

2007 No. 1611 (L .9)

MAGISTRATES' COURTS, ENGLAND AND WALES

**The Youth Courts (Constitution of Committees and Right to
Preside) Rules 2007**

<i>Made</i> - - - -	<i>17th June 2007</i>
<i>Laid before Parliament</i>	<i>19th June 2007</i>
<i>Coming into force</i> - -	<i>13th July 2007</i>

The Lord Chief Justice makes the following Rules, in exercise of the powers conferred on him by:

sections 18(6) and (7) and 19(1) and (2) of the Courts Act 2003(a), and after consultation with the Lord Chancellor, the Criminal Procedure Rule Committee, the Family Procedure Rule Committee and the Magistrates' Courts Rule Committee in accordance with section 20(2) of that Act(b):

section 45(4) of the Children and Young Persons Act 1933(c) with the concurrence of the Lord Chancellor and after consultation with the Criminal Procedure Rule Committee in accordance with section 45(6) of that Act:

Citation and commencement

1. These Rules may be cited as the Youth Courts (Constitution of Committees and Right to Preside) Rules 2007 and shall come into force on 13th July 2007.

Interpretation

2. In these Rules—

“the 2007 Rules” means the Justices of the Peace (Training Development and Committee) Rules 2007(d);

“BTDC” means the Bench Training and Development Committee established in accordance with the 2007 Rules;

“ILYTDC” means the Inner London Youth Training and Development Committee established in accordance with the 2007 Rules;

“Inner London area” means the local justice areas covering the London Boroughs listed in Part 2 of Schedule I to the 2007 Rules;

(a) 2003 c.39; section 19 was amended by the Constitutional Reform Act 2005 (c.4), Schedule 4, Part I, paragraphs 308 and 320.
(b) section 20 was amended by the Constitutional Reform Act 2005, Schedule 4, Part I, paragraphs 308 and 321.
(c) 1933 c.12; section 45 was substituted by the Courts Act 2003, section 50(1) and amended by the Constitutional Reform Act 2005, Schedule 4, Part I, paragraph 20.
(d) S.I. 2007/1609.

“justice” means a lay justice and, in relation to a local justice area, means a justice assigned to that area;

“justices’ clerk”, in relation to a local justice area, means a justices’ clerk assigned to that area and includes any person acting as such;

“outgoing panel” means—

- (a) in relation to the Inner London area, the youth panel for the metropolitan area established in accordance with Schedule 2 of the Children and Young Persons Act 1933(a); and
- (b) in any other case, the youth panel formed for a local justice area in accordance with the Youth Courts (Constitution) Rules 1954(b);

“youth election meeting” means the meeting held by the youth panel between 1st September and 30th November each year in accordance with rule 4; and

“youth justice” means a justice authorised to sit as a member of a youth court.

Formation of Youth Panels

3.—(1) Subject to rule (5), there shall be a Committee, to be known as a youth panel, for each local justice area.

(2) The youth panel shall consist of the youth justices for the local justice area to which the youth panel relates.

Meetings of Youth Panels

4.—(1) A youth panel shall meet as often as necessary but not less than twice a year.

(2) One of the meetings of the youth panel, to be known as the youth election meeting, shall take place between the 1st September and 30th November each year.

Combined Panels

5.—(1) Where, immediately before 13th July 2007, two or more outgoing panels had formed a combined panel, there shall be a combined youth panel for the local justice areas covered by the combined outgoing panel.

(2) There shall be a combined youth panel for the Inner London area.

(3) The Lord Chief Justice may, on the application of the youth panels concerned and after consultation with the Area Director, give approval for—

- (a) the formation of a combined youth panel in respect of two or more local justice areas; or
- (b) or dissolution of a combined youth panel (including a combined youth panel referred to in paragraph (1) or (2)).

Chairman and deputy chairmen of Youth Panels

6.—(1) A person who, immediately before 13th July 2007, held office as a chairman of an outgoing panel or a combined outgoing panel shall hold office as chairman of the youth panel for the corresponding local justice area or areas for a term beginning on 13th July 2007 and ending on 31st December 2007.

(2) The members of each youth panel shall elect, by secret ballot, a chairman and one or more deputy chairmen in accordance with this rule, to hold office for a term of one year from the 1st January following the date of appointment.

(3) At the youth election meeting in 2007 the members of the youth panel shall elect the chairman and one or more deputy chairmen to hold office from 1st January 2008.

(a) 1933 c.12; Schedule 2 was revoked by the Courts Act 2003, Schedule 10.

(b) SI 1954/1711; relevant amending instrument is S.I. 2005/617.

(4) At the youth election meeting in 2007 and each subsequent youth election meeting the members of the youth panel shall decide—

- (a) whether the election in the following year shall take place—
 - (i) at the youth election meeting; or
 - (ii) by postal ballot to be conducted prior to the youth election meeting; and
- (b) if appropriate, the method of conducting a postal ballot.

(5) Nominations for the chairman and one or more deputy chairmen may be made by the members of the youth panel to the justices' clerk.

