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STATUTORY INSTRUMENTS

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**2015 No. 1478**

**The Magistrates' Courts (Modern Slavery Act 2015) Rules 2015**

**Defendant attaining age of 18 after commencement of proceedings**

5.—(1) Where a defendant attains the age of 18 after proceedings against that person by virtue of Part 2 of the 2015 Act have begun, the proceedings must remain in a youth court, subject to paragraphs (2) and (3).

(2) The court in which the proceedings were continuing when the defendant attained the age of 18 may, at the request of the applicant or the defendant or of its own motion—

- (a) make a direction under paragraph (3); or
- (b) direct that the proceedings be transferred to a youth court for the local justice area in which the defendant currently resides, in order for that court to consider whether to make a direction under paragraph (3).

(3) The court may direct that the proceedings be transferred to an adult magistrates' court, having had regard in particular to—

- (a) the stage which the proceedings have reached;
- (b) the circumstances of the applicant and the defendant; and
- (c) the need to ensure fairness between the applicant and the defendant.

(4) The court may not make a direction under paragraph (3) without a hearing, on notice to both the applicant and the defendant.