



# Sentencing Act 2020

## 2020 CHAPTER 17

### THIRD GROUP OF PARTS Disposals

#### PART 6

##### ORDERS RELATING TO CONDUCT

#### CHAPTER 1

##### REFERRAL ORDERS FOR OFFENDERS AGED UNDER 18

##### *Youth offender panels*

#### **91 Establishment of youth offender panels**

- (1) This section applies where a court has made a referral order (or two or more associated referral orders).
- (2) The specified youth offending team must establish a youth offender panel for the offender.
- (3) The youth offender panel must—
  - (a) be constituted,
  - (b) conduct its proceedings, and
  - (c) discharge its functions under this Chapter,in accordance with guidance issued from time to time by the Secretary of State.
- (4) But at each of its meetings the panel must consist of at least—
  - (a) one member appointed by the specified youth offending team from among its members, and
  - (b) two members appointed by that team who are not members of the team.
- (5) The Secretary of State may by regulations make provision requiring persons appointed as members of a youth offender panel to—

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- (a) have qualifications specified in the regulations;
  - (b) satisfy other criteria so specified.
- (6) Regulations under subsection (5) are subject to the negative resolution procedure.
- (7) The Secretary of State may revise any guidance issued under subsection (3).

## **92 Attendance at panel meetings: offender and parent or guardian**

- (1) This section applies to each meeting of the youth offender panel established for the offender.
- (2) The specified youth offending team must notify—
- (a) the offender, and
  - (b) any person to whom an order under section 90 (requirement to attend meetings of the panel) applies,
- of the time and place at which the person is required to attend the meeting.
- (3) If the offender fails to attend any part of the meeting the panel may—
- (a) adjourn the meeting to such time and place as the panel may specify (in which case subsection (2) applies to the adjourned meeting), or
  - (b) end the meeting and refer the offender back to court.

## **93 Failure of parent or guardian to comply with order under section 90**

- (1) If—
- (a) a parent or guardian of an offender fails to comply with an order under section 90 (orders requiring parents etc to attend meetings), and
  - (b) the offender is aged under 18 at the time of the failure,
- the youth offender panel may refer the parent or guardian to a youth court acting in the local justice area in which it appears to the panel that the offender resides or will reside.
- (2) To make the referral, the panel must send a report to the youth court explaining why the parent or guardian is being referred to it.
- (3) A youth court which receives a report under subsection (2) must cause the parent or guardian to appear before it.
- (4) For that purpose, a justice acting in the local justice area in which the court acts may—
- (a) issue a summons requiring the parent to appear before that youth court at the place and time specified in it, or
  - (b) if the report is substantiated on oath, issue a warrant for the parent's arrest which requires the parent to be brought before that court.
- (5) For the youth court's power to make a parenting order where the panel refers the parent or guardian under this section, see section 368 (parenting order where parent or guardian fails to attend meeting of panel).
- (6) Making a parenting order under that section does not affect the order under section 90.
- (7) Accordingly, section 63(1) to (4) of the Magistrates' Courts Act 1980 (power to deal with person for breach of order etc) applies in relation to an order under section 90 (in addition to this section and section 368).

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#### **94 Attendance at panel meetings: other persons**

- (1) At a meeting of a youth offender panel, the offender may be accompanied by one person aged 18 or over chosen by the offender with the agreement of the panel.
- (2) It need not be the same person who accompanies the offender to every meeting.
- (3) The panel may allow any of the following to attend a meeting—
  - (a) a victim;
  - (b) any person who appears to the panel to be someone capable of having a good influence on the offender.
- (4) If the panel allows a victim to attend a meeting of the panel, it may allow the victim to be accompanied to the meeting by one person chosen by the victim with the agreement of the panel.
- (5) For the purposes of subsections (3) and (4) “victim” means any person who appears to the panel to be a victim of, or otherwise affected by, the offence or any of the offences in respect of which the offender was referred to the panel.