4) of that paragraph to deal with the offender for the offence in respect of which the revoked order was made.
- (3) The circumstances in which the panel may make a referral under subsection (2) above include the offender's making good progress under the contract.
- (4) Where—
- (a) the panel makes a referral under subsection (2) above in relation to any offender and any youth offender contract, and
 - (b) the appropriate court decides not to exercise the power conferred by paragraph 5(2) of Schedule 1 to this Act in consequence of that referral,
- the panel may not make a further referral under that subsection in relation to that offender and contract during the relevant period except with the consent of the appropriate court.
- (5) In subsection (4) above “the relevant period” means the period of 3 months beginning with the date on which the appropriate court made the decision mentioned in paragraph (b) of that subsection.”
- (3) In paragraph 1(1) of Schedule 1 (youth offender panels: further court proceedings), for “or 27(4)” substitute “, 27(4) or 27A(2)”.

Annotations:

Commencement Information

II S. 36 in force at 27.4.2009 by S.I. 2009/860, art. 2(2)(b)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 88(3)(b) inserted by [2016 c. 21 \(N.I.\) Sch. 2 para. 6\(1\)\(b\)](#)
- s. 88(6ZA) inserted by [2016 c. 21 \(N.I.\) Sch. 2 para. 6\(3\)](#)
- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)