

Criminal Justice and Courts Bill

Fact sheet: committal for sentence of young offenders convicted of certain serious offences

Introduction and current position

1. At present, the power to commit defendants under 18 to the Crown Court for sentence is available only –
 - where the young defendant has pleaded guilty to one of the serious offences listed in section 91(1) of the Powers of Criminal Courts (Sentencing) Act 2000 at the outset and the magistrates' court considers that a Crown Court sentence is required; or
 - where the court considers that the case satisfies the criteria for the imposition of an extended determinate sentence set out in section 226B of the Criminal Justice Act 2003.
2. In any other case, a person under 18 who is convicted in the youth court must be sentenced within the court's own powers.
3. This might prevent an adequate sentence being imposed where it transpires (e.g. through information that emerges during the trial) that the offending is more serious than it appeared when the case was initially accepted by the youth court.

What are the proposed changes?

4. We believe the court may have inadequate sentencing powers in some cases which may tend to undermine efforts to encourage youth courts to try serious crimes in suitable cases.
5. This clause provides youth courts with the power to commit offenders who are convicted of an offence listed in section 91(1) of the 2000 Act to the Crown Court for sentence whenever a Crown Court sentence is required, and not (as now) only where an indication of a guilty plea was given at the outset. This brings the youth position into line with that for adults.