

SCHEDULES

SCHEDULE 4

REFERRAL ORDER: FURTHER COURT PROCEEDINGS

PART 2

FURTHER CONVICTIONS DURING REFERRAL

Introductory

- 14 This Part of this Schedule applies where—
- (a) a referral order has been made in respect of an offender and has not been discharged or revoked,
 - (b) the offender is aged under 18, and
 - (c) a court is dealing with the offender for an offence (“the new offence”).

Power of magistrates’ court to deal with further offence by extending compliance period

- 15 (1) This paragraph applies if the court dealing with the offender for the new offence is a youth court or other magistrates’ court.
- (2) An order under this paragraph is available in respect of the new offence if neither the new offence nor any offence connected with it is one the sentence for which is fixed by law.
- (3) The court may sentence the offender for the new offence by making an order extending the length of the compliance period, but not to more than 12 months.

Supplementary

- 16 (1) This paragraph applies where a court makes an order under paragraph 15 in respect of the new offence.
- (2) The court must not deal with the offender for the new offence, or any offence connected with it, by making an order of the kind mentioned in section 89(3) (orders not available where court makes referral order).
- (3) In respect of any offence connected with the new offence, the court must make—
- (a) an order under paragraph 15, or
 - (b) an order for absolute discharge.

Further convictions: power of any court to revoke referral orders

- 17 (1) This paragraph applies where, in dealing with the offender for the new offence, the court makes an order other than—

Status: This is the original version (as it was originally enacted).

- (a) an order under paragraph 15, or
 - (b) an order for absolute discharge or an order for conditional discharge.
- (2) If it appears to the court to be in the interests of justice to do so, the court—
- (a) may revoke the referral order (or any one or more of the referral orders), and
 - (b) if it revokes a referral order, may re-sentence the offender for the offence in respect of which the revoked order was made (but assuming that a referral order is not available).
- (3) Revocation of a referral order under sub-paragraph (2) has the effect of revoking any related order under paragraph 9(2), 12 or 15 (extension of compliance period).
- (4) When re-sentencing the offender under sub-paragraph (2)(b), if a youth offender contract has taken effect between the offender and the panel, the court must take into account the extent of the offender's compliance with the contract.
- (5) For the purposes of this paragraph it does not matter whether the new offence was committed before or after the offender was referred to the panel.