

The difference between Youths and Adults

Youths are dealt with differently in the magistrates' court. Even the simplest of things, for instance, no person shall stand to address a youth court and also that it is closed to the public to ensure the anonymity.

The powers of the court and approach taken when sentencing an offender aged 10-17 are different to those for adult offenders.

Offenders aged 10-17 are usually dealt with and sentenced in the youth court except for cases involving very serious offences, such as murder, or where the young person will be tried alongside an adult which are dealt with and sentenced in the Crown Court.

Factors to consider

When sentencing a young offender, the court should have regard to:

- the main aim of the youth justice system - the prevention of offending by children and young persons; and
- the welfare of the child.

In addition to having regard to the factors above, the court will consider the following when determining the appropriate sentence:

- the offender's age;
- the seriousness of the offence;
- any aggravating or mitigating factors;
- whether the offender pleaded guilty;
- the relevant law;
- any relevant sentencing guidelines.

Sentencing Guidelines

Most of the existing sentencing guidelines do not deal with sentencing young offenders under the age of 18, as the sentencing framework is noticeably different depending upon the age of the young offender.

The maximum sentence available to a bench of magistrates in a youth court is 24 months.

Offence specific guidelines for youths have been included in the following sentencing guidelines:

- [Robbery \[PDF 0.24mb\]](#)
- [Sexual Offences Act 2003 \[PDF 0.60mb\]](#) - where a separate maximum penalty is provided for offenders under 18
- [Breach of an Anti-Social Behaviour Order \[PDF 0.33mb\]](#)

For more information on youth justice, visit the [Youth Justice Board website](#).

Statutory provisions

- 1.1 Offence seriousness is the starting point for sentencing. In considering the seriousness of any offence, the court must consider the offender's culpability in committing the offence and any harm which the offence caused, was intended to cause or might foreseeably have caused. ¹ In imposing sentence, the restrictions on liberty must be commensurate with the seriousness of the offence.
- 1.2 In addition to the statutory provisions, a court sentencing a young offender must be aware of obligations under a range of international conventions which emphasise the importance of avoiding "criminalisation" of young people whilst ensuring that they are held responsible for their actions and, where possible, take part in repairing the damage that they have caused. This includes recognition of the damage caused to the victims and understanding by the young person that the deed was not acceptable. Within a system that provides for both the acknowledgement of guilt and sanctions which rehabilitate, the intention is to establish responsibility and, at the same time, to promote re-integration rather than to impose retribution.