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*Changes to legislation: Criminal Justice and Immigration Act 2008, Section 39 is up to date with all changes known to be in force on or before 27 July 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) View outstanding changes*



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 2

#### SENTENCING

##### *Enforcement of sentences*

PROSPECTIVE

### **39 Youth default orders**

- (1) Subsection (2) applies in any case where, in respect of a person aged under 18, a magistrates' court would, but for [<sup>F1</sup>section 227 of the Sentencing Code] (restrictions on custodial sentences), have power to issue a warrant of commitment for default in paying a sum adjudged to be paid by a conviction (other than a sum ordered to be paid under section 6 of the Proceeds of Crime Act 2002 (c. 29)).
- (2) The magistrates' court may, instead of proceeding under section 81 of the Magistrates' Courts Act 1980 (enforcement of fines imposed on young offender), order the person in default to comply with—
  - (a) in the case of a person aged 16 or 17, an unpaid work requirement (see [<sup>F2</sup>Part 3 of Schedule 6 to the Sentencing Code]),
  - (b) an attendance centre requirement (see [<sup>F3</sup>Part 5] of that Schedule), or
  - (c) a curfew requirement (see [<sup>F4</sup>Part 7] of that Schedule).
- (3) In this section (and Schedule 7) “youth default order” means an order under subsection (2).

[<sup>F5</sup>(4) A youth default order—

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- (a) may, in addition to any other requirement that it imposes, impose an [F<sup>6</sup>electronic compliance monitoring requirement] (see sections 173 and 174 of the Sentencing Code), and
- (b) must do so where, in the case of a youth rehabilitation order, such a requirement would be required by paragraph 19(3) of Schedule 6 to the Sentencing Code.]
- (5) Where a magistrates' court has power to make a youth default order, it may, if it thinks it expedient to do so, postpone the making of the order until such time and on such conditions (if any) as it thinks just.
- [F<sup>7</sup>(6) The following provisions of the Sentencing Code have effect in relation to youth default orders as they have effect in relation to youth rehabilitation orders, but subject to the modifications contained in Schedule 7 to this Act—
- (a) sections 186(2), (10) and (11), 188, 190 to 192, 197, 198(3) to (5), [F<sup>8</sup>198A,] 397(1), 400 and 403 to 405 (youth rehabilitation orders: responsible officer, interpretation and further provisions),
- (b) Parts 3, 5 [F<sup>9</sup>and 7] of Schedule 6 (youth rehabilitation orders: requirements),
- [F<sup>10</sup>(ba) Part 17 of that Schedule (electronic monitoring requirements), so far as it applies to electronic compliance monitoring requirements,]
- (c) Schedule 7 (breach, revocation or amendment of youth rehabilitation order),
- (d) Schedule 8 (transfer of youth rehabilitation orders to Northern Ireland), and
- (e) paragraph 9 of Schedule 23 (power to amend limits).]
- (7) Where a youth default order has been made for default in paying any sum—
- (a) on payment of the whole sum to any person authorised to receive it, the order ceases to have effect, and
- (b) on payment of a part of the sum to any such person, the total number of hours or days to which the order relates is to be taken to be reduced by a proportion corresponding to that which the part paid bears to the whole sum.
- (8) In calculating any reduction required by subsection (7)(b), any fraction of a day or hour is to be disregarded.

### Textual Amendments

- F1** Words in s. 39(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 266\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F2** Words in s. 39(2)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 266\(3\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** Words in s. 39(2)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 266\(3\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F4** Words in s. 39(2)(c) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 266\(3\)\(c\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F5** S. 39(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 266\(4\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F6** Words in s. 39(4)(a) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 2\(2\)](#); S.I. 2023/705, regs. 2, 3, 4(1), [Sch.](#) (with [reg. 4\(2\)](#))
- F7** S. 39(6) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 266\(5\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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- F8** Word in s. 39(6)(a) inserted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 2\(3\)\(a\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))
- F9** Words in s. 39(6)(b) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 2\(3\)\(b\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))
- F10** S. 39(6)(ba) inserted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 2\(3\)\(c\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)