(6) If a vacancy occurs in the chairmanship or deputy chairmanship, the members of the youth panel shall, as soon as practicable, elect by secret ballot a chairman or, as the case may be, deputy chairman, to hold office for the remainder of the period for which the person replaced would have served.

Eligibility for re-election of chairman or deputy chairman

7.—(1) In this rule—

- (a) “previous chairman” means a youth justice who has held office as chairman of a youth panel established under these Rules or of an outgoing panel or combined outgoing panel; and
- (b) references, however phrased, to periods of office shall include periods of office held as chairman or deputy chairman, as the case may be, of an outgoing panel or combined outgoing panel.

(2) A previous chairman shall not be eligible for re-election as chairman if, on 1st January after the election, he will have held such office for periods totalling more than two years unless at least six years have elapsed since he last held office.

(3) In any event a previous chairman shall not be eligible for re-election as chairman if, on the 1st January after the election, he will have held office for periods totalling more than five years.

(4) A youth justice who has held office as deputy chairman of a youth panel established under these Rules, or of an outgoing panel or a combined outgoing panel, shall not be eligible for re-election as deputy chairman if on 1st January after the election he will have held such office for periods totalling more than five years.

Conduct of ballots

8.—(1) Where there is an equality of votes between any candidates in a ballot and the addition of a vote would entitle one of them to be elected the justices' clerk shall decide between the candidates by lot.

(2) Where a ballot paper is returned unmarked or marked in such a manner that there is a doubt as to the identity of the justice or justices for whom the vote is cast the ballot paper or the vote, as the case may be, shall be rejected when the votes are counted.

Functions of Youth Panels

9. A youth panel shall—

- (a) make recommendations to—
 - (i) the BTDC for its local justice area; or
 - (ii) in the case of the Inner London area, the ILYTDC,in relation to the number of new justices required to sit and preside in youth courts; and
- (b) liaise with other bodies in order to share information and represent the views of youth justices.

Constitution of youth courts

10.—(1) A youth court shall consist of either—

- (a) a District Judge (Magistrates' Courts) sitting alone; or
- (b) not more than three justices who shall include a man and a woman.

(2) Paragraph (3) applies if it is not possible to comply with paragraph (1)(b) because—

- (a) no man or no woman is available due to circumstances unforeseen when the justices to sit were chosen; or
- (b) the only man or the only woman present cannot properly sit as a member of the court.

(3) Where this paragraph applies, the court may be constituted without a man, or as the case may be, a woman if the other members of the youth court think it inexpedient in the interests of justice for there to be an adjournment.

(4) Nothing in this rule shall be construed as requiring a youth court to include both a man and a woman in any case where a single justice has by law jurisdiction to act.

Chairmanship of youth courts

11.—(1) A youth court, other than one consisting of a District Judge (Magistrates' Courts) sitting alone, shall sit under the chairmanship of—

- (a) a District Judge (Magistrates' Courts) if he is sitting as a member of the court; or
- (b) a youth justice who is on the list of approved youth court chairmen.

(2) A youth justice may preside before he has been included on a list of approved youth court chairmen only if—

- (a) he is under the supervision of a youth justice who is on a list of approved youth court chairmen; and
- (b) he has completed the training courses prescribed by rule 31 of the 2007 Rules.

(3) In this rule “list of approved youth court chairmen” means a list kept by the ILYTDC or BTDC as appropriate in accordance with rules 32 and 36 of the 2007 Rules.

Absence of youth justice entitled to preside

12.—(1) The youth justices present may appoint one of their number to preside in a youth court to deal with any case in the absence of a justice entitled to preside under rule 11 if—

- (a) before making such appointment the youth justices present are satisfied as to the suitability for this purpose of the justice proposed; and
- (b) except as mentioned in paragraph (2), the justice proposed has completed or is undergoing a chairman training course in accordance with rule 31(f) of the 2007 Rules.

(2) The condition in paragraph (1)(b) does not apply if by reason of illness, circumstances unforeseen when the youth justices to sit were chosen or other emergency no justice who complies with that condition is present.

Revocation

13. The Youth Courts (Constitution) Rules 1954 are hereby revoked.

13th June 2007

I concur

17th June 2007

Phillips of Worth Matravers, C.J.

Falconer of Thoroton, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules provide for the formation of a Committee, to be known as a youth panel for each local justice area. The youth panel shall consist of the youth justices for the local justice area. The youth panel will advise the appropriate body in relation to the number of justices required to sit and preside in youth courts in its local justice area and will liaise with other bodies to share information and represent the views of youth justices. The Rules make provision for there to be combined youth panels.

The Rules also make provision for the constitution and chairmanship of youth courts.

2007 No. 1611 (L .9)

MAGISTRATES' COURTS, ENGLAND AND WALES

**The Youth Courts (Constitution of Committees and Right to
Preside) Rules 2007**

£3.00

© Crown copyright 2007

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0886 6/2007 170886T 19585

