



# 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

##### *Making referral orders*

#### **84 Referral order: availability**

- (1) A referral order is available to a court dealing with an offender for an offence where—
- (a) the court is a youth court or other magistrates' court,
  - (b) the offender is aged under 18 when convicted,
  - (c) neither the offence nor any connected offence is an offence the sentence for which is fixed by law,
  - (d) the court is not proposing to—
    - (i) impose a custodial sentence, or
    - (ii) make a hospital order (within the meaning of the Mental Health Act 1983),in respect of the offence or any connected offence,
  - (e) the court is not proposing to make—
    - (i) an order for absolute discharge, or
    - (ii) an order for conditional discharge,in respect of the offence, and
  - (f) the offender pleaded guilty to the offence or to any connected offence.

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) But a referral order is not available unless 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in the area in which it appears to the court that the offender resides or will reside (and the notice has not been withdrawn).