



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART III

#### MANDATORY AND DISCRETIONARY REFERRAL OF YOUNG OFFENDERS

##### *Referral orders*

#### **16 Duty and power to refer certain young offenders to youth offender panels**

- (1) This section applies where a youth court or other magistrates' court is dealing with a person aged under 18 for an offence and—
- (a) neither the offence nor any connected offence is one for which the sentence is fixed by law;
  - (b) the court is not, in respect of the offence or any connected offence, proposing to impose a custodial sentence on the offender or make a hospital order (within the meaning of the Mental Health Act 1983) in his case; and
  - (c) the court is not proposing to discharge him absolutely in respect of the offence.
- (2) If—
- (a) the compulsory referral conditions are satisfied in accordance with section 17 below, and
  - (b) referral is available to the court,
- the court shall sentence the offender for the offence by ordering him to be referred to a youth offender panel.
- (3) If—
- (a) the discretionary referral conditions are satisfied in accordance with section 17 below, and
  - (b) referral is available to the court,

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*Status: This is the original version (as it was originally enacted).*

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the court may sentence the offender for the offence by ordering him to be referred to a youth offender panel.

- (4) For the purposes of this Part an offence is connected with another if the offender falls to be dealt with for it at the same time as he is dealt with for the other offence (whether or not he is convicted of the offences at the same time or by or before the same court).
- (5) For the purposes of this section referral is available to a court if—
  - (a) the court has been notified by the Secretary of State that arrangements for the implementation of referral orders are available in the area in which it appears to the court that the offender resides or will reside; and
  - (b) the notice has not been withdrawn.
- (6) An order under subsection (2) or (3) above is in this Act referred to as a “referral order”.
- (7) No referral order may be made in respect of any offence committed before the commencement of section 1 of the Youth Justice and Criminal Evidence Act 1999.