



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 6 **E+W**

ORDERS RELATING TO CONDUCT

CHAPTER 1 **E+W**

REFERRAL ORDERS FOR OFFENDERS AGED UNDER 18

Making referral orders

83 Referral order **E+W**

- (1) In this Code “referral order” means an order—
 - (a) which requires an offender to attend each of the meetings of a youth offender panel established for the offender by a youth offending team, and
 - (b) by virtue of which the offender is required to comply, for a particular period, with a programme of behaviour to be agreed between the offender and the panel in accordance with this Part (which takes effect as a youth offender contract).
- (2) For the court's power to order other persons to attend meetings of the panel, see section 90.
- (3) For provision about—
 - (a) the youth offender panel, see section 91;
 - (b) the youth offender contract, see section 96.
- (4) For the purposes of this Code, references to an offender being referred to a youth offender panel are to a referral order being made in respect of the offender.

Status: Point in time view as at 01/12/2020.

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Commencement Information

II S. 83 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

84 Referral order: availability **E+W**

- (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.
- (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in the area in which it appears to the court that the offender resides or will reside (and the notice has not been withdrawn).

Commencement Information

I2 S. 84 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

85 Duty and power to make referral order **E+W**

- (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, or
 - (ii) convicted by or before a court in another member State of any offence.
- (3) For the effect of making a referral order on the court's other sentencing powers, see section 89.

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Commencement Information

I3 S. 85 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

86 Making of referral order: general **E+W**

- (1) A referral order must specify—
 - (a) the youth offending team which is to establish a youth offender panel for the offender, and
 - (b) the period for which any youth offender contract which takes effect by virtue of the order is to have effect.
- (2) That period must be—
 - (a) not less than 3 months, and
 - (b) not more than 12 months.
- (3) The youth offending team specified in the order must be the team which has the function of implementing referral orders in the area in which it appears to the court that the offender resides or will reside.
- (4) On making a referral order the court must explain to the offender in ordinary language—
 - (a) the effect of the order, and
 - (b) the consequences which may follow—
 - (i) if no youth offender contract takes effect between the offender and the panel, or
 - (ii) if the offender breaches a youth offender contract.

Nothing in this subsection affects the court's duty under section 52 (duty to give reasons for and explain effect of sentence).

Commencement Information

I4 S. 86 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

87 Referral order consecutive to earlier referral order **E+W**

- (1) Where—
 - (a) a court makes a referral order (“the later order”), and
 - (b) the offender is subject to an earlier referral order,the court may direct that any youth offender contract under the later order is not to take effect until the earlier order is revoked or discharged.
- (2) For this purpose, the reference to an earlier referral order includes an order made under section 16 of the Powers of Criminal Courts (Sentencing) Act 2000 (referral orders).

Commencement Information

I5 S. 87 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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88 Making of referral order: connected offences E+W

- (1) This section applies where a court makes referral orders in respect of two or more connected offences.
- (2) The referral orders have the effect of referring the offender to a single youth offender panel.
- (3) Accordingly, provision made by the orders under section 83(1)(a) and section 86(1)(a) (which relates to the youth offending team and a youth offender panel) must be the same for each referral order.
- (4) The court may direct that the period specified under section 86(1)(b) in any of the referral orders is to run—
 - (a) concurrently with, or
 - (b) in addition to,
 the period specified in another of the referral orders.
- (5) But a direction under subsection (4) must not result in a total period of more than 12 months.
- (6) For the purposes of this Chapter, each of the orders mentioned in subsection (1) is associated with each other of those orders.

Commencement Information

I6 S. 88 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

89 Making of referral order: effect on court's other sentencing powers E+W

- (1) This section applies where a court makes a referral order in respect of an offence.
- (2) In dealing with the offender for any connected offence, the court must—
 - (a) sentence the offender by making a referral order, or
 - (b) make an order for absolute discharge.
- (3) In dealing with the offender in respect of the offence or any connected offence, the court may not—
 - (a) order the offender to pay a fine,
 - (b) make any of the following orders—
 - (i) a youth rehabilitation order;
 - (ii) an order under section 1(2A) of the Street Offences Act 1959;
 - (iii) a reparation order;
 - (iv) an order for conditional discharge.
- (4) The court may not make—
 - (a) an order binding the offender over to keep the peace or to be of good behaviour, or
 - (b) an order under section 376 (binding over of parent or guardian),
 in connection with the offence or any connected offence.
- (5) Nothing in section 85 or subsection (2) affects any power or duty of a magistrates' court under—

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- (a) section 25 (power and duty to remit young offenders to youth courts for sentence),
 - (b) section 10(3) of the Magistrates' Courts Act 1980 (adjournment for inquiries), or
 - (c) section 35, 38, 43 or 44 of the Mental Health Act 1983 (remand for reports, interim hospital orders and committal to Crown Court for restriction order).
- (6) Nothing in this section affects any power of a court, where it revokes a referral order, to re-sentence an offender for the offence in respect of which the order was made.

