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SCHEDULES

[^{F1}SCHEDULE 2]

CONSTITUTION OF [^{F2}YOUTH COURTS]

Textual Amendments

- F1** Sch. 2 substituted by Children and Young Persons Act 1963 (c. 37), s. 17(1), **Sch. 2**
- F2** Words in Sch. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

- C1** Sch. 2 amended by S.I. 1985/1383, **art. 3(6)**
- C2** References to the metropolitan stipendiary court area amended by virtue of Administration of Justice Act 1964 (c. 42, SIF 82), **s. 12(1)**
- C3** Functions of the Secretary of State in Sch. 2 transferred (1.4.1992) to the Lord Chancellor by virtue of S.I. 1992/709, art. 2(1)(c), **Sch. 1**.
Sch. 2 modified (*temp.* from 19.7.2000) by S.I. 2000/1920, **art. 4**

PART I

OUTSIDE METROPOLITAN AREA

[^{F3}Youth court panels]

Textual Amendments

- F3** Words in Sch. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 41(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

1 The following provisions of this Part of this Schedule shall have effect as respects any area outside the metropolitan stipendiary court area and the City of London.

^{x12} A justice shall not be qualified to sit as a member of a [^{F4}youth court] unless he is a member of a [^{F5}youth court panel], that is to say, a panel of justices specially qualified to deal with juvenile cases.

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Editorial Information

- X1** The insertion of the new heading "Qualification to sit as member of youth court" in Sch. 2 Pt. I on 31.8.2000 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Textual Amendments

- F4** Words in Sch. 2 para. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2
- F5** Words in Sch. 2 para. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(1)(2)(a); S.I. 1992/333, art. 2(2), Sch. 2.

VALID FROM 31/08/2000

[^{F6} Constitution by single District Judge (Magistrates' Courts)]

Textual Amendments

- F6** Crossheading in Sch. 2 inserted (31.8.2000) by 1999 c. 22, s. 78(2), Sch. 11 para. 12(4) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

[^{F7}2A A youth court may consist of a District Judge (Magistrates' Courts) sitting alone.]

Textual Amendments

- F7** Sch. 2 para. 2A inserted (31.8.2000) by 1999 c. 22, s. 78(2), Sch. 11 para. 12(4) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

[^{F8} Youth court panels.]

Textual Amendments

- F8** Crossheading in Sch. 2 inserted (31.8.2000) by 1999 c. 22, s. 78(2), Sch. 11 para. 12(4) (with Sch. 14 para. 7(2)); S.I. 2000/1920, art. 3(a)

3 Subject to the following provisions of this Part of this Schedule, a [^{F9}youth court panel] shall be formed for every petty sessions area.

Textual Amendments

- F9** Words in Sch. 2 para. 3 substituted (1.10.1992) by Criminal Justice Act 1991 (c.53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2.

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Modifications etc. (not altering text)

- C4 Sch. 2 para. 3 excluded (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), **Sch. 14 Pt. V para. 28(1)** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(d)(i)**

Combined ^{F10}youth court panels]

Textual Amendments

- F10 Words in Sch. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 41(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

- 4 A magistrates' courts committee may make recommendations to the ^{F11}Lord Chancellor]—
- (a) for the formation of a combined ^{F12}youth court panel] for two or more petty sessions areas, or
 - (b) for the dissolution of any such combined ^{F12}youth court panel],
- if the committee's area comprises at least one of the petty sessions areas concerned.

Textual Amendments

- F11 Words in Sch. 2 para. 4 substituted (1.4.1992) by S.I. 1992/709, art. 2(1)(3), **Sch. 1**
- F12 Words in Sch. 2 para. 4 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 41(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

- 5 It shall be the duty of the magistrates' courts committee for any area, if directed to do so by the ^{F13}Lord Chancellor], to review the functioning of ^{F14}youth courts] in their area and on completion of the review to submit to the ^{F13}Lord Chancellor] either a report making such recommendations as are mentioned in paragraph 4 of this Schedule or a report giving reasons for making no such recommendations.

Textual Amendments

- F13 Words in Sch. 2 para. 5 substituted (1.4.1992) by S.I. 1992/709, **art. 2(3)**
- F14 Words in Sch. 2 para. 5 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

- 6 Subject to the provisions of this Schedule—
- (a) where a magistrates' courts committee make such recommendations to the ^{F15}Lord Chancellor], he may make an order giving effect to them subject to any modifications he thinks fit; and
 - (b) where a magistrates' courts committee fail to comply within six months with a direction of the ^{F15}Lord Chancellor] under the preceding paragraph, or ^{F15}Lord Chancellor] is dissatisfied with the report submitted in

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pursuance of such a direction, he may make such order as he thinks fit for the purposes mentioned in paragraph 4 of this Schedule.

