

CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

EXPLANATORY NOTES

THE ACT

Commentary on Sections

Part 2: Sentencing

Section 39: Youth default orders

306. At present where a magistrates' court would, but for section 89 of the 2000 Act (which restricts courts from imprisoning persons aged under 21), have power to commit to prison a person under the age of 18 for a default consisting in failure to pay a sum adjudged to be paid by a conviction, for instance a fine, the court may take enforcement proceedings against the parent or guardian under section 81 of the Magistrates' Courts Act 1981. This section makes provision in *subsections (1) and (2)* for a magistrates' court to impose a youth default order if a person aged under 18 defaults on a fine imposed following a conviction, instead of taking proceedings against the parent or guardian. A youth default order may require the court to order the young person in default to undertake unpaid work (if the person is 16 or 17), attend an attendance centre or be subject to a curfew.
307. *Subsection (4)* provides for a power to impose electronic monitoring of a curfew requirement imposed under subsection (2).
308. *Subsection (5)* allows a court to postpone making a youth default order if expedient.
309. *Subsection (6)* provides that certain provisions relating to YROs have effect in relation to youth default orders with the modifications set out in Schedule 7.
310. *Subsections (7) and (8)* provide for the youth default order to cease to have effect if the sum owed is paid in full and for the total number of hours or days specified in the default order to be reduced by a proportion if part payment is made.