

CRIMINAL JUSTICE AND COURTS ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Young Offenders

Other matters

Section 43: Referral orders: alternatives to revocation for breach of youth offender contract

403. *Section 43* amends Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000 (PCC(S)A 2000) to provide for alternatives to revocation of a referral order where the court finds that the terms of the youth offender contract under section 23 of the PCC(S)A 2000 have not been complied with.
404. *Subsection (1)* inserts a new paragraph 6A into Schedule 1 to the PCC(S)A 2000 to allow a court, where a breach of a referral order contract has been found, to impose a fine up to a maximum of £2,500 on an offender or extend the youth offender contract up to a maximum overall length of 12 months. The power for the court to extend the youth offender contract is not available when the referral order has already expired (new paragraph 6A(4)). The offender must be present in order for the court to impose a penalty under this paragraph (new paragraph 6A(5)).
405. New paragraph 6A(6) provides for the enforcement of any fine given by the court under new paragraph 6A(2)(a).
406. New paragraph 6A(7) confers on the Secretary of State a power by order to amend the maximum fine that may be imposed under that specified in sub-paragraph (2)(a).
407. The powers of the court to impose a fine or extend the period for which the youth offender contract takes effect in circumstances where the terms of the contract have been breached will apply where:
- the offender is referred back to court for failure to attend any part of a panel meeting (under section 22(2)(b) of PCC(S)A 2000);
 - the offender has been referred back to the court for failure to attend the progress meeting (under section 26(5) of PCC(S)A 2000);
 - the panel determine at the final meeting that the offender's compliance with the terms of the contract has not been such as to justify the conclusion that the offender has satisfactorily completed the contract (under section 27(4) of PCC(S)A 2000).
408. *Subsection (2)* amends paragraph 7 of Schedule 1 to the PCC(S)A 2000 to provide that where a court does not uphold the panel's decision to refer the offender back to the court, an offender will continue to be subject to any referral order (or orders) in all respects as if he had not been referred back to the court, subject to any subsequent order

*These notes refer to the Criminal Justice and Courts Act 2015
(c.2) which received Royal Assent on 12 February 2015*

made pursuant to the new paragraph 6A(2)(b) to extend the length of the period of the contract.

409. *Subsection (3)* amends the heading of the relevant part of Schedule 1 to the PCC(S)A 2000 to make it clear that paragraph 7 sets out what procedures apply where a court does not revoke a referral order.
410. *Subsection (4)* amends section 160(3) of the PCC(S)A 2000 to provide that any orders made under new paragraph 6A(7) of Schedule 1 to that Act amend the maximum amount of fine are subject to the affirmative procedure.
411. *Subsection (5)* provides that the amendments made by section 43 apply only in relation to a person who fails to comply with a youth offender contract after this section has come into force.