Commencement Information

I7 S. 89 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

90 Order requiring parents etc to attend meetings **E+W**

- (1) This section applies where a court makes a referral order.
- (2) The court—
- (a) may make an order requiring—
 - (i) the appropriate person, or
 - (ii) if there are two or more appropriate persons, one or more of them, to attend the meetings of the youth offender panel, and
 - (b) must do so if the offender is aged under 16 when the referral order is made.
- (3) If the offender is—
- (a) a looked-after child, and
 - (b) aged under 16 when the referral order is made,
- the person or persons required under subsection (2) to attend those meetings must include at least one representative of the responsible authority.
- (4) But an order under subsection (2) must not require a person to attend those meetings—
- (a) if the court is satisfied that it would be unreasonable to do so, or
 - (b) to an extent which the court is satisfied would be unreasonable.
- (5) For the purposes of this section, each of the following is an appropriate person in relation to an offender—
- (a) if the offender is a looked-after child—
 - (i) a representative of the responsible authority, and
 - (ii) each person who is a parent or guardian of the offender with whom the offender is allowed to live;
 - (b) otherwise, each person who is a parent or guardian of the offender.
- (6) In this section—
- “looked-after child” means a child who is (within the meaning of the Children Act 1989 or the Social Services and Well-being (Wales) Act 2014 (anaw 4)) looked after by a local authority, and
- “responsible authority”, in relation to a looked-after child, means the authority by which the child is looked after.
- (7) The court must forthwith send a copy of an order under subsection (2)—

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- (a) to each person required by the order to attend meetings of the panel, and
 - (b) to any responsible authority whose representative is required by the order to attend meetings of the panel,
- unless the person was present, or the authority was represented, in court when the order was made.

Commencement Information

18 S. 90 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Youth offender panels

91 Establishment of youth offender panels **E+W**

- (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—
 - (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).

Commencement Information

19 S. 91 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

92 Attendance at panel meetings: offender and parent or guardian **E+W**

- (1) This section applies to each meeting of the youth offender panel established for the offender.
- (2) The specified youth offending team must notify—

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- (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.

Commencement Information

110 S. 92 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

93 Failure of parent or guardian to comply with order under section 90 **E+W**

- (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).

Commencement Information

111 S. 93 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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94 Attendance at panel meetings: other persons **E+W**

- (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.

Commencement Information

I12 S. 94 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Youth offender contracts

95 Duty of youth offending team to arrange initial meetings of panel **E+W**

- (1) Where a court has made a referral order (or two or more associated referral orders), the specified youth offending team must arrange the first meeting of the youth offender panel established for the offender.
- (2) The specified youth offending team must also arrange any further meeting of the panel that may be held under section 98(2)(b) (resuming consideration).

Commencement Information

I13 S. 95 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

96 Agreement of youth offender contract with offender **E+W**

- (1) This section applies to—
 - (a) the first meeting of a youth offender panel established for an offender, and
 - (b) any further meeting of the panel held under section 98(2)(b) (resuming consideration).
- (2) At the meeting the panel must seek to reach agreement with the offender on a programme of behaviour whose aim (or principal aim) is to prevent re-offending by the offender.
- (3) Schedule 3 makes provision about the programme.

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- (4) Where a programme is agreed between the offender and the panel, the panel must produce a written record of the programme forthwith—
 - (a) in language capable of being readily understood by, or explained to, the offender,
 - (b) for signature by the offender, and
 - (c) for signature by a member of the panel on behalf of the panel.
- (5) Once the record has been signed by the offender and on behalf of the panel—
 - (a) the terms of the programme, as set out in the record, take effect as the terms of a “youth offender contract” between the offender and the panel, and
 - (b) the panel must provide a copy of the record to the offender.

