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SCHEDULES

[^{F1}SCHEDULE 2] E+W

CONSTITUTION OF [^{F1}YOUTH COURTS]

Textual Amendments

- F1** Sch. 2 substituted by Children and Young Persons Act 1963 (c. 37), s. 17(1), **Sch. 2**
- F1** Words in Sch. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

- C1** Sch. 2 amended by S.I. 1985/1383, **art. 3(6)**
- C1** References to the metropolitan stipendiary court area amended by virtue of Administration of Justice Act 1964 (c. 42, SIF 82), **s. 12(1)**
- C1** Functions of the Secretary of State in Sch. 2 transferred (1.4.1992) to the Lord Chancellor by virtue of S.I. 1992/709, art. 2(1)(c), **Sch. 1**.
Sch. 2 modified (*temp.* from 19.7.2000) by S.I. 2000/1920, **art. 4**

PART I E+W

OUTSIDE METROPOLITAN AREA

[^{F1}Youth court panels]

Textual Amendments

- F1** Words in Sch. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 41(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

- 1 The following provisions of this Part of this Schedule shall have effect as respects [^{F2}petty sessions areas falling wholly outside the area consisting of the inner London boroughs and the City of London.]

Textual Amendments

- F2** Words in Sch. 2 para. 1 substituted (27.9.1999) by 1999 c. 22, ss. 76(2), 108(3)(c), **Sch. 10 para. 16(2)** (with Sch. 14 para. 7(2)) (which substitution fell (*prosp.*) by reason of the repeal of Sch. 10 para. 16(2) (*prosp.*) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(2) (with Sch. 14 paras. 7(2), **36(9)**))

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^{x12} A justice shall not be qualified to sit as a member of a [^{F3}youth court] unless he is a member of a [^{F4}youth court panel], that it to say, a panel of justices specially qualified to deal with juvenile cases.

Editorial Information

X1 The insertion of the new heading "Qualification to sit as member of youth court" in Sch. 2 Pt. I on 31.8.2000 gives rise to a change in the structure of this legislation on SLD which breaks the continuity of historical versions of the existing provisions which are now brought under that new heading.

Textual Amendments

F3 Words in Sch. 2 para. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 40(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

F4 Words in Sch. 2 para. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 41(1)(2)(a)**; S.I. 1992/333, art. 2(2), **Sch.2**.

VALID FROM 31/08/2000

[^{F5} Constitution by single District Judge (Magistrates' Courts)]

Textual Amendments

F5 Crossheading in Sch. 2 inserted (31.8.2000) by 1999 c. 22, s. 78(2), **Sch. 11 para. 12(4)** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

[^{F6}2A A youth court may consist of a District Judge (Magistrates' Courts) sitting alone.]

Textual Amendments

F6 Sch. 2 para. 2A inserted (31.8.2000) by 1999 c. 22, s. 78(2), **Sch. 11 para. 12(4)** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

[^{F7}Youth court panels.]

Textual Amendments

F7 Crossheading in Sch. 2 inserted (31.8.2000) by 1999 c. 22, s. 78(2), **Sch. 11 para. 12(4)** (with Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**

3 Subject to the following provisions of this Part of this Schedule, a [^{F8}youth court panel] shall be formed for every petty sessions area.

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Textual Amendments

- F8** Words in Sch. 2 para. 3 substituted (1.10.1992) by Criminal Justice Act 1991 (c.53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2.

Modifications etc. (not altering text)

- C1** Sch. 2 para. 3 excluded (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), Sch. 14 Pt. V para. 28(1) (with Sch. 14 para. 7(2)); S.I. 1999/2657, art. 2(d)(i)

Combined [^{F9}youth court panels]

Textual Amendments

- F9** Words in Sch. 2 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch.2

- 4 A magistrates' courts committee may make recommendations to the [^{F10}Lord Chancellor]—
- (a) for the formation of a combined [^{F11}youth court panel] for two or more petty sessions areas, or
 - (b) for the dissolution of any such combined [^{F11}youth court panel],
- if the committee's area comprises at least one of the petty sessions areas concerned.

Textual Amendments

- F10** Words in Sch. 2 para. 4 substituted (1.4.1992) by S.I. 1992/709, art. 2(1)(3), Sch. 1
- F11** Words in Sch. 2 para. 4 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

- 5 It shall be the duty of the magistrates' courts committee for any area, if directed to do so by the [^{F12}Lord Chancellor], to review the functioning of [^{F13}youth courts] in their area and on completion of the review to submit to the [^{F12}Lord Chancellor] either a report making such recommendations as are mentioned in paragraph 4 of this Schedule or a report giving reasons for making no such recommendations.

Textual Amendments

- F12** Words in Sch. 2 para. 5 substituted (1.4.1992) by S.I. 1992/709, art. 2(3)
- F13** Words in Sch. 2 para. 5 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch.2.

