



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 2

SENTENCING

Enforcement of sentences

39 Youth default orders

- (1) Subsection (2) applies in any case where, in respect of a person aged under 18, a magistrates' court would, but for section 89 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (restrictions on custodial sentences), have power to issue a warrant of commitment for default in paying a sum adjudged to be paid by a conviction (other than a sum ordered to be paid under section 6 of the Proceeds of Crime Act 2002 (c. 29)).
- (2) The magistrates' court may, instead of proceeding under section 81 of the Magistrates' Courts Act 1980 (enforcement of fines imposed on young offender), order the person in default to comply with—
 - (a) in the case of a person aged 16 or 17, an unpaid work requirement (see paragraph 10 of Schedule 1),
 - (b) an attendance centre requirement (see paragraph 12 of that Schedule), or
 - (c) a curfew requirement (see paragraph 14 of that Schedule).
- (3) In this section (and Schedule 7) “youth default order” means an order under subsection (2).
- (4) Section 1(2) and paragraph 2 of Schedule 1 (power or requirement to impose electronic monitoring requirement) have effect in relation to a youth default order as they have effect in relation to a youth rehabilitation order.

Status: This is the original version (as it was originally enacted).

- (5) Where a magistrates' court has power to make a youth default order, it may, if it thinks it expedient to do so, postpone the making of the order until such time and on such conditions (if any) as it thinks just.
- (6) The following provisions have effect in relation to youth default orders as they have effect in relation to youth rehabilitation orders, but subject to the modifications contained in Schedule 7—
- (a) sections 4, 5 and 7,
 - (b) paragraphs 1, 10, 12, 14, 26, 27, 29, 33 and 34 of Schedule 1 (youth rehabilitation orders: further provisions),
 - (c) Schedule 2 (breach, revocation or amendment of youth rehabilitation orders), and
 - (d) Schedule 3 (transfer of youth rehabilitation orders to Northern Ireland).
- (7) Where a youth default order has been made for default in paying any sum—
- (a) on payment of the whole sum to any person authorised to receive it, the order ceases to have effect, and
 - (b) on payment of a part of the sum to any such person, the total number of hours or days to which the order relates is to be taken to be reduced by a proportion corresponding to that which the part paid bears to the whole sum.
- (8) In calculating any reduction required by subsection (7)(b), any fraction of a day or hour is to be disregarded.