Commencement Information

I14 S. 96 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

97 Duration of compliance period **E+W**

- (1) This section applies where a youth offender contract has taken effect between an offender and a youth offender panel.
- (2) The compliance period begins with the day on which the youth offender contract takes effect.
- (3) The length of the compliance period is—
 - (a) if the contract relates to a single referral order, the period specified in the order under section 86(1)(b);
 - (b) if the contract relates to two or more referral orders, the total period resulting from any direction of the court under section 88(4).
- (4) Subsection (3) is subject to—
 - (a) any order under paragraph 9, 12 or 15 of Schedule 4 extending the length of the compliance period, and
 - (b) subsection (5).
- (5) The compliance period expires on revocation of the referral order, or each of the referral orders, to which the youth offender contract relates.

Commencement Information

I15 S. 97 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

98 Failure to agree youth offender contract **E+W**

- (1) This section applies to—
 - (a) the first meeting of a youth offender panel established for an offender, and
 - (b) any further meeting of the panel held under subsection (2)(b).
- (2) The panel may—

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- (a) end the meeting without having reached agreement with the offender on an appropriate programme of behaviour, and
 - (b) resume consideration of the offender's case at a further meeting of the panel.
- (3) But if, at the meeting, it appears to the panel that there is no prospect of reaching an agreement with the offender on an appropriate programme of behaviour within a reasonable period after the making of the referral order (or orders), the panel—
- (a) may not consider the case at a further meeting under subsection (2)(b), and
 - (b) must instead refer the offender back to court.
- (4) If, at the meeting, the panel and the offender reach agreement on an appropriate programme of behaviour, but—
- (a) the offender does not sign the record produced under section 96(4)(b), and
 - (b) the offender's failure to do so appears to the panel to be unreasonable,
- the panel must end the meeting and refer the offender back to court.
- (5) In this section, “appropriate programme of behaviour” means a programme of behaviour of the kind mentioned in section 96(2).

Commencement Information

I16 S. 98 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

99 Arranging progress meetings **E+W**

- (1) This section applies where a youth offender contract has taken effect.
- (2) The specified youth offending team must arrange a meeting of the youth offender panel at any time during the compliance period (“a progress meeting”) if the panel requests it to do so under this section.
- (3) The panel may request the specified youth offending team to arrange a progress meeting if it appears to the panel to be expedient to review—
 - (a) the offender's progress in implementing the programme of behaviour contained in the youth offender contract, or
 - (b) any other matter arising in connection with the contract.
- (4) The panel must request the specified youth offending team to arrange a progress meeting if subsection (5) or (6) applies.
- (5) This subsection applies where the offender has notified the panel that the offender wishes—
 - (a) the youth offender contract to be varied, or
 - (b) to be referred back to court with a view to the referral order (or orders) being revoked on account of a significant change in the offender's circumstances (such as being taken to live abroad) which makes compliance with the contract impractical.
- (6) This subsection applies where it appears to the panel that the offender is in breach of the contract.

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I17 S. 99 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

100 Progress meetings: conduct **E+W**

- (1) This section applies to any meeting of a youth offender panel arranged under section 99.
- (2) At the meeting, the youth offender panel must do such of the following as it considers appropriate in the circumstances—
 - (a) review the offender's progress or any other matter referred to in section 99(3);
 - (b) discuss with the offender any breach of the youth offender contract which it appears to the panel that the offender has committed;
 - (c) consider any variation in the youth offender contract—
 - (i) sought by the offender, or
 - (ii) which appears to the panel expedient in the light of any such review or discussion;
 - (d) consider any request by the offender under section 99(5)(b) to be referred back to court.
- (3) Where the youth offender panel has discussed with the offender any breach of the contract which it appears to the panel that the offender has committed, the panel may—
 - (a) agree with the offender that the offender is to continue to be required to comply with the contract (either in its original form or with any agreed variation of it) without being referred back to court, or
 - (b) end the meeting and refer the offender back to court.
- (4) Where the panel and the offender agree a variation in the contract, the panel must produce a written record of the variation forthwith—
 - (a) in language capable of being readily understood by, or explained to, the offender,
 - (b) for signature by the offender, and
 - (c) for signature by a member of the panel on behalf of the panel.
- (5) Once the record has been signed by the offender and on behalf of the panel—
 - (a) the variation in the contract takes effect, and
 - (b) the panel must provide a copy of the record to the offender.
- (6) If at the meeting—
 - (a) the panel and the offender agree a variation in the contract,
 - (b) the offender does not sign the record produced under subsection (4), and
 - (c) the offender's failure to do so appears to the panel to be unreasonable,the panel may end the meeting and refer the offender back to court.
- (7) Schedule 3 (programme of behaviour) applies to what the contract, as varied under this section, may provide as it applies to a programme of behaviour agreed under section 96.
- (8) Where the offender has requested under section 99(5)(b) to be referred back to court and the panel—

