

Youth Justice: Part 3 - Criminal procedure in the Youth Court

Table of Contents

Table of Contents	2
Overview	3
Purpose of Part 3 - Criminal procedure in the Youth Court	3
See also -	3
Adult criminal procedures	3
Summary	4
How do young persons get to court?	4
Initial actions following arrest	4
Three stages for criminal procedure in the Youth Court	5
Administration stage	6
Youth disclosure (minimum)	6
First appearance	6
Bail	6
Custody FGC	6
Section 9 Criminal Procedure (Mentally Impaired Persons) Act 2003 - Disability Hearings	6
Entry of a plea	6
Involvement of the Crown Solicitor	7
Persons entitled to be present at Youth Court	8
Procedure where child or young person jointly charged	8
When a child is jointly charged with others	8
When a young person is jointly charged with others	9
Case review stage	10
Case management discussions	10
Case review event	10
Trial stage	11
Judge alone trial in the Youth Court	11
Jury trial in the District Court or High Court	11
Sentencing the child or young person	11
Further information	11
Dealing with Schedule 1A offending	12
Introduction	12
Dealing with family group conferences when there are related charges	12
Court process	13
Entry of a plea	13
Determining related charges	13
Transferring related charges	14
Mixed pleas for related charges	14
Joint trials	14
Transfer of proceedings back to the Youth Court	15
Transitioning 17-year-olds with proceedings underway on 1 July	16

Overview

The 'Youth justice' chapter is comprised of 3 parts:

- [Part 1 - Introduction to youth justice](#)
- [Part 2 - Responding to youth offending and related issues](#)
- Part 3 - Criminal procedure in the Youth Court

Purpose of Part 3 - Criminal procedure in the Youth Court

This Part 3 of the 'Youth justice' chapter details:

- processes applying in the three stages of criminal procedure in the Youth Court:
 - [Administration stage](#)
 - [Case Review stage](#); and
 - [Trial stage](#)
- the processes for [dealing with Schedule 1A offences](#) outlined in the Oranga Tamariki Act 1989 (the Act).
- [transitional provisions](#) applying to proceedings involving 17-year-olds already underway at 1 July 2019 when the age for youth justice purposes was raised to 18.

See also -

Part 1- [Introduction to youth justice](#) for an overview of:

- the criminal responsibility of children and young persons by age
- the effect of age on proceedings, including whether proceedings can be brought against a child or young person and if so, the court (Family, Youth or District) which will deal with the matter depending on age at time of offending and when proceedings are brought.

Part 2 - [Responding to youth offending and related issues](#) for details of the general processes for dealing with children and young persons who offend, and the options that may be considered in response to their offending and related issues.

Adult criminal procedures

See the seven part [Criminal procedure](#) chapter for the procedures applying to adult offenders.

Summary

How do young persons get to court?

There are only two ways that a young person can get to court - if they:

- are arrested and placed before the court, or
- have been to a FGC (s247(b)), and summonsed to attend.

A charging document will have been filed. A prosecution file should be prepared that meets the standards of the national file order.

See [Prosecution file and trial preparation](#)

An exception is where the young person is 17 years old and is alleged to have committed a [Schedule 1A offence](#).

Initial actions following arrest

If the young person is arrested, and a charging document is filed, the arresting officer is to contact OT to advise of the date of first appearance, and whether bail is being opposed. Call your local OT office or phone 0508 FAMILY.

Three stages for criminal procedure in the Youth Court

Like the adult jurisdiction, criminal procedure is divided into three stages in the Youth Court:

- [Administration stage](#)
- [Case review](#)
- [Trial stage.](#)

The diagram at the link below shows the route of proceedings through the Youth Court, District Court and High Court where the offender is a youth at time of filing charges and the offence is **not** a [Schedule 1A offence](#).

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 [Manage Court Process Youth \(July 2019\)](#)

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Administration stage

The administration stage covers the time from when the charging document is filed, to the entry of a plea.