- 6 Subject to the provisions of this Schedule—

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- (a) where a magistrates' courts committee make such recommendations to the [^{F14}Lord Chancellor], he may make an order giving effect to them subject to any modifications he thinks fit; and
- (b) where a magistrates' courts committee fail to comply within six months with a direction of the [^{F14}Lord Chancellor] under the preceding paragraph, or [^{F14}Lord Chancellor] is dissatisfied with the report submitted in pursuance of such a direction, he may make such order as he thinks fit for the purposes mentioned in paragraph 4 of this Schedule.

Textual Amendments

F14 Words in Sch. 2 para. 6 substituted (1.4.1992) by S.I. 1992/709, art. 2(3)

Effect of order establishing combined panel

- 7 Where a combined [^{F15}youth court panel] is formed for any petty sessions areas any justice who is a member of the panel may exercise in relation to each of the areas any jurisdiction exercisable by him as a member of a [^{F16}youth court].

Textual Amendments

F15 Words in Sch. 2 para. 7 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

F16 Words in Sch. 2 para. 7 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 40(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

Restrictions on formation of combined panels

- 8 No order under this Schedule shall provide for the formation of a combined [^{F17}youth court panel] for an area [^{F18}unless the area consists of, or is wholly included in, a single commission area]

Textual Amendments

F17 Words in Sch. 2 para. 8 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

F18 Words substituted for words and paras. (a)(b) in Sch. 2 para. 8 (27.9.1999) by 1999 c. 22, ss. 76(2), 108(3)(c), Sch. 10 paras. 14, 16(3) (with Sch. 14 para. 7(2))

Modifications etc. (not altering text)

C2 Sch. 2 para. 8 amended (1.4.1996) by: S.I. 1996/674, reg. 2, Sch. Pt. II para. 5(2)(k); S.I. 1996/675, art. 2, Sch. Pt. II para. 7(2)(k)

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Textual Amendments

- F19** Sch. 2 para. 8A repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3)(f), **Sch. 15 Pt. V(1)** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(d)(iii)**

- 9 An order under this Schedule providing for the formation of a combined [^{F20} youth court panel] for an area which comprises a borough having a separate magistrates' courts committee shall not be made except with the consent of every magistrates' courts committee the whole or part of whose area is included in the area for which the combined panel is formed.

Textual Amendments

- F20** Words in Sch. 2 para. 9 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, **Sch. 11 para. 41(2)(a)**; S.I. 1992/333, art. 2(2), **Sch. 2**

Modifications etc. (not altering text)

- C3** Sch. 2 para. 9 restricted (conditionally) (27.9.1999) by 1999 c. 22, ss. 105, 108(3)(e), **Sch. 14 Pt. V para. 28(2)** (with Sch. 14 para. 7(2)); S.I. 1999/2657, **art. 2(d)(i)** (which restriction fell (*prosp.*) by reason of the repeal of Sch. 14 para. 28(2) (*prosp.*) by 1999 c. 22, ss. 106, 108(1), Sch. 15 Pt. V(6) (with Sch. 14 paras. 7(2), **36(9)**))

Consultations and notices

- 10 A magistrates' courts committee, before submitting recommendations for an order under this Schedule, shall consult and, when submitting any such recommendations, shall give notice to—

- (a) the justices acting for any petty sessions area concerned which is within the committee's area (except where the committee's area is a borough); and
- (b) any other magistrates' courts committee the whole or part of whose area is concerned;

and shall also consult the said justices before commenting on any recommendations on which they are consulted under this paragraph by another magistrates' courts committee.

- 11 Where the [^{F21}Lord Chancellor] proposes to make an order under this Schedule in a case where either no recommendations have been made to him or the proposed order departs from the recommendations made to him, he shall send a copy of the proposed order to the magistrates' courts committee for any area the whole or part of which is concerned and to the justices acting for any petty sessions area concerned.

Textual Amendments

- F21** Words in Sch. 2 para. 11 substituted (1.4.1992) by S.I. 1992/709, **art. 2(1)(3)**

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- 12 Where notice of recommendations or a copy of a proposed order is required to be sent under the preceding paragraphs to any justices or committee, the [^{F22}Lord Chancellor] shall, before making an order, consider any representations made to him by the justices or committee, or by any [^{F23}youth court panel] concerned, within one month from the time the notice was given or the copy of the proposed order was sent.

Textual Amendments

F22 Words in Sch. 2 para. 12 substituted (1.4.1992) by S.I. 1992/709, art. 2(3)

F23 Words in Sch. 2 para. 12 substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 100, Sch. 11 para. 41(2)(a); S.I. 1992/333, art. 2(2), Sch. 2

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