

# **YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part I: Referrals to youth offender panels**

##### ***Section 5: Making of referral orders: attendance of parents etc***

46. Referral to a youth offender panel is intended to provide an opportunity for the young offender to consider, with his or her parents and the panel, how best to address the offending behaviour and prevent its re-occurrence. The supportive role of the young offender's parents will be a particularly important element of this process. Section 5 regulates when the court may, and when it must, order parental attendance at meetings.
47. For those under 16 years of age at least one parent or guardian will be required to attend all youth offender panel meetings. *Subsection (2)* allows the court to place similar requirements on parents and guardians of young offenders who are over 16 (where this is considered to be appropriate). *Subsections (5) and (6)* recognise that a local authority may have a role to play in cases where young offenders are in their care or otherwise "looked after" by the authority. Here "looked after" has the meaning given by section 22 of the Children Act 1989. The requirement to attend will always be notified in writing if the parent or guardian, or local authority representative, is not present in court when the order is made (*subsection (7)*).
48. In *subsection (3)* it is recognised that there will be limited circumstances in which it would be unreasonable to expect the parent or guardian's attendance (for example, in the case of serious ill health). However, those parents, guardians or representatives who fail to attend the meeting against the order of the court without good reason may be brought before the court for contempt, in accordance with section 63 of the Magistrates' Courts Act 1980.