



# Criminal Justice and Courts Act 2015

## 2015 CHAPTER 2

### PART 2

#### YOUNG OFFENDERS

##### *Other matters*

#### **41 Youth cautions and conditional cautions: involvement of appropriate adults**

- (1) The Crime and Disorder Act 1998 is amended as follows.
- (2) In section 66ZA (youth cautions)—
  - (a) in subsection (2) (caution to be given in presence of appropriate adult), omit “given to a person under the age of 17”, and
  - (b) in subsection (3)(b) (certain matters to be explained to appropriate adult), omit “where that person is under the age of 17”.
- (3) In section 66B(5) (requirements for giving youth conditional cautions: explanation and warning to be given in presence of appropriate adult), omit “If the offender is aged 16 or under”.

#### **42 Duties of custody officer after charge: arrested juveniles**

In section 37(15) of the Police and Criminal Evidence Act 1984 (definitions for the purposes of provisions about detention in Part 4 of that Act), in the definition of “arrested juvenile”, for “under the age of 17” substitute “under the age of 18”.

#### **43 Referral orders: alternatives to revocation for breach of youth offender contract**

- (1) In Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000, after paragraph 6 insert—

*“Power of court to impose fine or extend period for which contract has effect*

- 6A (1) This paragraph applies where—
- (a) an offender has been referred back to the appropriate court under section 22(2), 26(5) or 27(4), and
  - (b) it is proved to the satisfaction of the court that the offender has failed, without reasonable excuse, to comply with the terms of a contract under section 23.
- (2) If the court does not revoke the order under paragraph 5 it may—
- (a) order the offender to pay a fine of an amount not exceeding £2,500, or
  - (b) make an order extending the length of the period for which the contract under section 23 has effect.
- (3) The court may not extend the length of the period for which the contract has effect so that it becomes longer than 12 months.
- (4) If the period for which the contract has effect has expired (whether before or after the referral of the offender back to court) the court—
- (a) may make an order under sub-paragraph (2)(a), but
  - (b) may not make an order under sub-paragraph (2)(b).
- (5) The court may not exercise a power under sub-paragraph (2) unless the offender is present before it.
- (6) A fine imposed under sub-paragraph (2)(a) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.
- (7) The Secretary of State may by order amend any sum for the time being specified in sub-paragraph (2)(a).”

- (2) In paragraph 7 of that Schedule, in sub-paragraph (2), at the end insert “(subject to any order under paragraph 6A(2)(b))”.
- (3) In the heading before paragraph 7 of that Schedule, at the beginning insert “Consequences of”.
- (4) In section 160(3) of the Powers of Criminal Courts (Sentencing) Act 2000 (statutory instruments subject to affirmative resolution procedure), after “103(2)” insert “or paragraph 6A(7) of Schedule 1”.
- (5) The amendments made by this section apply only in relation to a person who fails to comply with the terms of a youth offender contract after this section comes into force.

**44 Referral orders: extension on further conviction**

- (1) For paragraphs 10 to 12 of Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000 substitute—
- “10 (1) This paragraph applies where—
- (a) an offender aged under 18 is subject to referral, and

---

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

---

- (b) a relevant court is dealing with the offender for an offence in relation to which paragraphs (a) to (c) of section 16(1) apply.
  - (2) The relevant court may sentence the offender for the offence by making an order extending any compliance period.
  - (3) The relevant court may not extend the length of a compliance period so that it becomes longer than 12 months.
  - (4) In this paragraph and paragraph 13 “relevant court” means a youth court or other magistrates’ court.”
- (2) In paragraph 13 of that Schedule—
    - (a) omit sub-paragraphs (1), (6) and (7),
    - (b) in sub-paragraph (2), for “paragraph 11 or 12 above in respect of the offence mentioned in paragraph 10 above” substitute “paragraph 10 in respect of an offence”, and
    - (c) in sub-paragraph (8), for “paragraphs 10 to 12” substitute “paragraph 10”.
  - (3) In consequence of the amendments made above—
    - (a) in paragraphs 5(3) and 9 of that Schedule, for “paragraph 9ZD, 11 or 12” substitute “paragraphs 9ZD or 10”,
    - (b) in the heading before paragraph 13 of that Schedule, for “paragraph 11 and 12” substitute “paragraph 10”, and
    - (c) in paragraph 14(1)(a) of that Schedule, for “paragraph 11 or 12” substitute “paragraph 10”.
  - (4) The amendments made by this section apply in relation to a person dealt with for an offence committed before or after this section comes into force.

#### **45 Referral orders: revocation on further conviction**

- (1) The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.
- (2) In Schedule 1—
  - (a) in paragraph 14(1)(b) (further conviction: cases where revocation not available), for “absolutely” substitute “, whether absolutely or conditionally”,
  - (b) for paragraph 14(2) substitute—
    - “(2) The court may revoke the referral order (or any one or more of the referral orders) if it appears to the court to be in the interests of justice to do so.
    - (2A) The revocation of a referral order under sub-paragraph (2) has the effect of revoking any related order under paragraph 9ZD or 10.”,
    - and
    - (c) in the heading before paragraph 14, for “which lead to revocation of referral” substitute “: power to revoke referral orders”.
- (3) In section 18 (making of referral orders: general), after subsection (3) insert—
  - “(3A) Where a court makes a referral order in respect of an offender who is subject to an earlier referral order, the court may direct that any youth offender contract under the later order is not to take effect under section 23 until the earlier order is revoked or discharged.”

---

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

---

- (4) The amendments made by this section apply in relation to a person dealt with for an offence committed before or after this section comes into force.