



# 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*

### **89 Making of referral order: effect on court's other sentencing powers**

- (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

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*Status: Point in time view as at 24/05/2024.*

*Changes to legislation: Sentencing Act 2020, Section 89 is up to date with all changes known to be in force on or before 05 August 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)*

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- (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—
- (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.

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**Commencement Information**

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

**Status:**

Point in time view as at 24/05/2024.

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