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- (a) has discussed the request with the offender, and
 - (b) is satisfied that there is (or is soon to be) a change in circumstances of the kind mentioned in that provision,
- it may end the meeting and refer the offender back to court.

Commencement Information

I18 S. 100 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

101 Final meeting E+W

- (1) This section applies where—
 - (a) a youth offender contract has taken effect between a youth offender panel and an offender, and
 - (b) the compliance period is due to expire.
- (2) The specified youth offending team must arrange a meeting of the panel (“the final meeting”) to be held before the end of the compliance period.
- (3) At the final meeting the panel must—
 - (a) review the extent of the offender's compliance to date with the youth offender contract,
 - (b) decide whether or not the offender's compliance with the contract justifies the conclusion that the offender will have satisfactorily completed the contract by the end of the compliance period, and
 - (c) give the offender written confirmation of its decision.
- (4) A decision that the conclusion mentioned in subsection (3)(b) is justified—
 - (a) has the effect of discharging the referral order (or orders) as from the end of the compliance period, and
 - (b) can be made in the offender's absence.
- (5) If the panel decides that that conclusion is not justified, it must refer the offender back to court.
- (6) Nothing in section 92(3) permits the final meeting to be adjourned (or re-adjourned) to a time after the end of the compliance period.

Commencement Information

I19 S. 101 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Other powers to refer offender back to court

102 Revocation of referral order where offender making good progress etc E+W

- (1) This section applies where—
 - (a) a youth offender contract has taken effect between a youth offender panel and an offender, and

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- (b) it appears to the panel to be in the interests of justice for the referral order (or each of the referral orders) to be revoked.
- (2) The panel may refer the offender back to court, requesting the appropriate court—
 - (a) to revoke the order (or each of the orders) under sub-paragraph (2) of paragraph 7 of Schedule 4, or
 - (b) to—
 - (i) revoke the order (or each of the orders) under that sub-paragraph, and
 - (ii) re-sentence the offender under sub-paragraph (4) of that paragraph for the offence in respect of which the revoked order was made.
- (3) In deciding whether to refer the offender back to court under this section, the panel must have regard to circumstances which have arisen since the youth offender contract took effect, which may include the offender's making good progress under the contract.
- (4) Where—
 - (a) the panel refers the offender back to court under this section, and
 - (b) the appropriate court decides not to revoke the order (or orders) under paragraph 7(2) of Schedule 4 in consequence of that referral,the panel may not refer the offender back to court again under this section during the 3 month period beginning with the date of the court's decision, except with the consent of the appropriate court.

Commencement Information

I20 S. 102 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

103 Extension of compliance period **E+W**

- (1) This section applies where—
 - (a) a youth offender contract has taken effect,
 - (b) the compliance period is less than 12 months,
 - (c) the compliance period has not ended, and
 - (d) having regard to circumstances which have arisen since the contract took effect, it appears to the youth offender panel to be in the interests of justice for the length of the compliance period to be extended.
- (2) The panel may refer the offender back to court requesting the appropriate court to extend the length of the compliance period.
- (3) The requested period of extension must not be more than 3 months.

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I21 S. 103 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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Further court proceedings

104 Offender referred back to court or convicted while subject to referral order E +W

In Schedule 4—

- (a) Part 1 makes provision for what is to happen when a youth offender panel refers an offender back to court;
- (b) Part 2 makes provision for what is to happen when an offender is convicted of further offences while subject to a referral order.

