



Youth Justice and Criminal Evidence Act 1999

1999 CHAPTER 23

PART I

REFERRALS TO YOUTH OFFENDER PANELS

Referral orders

4 Making of referral orders: effect on court's other sentencing powers.

- (1) Subsections (2) to (5) apply where a court makes a referral order in respect of an offence.
- (2) The court may not deal with the offender for the offence in any of the prohibited ways.
- (3) The court—
 - (a) shall, in respect of any associated offence, either sentence the offender by making a referral order or make an order discharging him absolutely; and
 - (b) may not deal with the offender for any such offence in any of the prohibited ways.
- (4) For the purposes of subsections (2) and (3) the prohibited ways are—
 - (a) imposing a community sentence (within the meaning of Part I of the ^{M1}Criminal Justice Act 1991) on the offender;
 - (b) ordering him to pay a fine;
 - (c) making a reparation order under section 67 of the ^{M2}Crime and Disorder Act 1998 in respect of him; and
 - (d) making an order discharging him conditionally.
- (5) The court may not make, in connection with the conviction of the offender for the offence or any associated offence—
 - (a) an order binding him over to keep the peace or to be of good behaviour;

Status: Point in time view as at 26/06/2000. This version of this provision has been superseded.

Changes to legislation: Youth Justice and Criminal Evidence Act 1999, Section 4 is up to date with all changes known to be in force on or before 24 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)

- (b) an order under section 58 of the Criminal Justice Act 1991 (binding over of parent or guardian); or
 - (c) a parenting order under section 8 of the Crime and Disorder Act 1998.
- (6) Subsections (2), (3) and (5) do not affect the exercise of any power to deal with the offender conferred by paragraph 5 (offender referred back to court by panel) or paragraph 14 (powers of a court where offender convicted while subject to referral) of Schedule 1.
- (7) Where section 1(2) above requires a court to make a referral order, the court may not under section 1 of the ^{M3}Powers of Criminal Courts Act 1973 defer passing sentence on him, but section 1(2) and subsection (3)(a) above do not affect any power or duty of a magistrates' court under—
- (a) section 56 of the ^{M4}Children and Young Persons Act 1933 (remission to youth court, or another such court, for sentence),
 - (b) section 7(8) of the ^{M5}Children and Young Persons Act 1969 (remission to youth court for sentence),
 - (c) section 10(3) of the ^{M6}Magistrates' Courts Act 1980 (adjournment for inquiries),
 - (d) ^{F1} . . . or
 - (e) section 35, 38, 43 or 44 of the ^{M7}Mental Health Act 1983 (remand for reports, interim hospital orders and committal to Crown Court for restriction order).

Textual Amendments

F1 Words in s. 4(7)(d) repealed (1.4.2000) by 1999 c. 23, s. 67(3), **Sch. 6** (with **Sch. 7** paras. 3(3), 5(2)); S.I. 1999/3427, **art. 3(a)(b)**

Marginal Citations

M1 1991 c. 53.
M2 1998 c. 37.
M3 1973 c. 62.
M4 1933 c. 12.
M5 1969 c. 54.
M6 1980 c. 43.
M7 1983 c. 20.

Status:

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