

2003 No. 1605

CRIMINAL LAW, ENGLAND AND WALES

**The Referral Orders (Amendment of Referral Conditions)
Regulations 2003**

Made - - - - - *19th June 2003*

Coming into force - - - *18th August 2003*

Whereas a draft of these Regulations has been laid before Parliament and approved by a resolution of each House, in accordance with section 30(3) of the Powers of Criminal Courts (Sentencing) Act 2000^(a);

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 17(3)(b) and 30(4) of the Powers of Criminal Courts (Sentencing) Act 2000, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Referral Orders (Amendment of Referral Conditions) Regulations 2003 and shall come into force on 18th August 2003.

(2) In these Regulations, “the Sentencing Act” means the Powers of Criminal Courts (Sentencing) Act 2000.

Amendment of Sentencing Act

2.—(1) In section 17(1) of the Sentencing Act, after “are satisfied in relation to an offence if” there is inserted “the offence is an offence punishable with imprisonment and”.

(2) After section 17(1) of the Sentencing Act there is inserted—

“(1A) For the purposes of section 16(3) above, the discretionary referral conditions are satisfied in relation to an offence if the offence is not an offence punishable with imprisonment but the offender meets the conditions in paragraphs (a) to (c) of subsection (1) above.”

(3) In section 17(2) of the Sentencing Act—

(a) after “the discretionary referral conditions are” there is inserted “also”; and

(b) in paragraph (a), after “connected offences” there is inserted “(whether or not any of them is an offence punishable with imprisonment)”.

Home Office
19th June 2003

Paul Goggins
Parliamentary Under-Secretary of State

^(a) 2000 c. 6.

^(b) The powers in section 17(3) are extended by section 17(4).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend section 17 of the Powers of Criminal Courts (Sentencing) Act 2000. Section 17 sets out the conditions under which it is compulsory for a youth court or other magistrates' court to make a referral order in respect of a person aged under 18 with whom it is dealing for an offence and the conditions under which the youth court or other magistrates' court has a discretionary power to make a referral order. The amendments add to the existing conditions under which it is compulsory to make a referral order the condition that the offence must be an imprisonable offence (although it will not be necessary for any connected offences to be imprisonable offences). The amendments also increase the court's discretionary power to make a referral order so that the court will have a discretion to make a referral order in respect of an offence which is not imprisonable when the conditions for a compulsory referral order would otherwise have been met.

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