Commencement Information

I22 S. 104 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Supplementary

105 Youth offender panel: change of residence E+W

- (1) This section applies where the court which made a referral order is satisfied that—
 - (a) the offender has changed, or proposes to change, residence (to the “new residence”), and
 - (b) the youth offending team for the time being specified in the order (“the current team”) does not have the function of implementing referral orders in the area of the offender's new residence (“the new area”).
- (2) The court may amend the order so that it specifies instead the youth offending team which has the function of implementing referral orders in the new area (“the new team”).
- (3) Where the court does so, this Chapter (and, in particular, section 91(2) (duty to establish youth offender panel)) applies to the new team accordingly.
This is subject to subsection (4).
- (4) If a youth offender contract has already taken effect under the referral order between the offender and the youth offender panel established by the current team—
 - (a) section 95 does not apply to the new team, and
 - (b) the contract has effect after the amendment as a youth offender contract between—
 - (i) the offender, and
 - (ii) the youth offender panel established by the new team.

Commencement Information

I23 S. 105 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

106 Functions of the specified youth offending team E+W

- (1) This section applies where a referral order is made in respect of an offender.

Status: Point in time view as at 01/12/2020.

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- (2) The specified youth offending team must arrange for the provision of such administrative staff, accommodation or other facilities as are required by the youth offender panel.
- (3) During the compliance period—
 - (a) the specified youth offending team must make arrangements for supervising the offender's compliance with the youth offender contract, and
 - (b) the person who is the member of the panel referred to in section 91(4)(a) must ensure that records are kept of the offender's compliance, or failure to comply, with that contract.
- (4) In implementing a referral order, the specified youth offending team must have regard to any guidance issued by the Secretary of State.
- (5) The Secretary of State may revise any guidance issued under subsection (4).

Commencement Information

I24 S. 106 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

107 Rules of court **E+W**

- (1) Criminal Procedure Rules may make such provision as appears to the Criminal Procedure Rule Committee to be necessary or expedient for the purposes of this Chapter.
- (2) Nothing in this section affects the generality of any other enactment conferring power to make Criminal Procedure Rules.

Commencement Information

I25 S. 107 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

108 Referral orders: interpretation **E+W**

- (1) In this Chapter—
 - “the appropriate court”, in relation to any referral of an offender back to court, means—
 - (a) if the offender is aged under 18 when first appearing before the court in pursuance of the referral back, a youth court acting in the local justice area in which it appears to the youth offender panel that the offender resides or will reside;
 - (b) otherwise, a magistrates' court (other than a youth court) acting in that area;
 - “associated”, in relation to referral orders, is to be read in accordance with section 88(6);
 - “compliance period” means the period for which a youth offender contract which takes effect between the offender and the youth offender panel is to have effect;
 - “meeting”, in relation to a youth offender panel, means—

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- (a) the first meeting arranged under section 95(1),
 - (b) any further meeting held under section 98(2)(b),
 - (c) any progress meeting arranged under section 99, or
 - (d) the final meeting held under section 101;
- “the specified youth offending team”, in relation to an offender to whom a referral order applies (or two or more associated referral orders apply), means the youth offending team for the time being specified in the order (or orders);
- “youth offender panel”, in relation to an offender, means the panel established for the offender in accordance with section 91.
- (2) For the purposes of this Chapter, an offence is connected with another offence if the offender is to be dealt with for both offences at the same time (whether or not convicted of them at the same time or by or before the same court).
 - (3) Any reference in this Chapter to a youth offender contract taking effect is to it taking effect between an offender and a youth offender panel under section 96.
 - (4) Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply for the purposes of this Part (except that it does apply for the purposes of paragraph 13 of Schedule 4 (further proceedings)).

Commencement Information

I26 S. 108 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

CHAPTER 2 **E+W**

REPARATION ORDERS FOR OFFENDERS AGED UNDER 18

109 **Reparation order** **E+W**

- (1) In this Code “reparation order” means an order made under this Chapter in respect of an offence which imposes requirements on the offender to make reparation for the offence to—
 - (a) a particular person or particular persons, or
 - (b) the community at large.
- (2) In this Chapter, references to making reparation for an offence are to making reparation for the offence otherwise than by the payment of compensation.

Commencement Information

I27 S. 109 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

110 **Reparation order: availability** **E+W**

- (1) A reparation order is available to a court dealing with an offender for an offence where—
 - (a) the offender is aged under 18 when convicted,

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- (b) the offence is not an offence the sentence for which is fixed by law, and
 - (c) the court is not proposing to—
 - (i) impose a custodial sentence,
 - (ii) make a youth rehabilitation order, or
 - (iii) make a referral order.
- (2) But a reparation order is not available unless the court has been notified by the Secretary of State that arrangements for implementing reparation 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).
- (3) A reparation order is not available if the offender is subject to a youth rehabilitation order, unless when it makes the reparation order the court revokes the youth rehabilitation order.
- (4) For the power of the court to revoke the youth rehabilitation order, see Part 5 of Schedule 7 (powers of court in relation to youth rehabilitation order following subsequent conviction).