Textual Amendments

F15 Words in [Sch. 2 para. 6](#) substituted (1.4.1992) by [S.I. 1992/709](#), [art. 2\(3\)](#)

Effect of order establishing combined panel

- 7 Where a combined [^{F16}youth court panel] is formed for any petty sessions areas any justice who is a member of the panel may exercise in relation to each of the areas any jurisdiction exercisable by him as a member of a [^{F17}youth court].

Textual Amendments

F16 Words in [Sch. 2 para. 7](#) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 41\(2\)\(a\)](#); [S.I. 1992/333](#), art. 2(2), [Sch. 2](#)

F17 Words in [Sch. 2 para. 7](#) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 40\(2\)\(a\)](#); [S.I. 1992/333](#), art. 2(2), [Sch. 2](#)

Restrictions on formation of combined panels

- 8 No order under this Schedule shall provide for the formation of a combined [^{F18}youth court panel] for an area which includes—
- (a) a county or part of a county and the whole or part of another county; . . . ^{F19}
 - (b) ^{F19}

Textual Amendments

F18 Words in [Sch. 2 para. 8](#) substituted (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 100, [Sch. 11 para. 41\(2\)\(a\)](#); [S.I. 1992/333](#), art. 2(2), [Sch. 2](#)

F19 Word and para. 8(b) repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

Modifications etc. (not altering text)

C5 [Sch. 2 para. 8](#) amended (1.4.1996) by: [S.I. 1996/674](#), reg. 2, [Sch. Pt. II para. 5\(2\)\(k\)](#); [S.I. 1996/675](#), art. 2, [Sch. Pt. II para. 7\(2\)\(k\)](#)

- [^{F20}8A In paragraph 8 above, a reference to a county or part of a county includes a reference to an outer London area (within the meaning of section 2 of the Justices of the Peace Act 1979) or part of such an area.]

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Textual Amendments

- F20** Sch. 2 para. 8A inserted by S.I. 1985/1383, art. 8, Sch. para. 1, for the purposes of para. (3)(c)(i) of that S.I.

- 9 An order under this Schedule providing for the formation of a combined [^{F21} youth court panel] for an area which comprises a borough having a separate magistrates' courts committee shall not be made except with the consent of every magistrates' courts committee the whole or part of whose area is included in the area for which the combined panel is formed.

Textual Amendments

- F21** Words in Sch. 2 para. 9 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

Modifications etc. (not altering text)

- C6** Sch. 2 para. 9 restricted (conditionally) (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), Sch. 14 Pt. V para. 28(2) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(d)(i) (which restriction fell (*prosp.*) by reason of the repeal of Sch. 14 para. 28(2) (*prosp.*) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), 36(9)))

Consultations and notices

- 10 A magistrates' courts committee, before submitting recommendations for an order under this Schedule, shall consult and, when submitting any such recommendations, shall give notice to—
- (a) the justices acting for any petty sessions area concerned which is within the committee's area (except where the committee's area is a borough); and
 - (b) any other magistrates' courts committee the whole or part of whose area is concerned;
- and shall also consult the said justices before commenting on any recommendations on which they are consulted under this paragraph by another magistrates' courts committee.
- 11 Where the [^{F22} Lord Chancellor] proposes to make an order under this Schedule in a case where either no recommendations have been made to him or the proposed order departs from the recommendations made to him, he shall send a copy of the proposed order to the magistrates' courts committee for any area the whole or part of which is concerned and to the justices acting for any petty sessions area concerned.

Textual Amendments

- F22** Words in Sch. 2 para. 11 substituted (1.4.1992) by S.I. 1992/709, art. 2(1)(3)

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- 12 Where notice of recommendations or a copy of a proposed order is required to be sent under the preceding paragraphs to any justices or committee, the [^{F23}Lord Chancellor] shall, before making an order, consider any representations made to him by the justices or committee, or by any [^{F24}youth court panel] concerned, within one month from the time the notice was given or the copy of the proposed order was sent.

Textual Amendments

F23 Words in Sch. 2 para. 12 substituted (1.4.1992) by S.I. 1992/709, art. 2(3)

F24 Words in Sch. 2 para. 12 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

PART II

METROPOLITAN AREA

- 13 The following provisions of this Part of this Schedule shall have effect as respects [^{F25}the inner London area] and the City of London (in this Part of this Schedule referred to as the metropolitan area).