Youth disclosure (minimum)

After a charging document has been filed, prepare disclosure following procedures in the [Criminal Disclosure](#) chapter. **All relevant information** on a file should be provided for initial disclosure no later than the first appearance, not just the minimum information required by s [12\(1\)](#) Criminal Disclosure Act 2008. Ensure a copy of the FGC outcome document from the YJ Coordinator is disclosed.

If you know who the advocate is, provide initial disclosure to them before the first appearance.

First appearance

Ensure a Youth Aid Sergeant reviews the file to ensure it meets the prosecutorial standard.

Ensure the prosecution file is provided to the prosecutor before the first appearance. The prosecutor may be from Youth Aid or from the Police Prosecution Service.

Bail

Proposed bail conditions would usually be discussed and agreed at a section [247\(b\)](#) FGC. Note, a FGC cannot be convened for a [Schedule 1A offence](#).

The proposed conditions should be entered in NIA against the charge, and a copy provided to the prosecution to offer to the Judge at first appearance. Where a young person has been arrested and brought to court immediately, discussions in relation to appropriate conditions would be had with defence and OT service where possible before the child or young person appears in court.

See 'Notification rights for victims of serious offences' in the [Victims \(Police service to victims\)](#) chapter for more detail on ascertaining victim's views and notifying victims of bail.

Custody FGC

If the young person is remanded in custody following first appearance, a custody FGC may be called (under [s249\(3\)](#)) to discuss the possibility of getting the young person out of custody and on an alternative (i.e. bail). If a FGC is required, it should be convened within 7 days, and completed within 7 days after it is convened. Note, a FGC cannot be convened for a [Schedule 1A offence](#).

Section 9 Criminal Procedure (Mentally Impaired Persons) Act 2003 - Disability Hearings

If there are concerns that the defendant may be 'unfit to stand trial', the court may adjourn proceedings in order for a hearing to be held under section [9](#) Criminal Procedure (Mentally Impaired Persons) Act 2003. It is likely that this process will be triggered at first appearance or soon after, and it may have been identified at the pre-charge FGC. If the section 9 procedure is commenced, it must be completed in full before any of the 'standard' criminal procedure processes are recommenced.

If the offence is one that comes under section [29](#) of the Victims' Rights Act and the young person is found unfit to stand trial and is detained in a hospital or facility, the victim must be informed of their right to register to receive notice about the young person. For more detailed information see 'Notification rights for victims of serious offences' in the [Victims \(Police service to victims\)](#) chapter.

Entry of a plea

If the young person...	then...
does not deny the charge/s	the matter is remanded for a FGC: <ul style="list-style-type: none">- s247(d) - disposition- s261 - care and protection- s281B - Court directed FGC (at any time) (See Procedures for family group conferences and afterwards in 'Part 2 - Responding to youth offending and related issues' for how the FGC works).
denies the charge and is charged with a category 3 or 4 offence (other than murder/manslaughter)	the young person will also be asked whether they elect trial by jury. If jury trial is elected, the matter is adjourned for a case review hearing.
denies the charge and is charged with a category 2 offence, or the jury trial is not elected on a category 3 or 4 matter	the matter is adjourned directly to a judge-alone trial. There are no case management discussions for these cases, unless directed by a Judge.

For more detailed information refer to the Court Process maps below

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Denial of a charge / entry of a not guilty plea is the trigger for full disclosure. (See the [Criminal disclosure](#) chapter). Full disclosure should be provided as soon as reasonably practicable after the child or young person denies the charge before the Court. For cases that are proceeding to a case management meeting, full disclosure should be provided to the defence by a reasonable time before the meeting.

All not guilty files should be transferred to the Police Prosecution Service. If there are any issues that arise from discussions with the Youth Advocate relating to defences, these should be documented on the file before being provided to PPS or the Crown Solicitor.

Involvement of the Crown Solicitor

The Crown Solicitor assumes responsibility for prosecuting all charges against 12 and 13 year olds.