Commencement Information

I28 S. 110 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

111 Requirement to consider report before making a reparation order **E+W**

- (1) This section applies where a court proposes to make a reparation order in respect of an offence.
- (2) Before making the order, the court must obtain and consider a written report by—
 - (a) an officer of a provider of probation services,
 - (b) a social worker of a local authority, or
 - (c) a member of a youth offending team.
- (3) The report must indicate—
 - (a) the type of work that is suitable for the offender, and
 - (b) the attitude of the victim or victims to requirements proposed to be included in the reparation order.

Commencement Information

I29 S. 111 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

112 Requirements to make reparation to be specified in order **E+W**

- (1) This section applies where a court makes a reparation order in respect of an offence.
- (2) The reparation order must—
 - (a) specify the requirements with which the offender must comply, and
 - (b) if those requirements require reparation to be made to a particular person or particular persons, specify that person or those persons.

Status: Point in time view as at 01/12/2020.

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- (3) The requirements must be such as in the opinion of the court are commensurate with the seriousness of—
- (a) the offence, or
 - (b) the combination of the offence and one or more associated offences.

This is subject to subsections (5) and (6).

- (4) Any person specified under subsection (2)(b) must be a person identified by the court as—
- (a) a victim of the offence, or
 - (b) a person otherwise affected by it.
- (5) The reparation order may not impose a requirement to make reparation to a particular person without the consent of that person.
- (6) The requirements must be requirements to make reparation which—
- (a) may require the offender to perform work, but
 - (b) if they do, must not require the offender to work for more than 24 hours in aggregate.
- (7) The requirements must, so far as practicable, be such as to avoid—
- (a) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment,
 - (b) any conflict with the offender's religious beliefs, and
 - (c) any conflict with the requirements of any other court order to which the offender may be subject.

Commencement Information

I30 S. 112 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

113 Other provision to be specified in a reparation order E+W

- (1) This section applies where a court makes a reparation order.
- (2) The reparation order must specify the local justice area in which it appears to the court making the order that the offender resides or will reside.
- (3) The reparation order must specify the responsible officer.
- (4) The person specified as the responsible officer must be—
 - (a) an officer of a provider of probation services acting in the offender's home local justice area,
 - (b) a social worker of the local authority in whose area it appears to the court that the offender resides or will reside, or
 - (c) a member of a youth offending team established by that local authority.

Commencement Information

I31 S. 113 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 01/12/2020.

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114 Making reparation **E+W**

- (1) The offender must perform the requirements of the reparation order under the supervision of the responsible officer.
- (2) Any requirements to make reparation imposed by a reparation order must be completed within the period of 3 months beginning with the day on which the order is made.

Commencement Information

I32 S. 114 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

115 Breach, revocation or amendment of reparation order **E+W**

Schedule 5 makes provision about breach, revocation and amendment of reparation orders.

Commencement Information

I33 S. 115 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

116 Reparation orders: interpretation **E+W**

In this Chapter—

- (a) references to making reparation are to be read in accordance with section 109(2);
- (b) “offender's home local justice area” means the local justice area for the time being specified in the reparation order under section 113 or by virtue of an order under paragraph 5(4)(b)(ii) of Schedule 5;
- (c) the “responsible officer” means the responsible officer for the time being specified in the reparation order under that section or by virtue of an order under that paragraph;
- (d) references to breach of a requirement of a reparation order include references to a failure to comply with the requirement.

Commencement Information

I34 S. 116 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

CHAPTER 3 **E+W**

OTHER ORDERS

117 Orders under Street Offences Act 1959 **E+W**

See section 1(2A) of the Street Offences Act 1959 for orders available in the case of offences under section 1 of that Act (loitering or soliciting for purposes of prostitution) where no other sentence is imposed.

Status: Point in time view as at 01/12/2020.

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Commencement Information

I35 S. 117 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status:

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Changes to legislation:

Sentencing Act 2020, PART 6 is up to date with all changes known to be in force on or before 03 September 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.