Textual Amendments

F25 Words substituted by virtue of Administration of Justice Act 1964 (c. 42), s. 12(1)

- 14 [^{F26}Youth courts] shall be constituted for the whole of the metropolitan area but shall sit for such divisions and in such places as the [^{F27}Lord Chancellor] may by order specify, without prejudice, however, to their jurisdiction with respect to the whole area.

Textual Amendments

F26 Words in Sch. 2 para. 14 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

F27 Words in Sch. 2 para. 14 substituted (1.4.1992) by S.I. 1992/709, art. 2(3)

- 15 Subject to the following provisions of this Schedule—
- (a) each [^{F28}youth court] shall consist of a chairman and two other members and shall have both a man and a woman among its members;
 - (b) the chairman shall be a person nominated by [^{F29}the Lord Chancellor] to act as chairman of [^{F28}youth courts] for the metropolitan area and shall be either a metropolitan stipendiary magistrate or [^{F30}a lay justice for the inner London area] selected, in such manner as may be provided by an order of

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- [^{F29}the Lord Chancellor], from a panel of such justices from time to time nominated by him; and
- (c) the other members shall be justices so selected from that panel.

Textual Amendments

- F28** Words in Sch. 2 para. 15(a)(b) substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2
- F29** Words substituted by virtue of Administration of Justice Act 1964 (c. 42), s. 12(3)
- F30** Words substituted by virtue of Administration of Justice Act 1964 (c. 42), s. 12(2)

Modifications etc. (not altering text)

- C7** Power to amend paras. 15-18 conferred by Magistrates' Courts Act 1980 (c. 43), ss. 146(4), 155(7)

[^{F31}15A(1) Where, in the the case of any sitting of a [^{F32}youth court], a person nominated under paragraph 15(b) of this Schedule—

- (a) is available to act as chairman; but
- (b) considers that it would be appropriate for another member of the court to act as chairman,

he may nominate that member to act as chairman at that sitting.

- (2) A member of a [^{F32}youth court] nominated to act as chairman under sub-paragraph (1) shall only so act while the person making the nomination continues to sit as a member of the court.]

Textual Amendments

- F31** Sch. 2 para. 15A inserted by virtue of Administration of Justice Act 1985 (c. 61, SIF 76:1), s. 61
- F32** Words in Sch. 2 para. 15A substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

16 If at any time, by reason of illness or other emergency, no person nominated under paragraph 15(b) of this Schedule is available to act as chairman of a [^{F33}youth court], any metropolitan stipendiary magistrate or, with the consent of [^{F34}the Lord Chancellor] any justice of the peace selected as aforesaid from the said panel, may act temporarily as chairman.

Textual Amendments

- F33** Words in Sch. 2 para. 16 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2
- F34** Words substituted by virtue of Administration of Justice Act 1964 (c. 42), s. 12(3)

Modifications etc. (not altering text)

- C8** Power to amend paras. 15-18 conferred by Magistrates' Courts Act 1980 (c. 43), ss. 146(4), 155(7)

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- 17 Where it appears to the chairman that a [^{F35}youth court] cannot, without adjournment, be fully constituted, and that an adjournment would not be in the interests of justice, the chairman may sit with one other member (whether a man or a woman) or, if a metropolitan stipendiary magistrate, may sit alone.

Textual Amendments

F35 Words in Sch. 2 para. 17 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

Modifications etc. (not altering text)

C9 Power to amend paras. 15-18 conferred by Magistrates' Courts Act 1980 (c. 43), ss. 146(4), 155(7)

- 18 [^{F36}The Lord Chancellor], in nominating any persons under this Part of this Schedule shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases; and every such nomination shall be for a specified period and shall be revocable by [^{F37}the Lord Chancellor].

Textual Amendments

F36 Words substituted by virtue of Administration of Justice Act 1964 (c. 42), s. 12(2)

F37 Words substituted by virtue of Administration of Justice Act 1964 (c. 42), s. 12(3)

Modifications etc. (not altering text)

C10 Power to amend paras. 15-18 conferred by Magistrates' Courts Act 1980 (c. 43), ss. 146(4), 155(7)

^{F38}

- 19

Textual Amendments

F38 Sch. 2 para. 19 repealed by virtue of Administration of Justice Act 1964 (c. 42, SIF 82), s. 48(1), Sch. 5

PART III

GENERAL

- 20 An order of the [^{F39}Lord Chancellor] under this Schedule shall be made by statutory instrument and may be revoked or varied by a subsequent order thereunder.

Textual Amendments

F39 Words in Sch. 2 para. 20 substituted (1.4.1992) by S.I. 1992/709, art. 2(1)(3)

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21 Any such order may contain supplementary, incidental and consequential provisions.

VALID FROM 03/04/2006

22 The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this Schedule.

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