



# Sentencing Act 2020

## 2020 CHAPTER 17

### THIRD GROUP OF PARTS Disposals

#### PART 9

#### COMMUNITY SENTENCES

#### CHAPTER 1

#### YOUTH REHABILITATION ORDERS

#### *Exercise of power to make youth rehabilitation order*

#### **180 Making youth rehabilitation order with intensive supervision and surveillance or fostering**

- (1) This section applies where either of the following orders is available to a court dealing with an offender for an offence—
  - (a) a youth rehabilitation order with intensive supervision and surveillance;
  - (b) a youth rehabilitation order with fostering.
- (2) The court must not make an order of either of those kinds unless it is of the opinion—
  - (a) that the offence, or the combination of the offence and one or more offences associated with it, was so serious that, if such an order were not available, a custodial sentence—
    - (i) would be appropriate, or
    - (ii) where the offender is aged under 12 when convicted, would be appropriate if the offender were aged 12, and
  - (b) if the offender is aged under 15 when convicted, that the offender is a persistent offender.
- (3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence,

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*Status: This is the original version (as it was originally enacted).*

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or of it and the associated offence or offences, including any aggravating or mitigating factors.

- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.