



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART I

POWERS EXERCISABLE BEFORE SENTENCE

Remission for sentence: young offenders etc.

8 Power and duty to remit young offenders to youth courts for sentence

- (1) Subsection (2) below applies where a child or young person (that is to say, any person aged under 18) is convicted by or before any court of an offence other than homicide.
- (2) The court may and, if it is not a youth court, shall unless satisfied that it would be undesirable to do so, remit the case—
 - (a) if the offender was committed for trial or sent to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998, to a youth court acting for the place where he was committed for trial or sent to the Crown Court for trial;
 - (b) in any other case, to a youth court acting either for the same place as the remitting court or for the place where the offender habitually resides;but in relation to a magistrates' court other than a youth court this subsection has effect subject to subsection (6) below.
- (3) Where a case is remitted under subsection (2) above, the offender shall be brought before a youth court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and convicted by that court.
- (4) A court by which an order remitting a case to a youth court is made under subsection (2) above—
 - (a) may, subject to section 25 of the Criminal Justice and Public Order Act 1994 (restrictions on granting bail), give such directions as appear to be necessary

Status: This is the original version (as it was originally enacted).

with respect to the custody of the offender or for his release on bail until he can be brought before the youth court; and

- (b) shall cause to be transmitted to the justices' chief executive for the youth court a certificate setting out the nature of the offence and stating—
 - (i) that the offender has been convicted of the offence; and
 - (ii) that the case has been remitted for the purpose of being dealt with under the preceding provisions of this section.
- (5) Where a case is remitted under subsection (2) above, the offender shall have no right of appeal against the order of remission, but shall have the same right of appeal against any order of the court to which the case is remitted as if he had been convicted by that court.
- (6) Without prejudice to the power to remit any case to a youth court which is conferred on a magistrates' court other than a youth court by subsections (1) and (2) above, where such a magistrates' court convicts a child or young person of an offence it must exercise that power unless the case falls within subsection (7) or (8) below.
- (7) The case falls within this subsection if the court would, were it not so to remit the case, be required by section 16(2) below to refer the offender to a youth offender panel (in which event the court may, but need not, so remit the case).
- (8) The case falls within this subsection if it does not fall within subsection (7) above but the court is of the opinion that the case is one which can properly be dealt with by means of—
 - (a) an order discharging the offender absolutely or conditionally, or
 - (b) an order for the payment of a fine, or
 - (c) an order (under section 150 below) requiring the offender's parent or guardian to enter into a recognizance to take proper care of him and exercise proper control over him,with or without any other order that the court has power to make when absolutely or conditionally discharging an offender.
- (9) In subsection (8) above "care" and "control" shall be construed in accordance with section 150(11) below.
- (10) A document purporting to be a copy of an order made by a court under this section shall, if it purports to be certified as a true copy by the justices' chief executive for the court, be evidence of the order.