Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTSDisposals

PART 6

ORDERS RELATING TO CONDUCT

CHAPTER 1

REFERRAL ORDERS FOR OFFENDERS AGED UNDER 18

Making referral orders

85 Duty and power to make referral order

(1) Where a referral order is available—

(a) the court must make a referral order if the compulsory referral conditions are met;

(b) otherwise, the court may make a referral order.

(2) The compulsory referral conditions are met where—

(a) the offence is an imprisonable offence,

(b) the offender pleaded guilty to the offence and to any connected offence, and

(c) the offender has never been—

(i) convicted by or before a court in the United Kingdom of any offence other than the offence and any connected offence, [F1]...

[F1](ii) . . . . . .

[[F2](2A) But the compulsory referral conditions are not met if—

(a) the proceedings for the offence were instituted before IP completion day (see section 397(5)) and,

(b) the offender has previously been convicted by or before a court in a member State of any offence**]**

Status: *Point in time view as at 31/12/2020.*
Changes to legislation: *Sentencing Act 2020, Section 85 is up to date with all changes known to be in force on or before 10 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) For the effect of making a referral order on the court's other sentencing powers, see section 89.

Textual Amendments

F1 S. 85(2)(c)(ii) and word omitted (31.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 417(9), **Sch. 22 para. 87(1)** (with Sch. 27) (as amended by S.I. 2020/1520, regs. 1(1), 5(3)(a))

F2 S. 85(2A) inserted (31.12.2020) by Sentencing Act 2020 (c. 17), **Sch. 22 para. 87(2)** (as inserted by The Taking Account of Convictions (EU Exit) (Amendment) Regulations 2020 (S.I. 2020/1520), regs. 1(1), **5(3)(b)**)

Commencement Information

I1 S. 85 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Status:
Point in time view as at 31/12/2020.

Changes to legislation:
Sentencing Act 2020, Section 85 is up to date with all changes known to be in force on or before 10 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.