

YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part I: Referrals to youth offender panels

Section 8: First meeting: agreement of contract with offender

56. **Section 8** governs the drawing up of a programme of behaviour with which the young offender agrees to comply (the 'contract'). *Subsection (1)* specifies the purpose of the first meeting as being the agreement of the contract and states that the principal aim of the programme for which the contract will provide is the prevention of re-offending. This reflects the principal aim of the youth justice system introduced by the Crime and Disorder Act 1998.
57. Guidance on the contents of programmes will be published. It is intended that the programme should always include an element of reparation to those affected by the offence, if those individuals consent. Depending on the nature of the offence and the views of the victim, this may involve a direct apology or financial or other reparation. Where there is no identifiable victim, reparation may be made to the community at large. Any additional elements of the programme will depend on the factors which appear to have led to the offending behaviour and may include a range of activities or requirements. *Subsection (2)* includes a suggested list of the provisions that might be included, but the list is not exhaustive.
58. A referral order is not a custodial sentence. Accordingly *subsection (3)* precludes the inclusion in the programme of electronic monitoring or any form of custody.
59. *Subsection (5)* requires that, once the contract has been devised and agreed, it should be set out in writing and explained in clear language. It should also be signed by both the offender and a member of the youth offender panel. The offender will be given a copy of the contract.