

YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part I: Referrals to youth offender panels

Section 3: Making a referral order

41. *Section 3* sets out the practical and administrative arrangements for making an order. To ensure that the young offender fully understands the effect of referral, the contents of the order are prescribed in *subsection (1)* and a requirement is contained in *subsection (3)* to explain the order, and the consequences of not complying with it, in clear language.
42. The order must specify the length of the period for which any youth offender contract will have effect (*subsection (1)(c)*). This will be between 3 and 12 months. It will be set by the court on the basis of the seriousness of the offence to ensure that the sentence is proportionate to the offence. Where referral is being ordered for two or more offences, the court will make a referral order for each offence. However, each order will be supervised by the same youth offender panel (*subsection (5)*) and there can only be one youth offender contract. Although the period specified in each order may be of a different length, the total time for which any youth offender contract has effect will not exceed 12 months (*subsection (6)*).
43. The order must also specify which youth offending team is responsible for ensuring that a youth offender panel is set up to deal with the offender (*subsection (1)(a)*). *Subsection (2)* requires that the youth offending team identified in the order should be the team responsible for the young offender's home area or the area where he or she is expected to reside in the future.