The [Crown Prosecution Regulations 2013](#) set out the timings for when the Crown Solicitor assumes responsibility for **youth** prosecutions. Those timings are summarised in the table below:

Offence	The Crown assumes responsibility from...
Murder and manslaughter	the time at which the proceeding is transferred to the High Court under s36(2) . Murder and manslaughter offences have their first appearance in the Youth Court, and then are transferred to the High Court for second appearance onwards.
All category 4 offences other than murder or manslaughter	the defendant's second appearance in the Youth Court.
All specified offences in the list provided as Appendix A	the time a plea is entered in the Youth Court.
All offences not included in the list where the defendant elects jury trial	the time at which the proceeding is adjourned for trial callover by the Youth Court, whether under s57(3)(b) of the Act or otherwise.
Any other offence which the Solicitor-General directs, because of its complexity or high public profile, should be tried by the Crown	the time the Solicitor-General gives the direction.

See also the Memorandum of Understanding between Police and Crown Law, [Schedule D: Crown Appearances in the Youth Court](#), for more details about when a Crown Solicitor will appear in the Youth Court and the timing of those appearances.

Persons entitled to be present at Youth Court

The victim, or their representative, and one or more support persons, are entitled to attend Youth Court hearings ([s29](#)).

Procedure where child or young person jointly charged

The prosecutor must ensure that notification is given to the Court for charges to be heard together under [s138](#) Criminal Procedure Act 2011. Where a child or young person is jointly charged with another child, young person or adult, the jurisdiction for the trial generally follows the election of the younger party. If the Crown is to assume responsibility for one charge, they will assume responsibility for all other charges and all co-offenders.

When a child is jointly charged with others

This table summarises how cases proceed when a **child** (Child A) is jointly charged with others:

When child A is jointly charged with ...	and if child A chooses Judge- alone trial, then ...	or if child A elects trial by jury, then...
Child B who chooses Judge-alone trial...	Judge-alone trial in the Youth Court for both	Jury trial for child A and Youth Court trial for child B.
Child B who elects trial by jury...	Judge-alone trial in the Youth Court for child A, and Jury trial for child B	Jury trial for both
Young person who chooses Judge-alone trial...	Judge-alone trial in the Youth Court for both	Jury trial for both, <i>unless</i> the Youth Court orders Youth Court trial for the young person
Young person who elects trial by jury...	Judge-alone trial for child A, and Jury trial for the young person	Jury trial for both
Adult who chooses Judge-alone trial...	Judge-alone trial for both, <i>unless</i> Youth Court orders Judge-alone trial in the District Court for the adult	Jury trial for both
Adult who elects trial by jury...	Youth Court Trial for child A, and Jury trial for the adult	Jury trial for both

When a young person is jointly charged with others

This table summarises how cases proceed where a young person is jointly charged with others:

When young person A is jointly charged with ...	and young person A chooses Youth Court trial, then...	or young person A elects trial by jury, then...
Child who chooses Judge-alone trial	Youth Court trial (both)	Jury trial (young person A) and Youth Court trial (child)
Child who elects trial by jury	Jury trial for both, <i>unless</i> the Youth Court orders a Youth Court trial for the young person	Jury trial for both
Young person B who chooses Judge-alone trial	Youth Court trial for both	Jury trial for both, <i>unless</i> the Youth Court orders Youth Court trial for young person B
Young person elects trial by jury	Jury trial for both, <i>unless</i> the Youth Court orders Youth Court trial for young person A	Jury trial (both)
Adult chooses Judge-alone trial	Youth Court trial (both), <i>unless</i> Youth Court orders Judge-alone trial in the District Court for the adult	Jury trial for both
Adult elects trial by jury	Jury trial for both <i>unless</i> Youth Court orders Youth Court trial for young person A	Jury trial for both

Note: See '[Joint trials](#)' in the '[Dealing with Schedule 1A offences](#)' topic for information about 17-year-olds charged with a Schedule 1A offence who are to be jointly charged.

Case review stage

If the young person does not elect trial by jury, the case skips over the [Case Review stage](#), and goes directly to the [Trial stage](#).

Case management discussions

If the child or young person elects trial by jury for a category 3 or 4 offence (other than murder/manslaughter), then mandatory case management discussions must occur between the prosecutor and defence counsel. Whether it is the Police Prosecutor or a Crown Solicitor undertaking these discussions will be determined in accordance with the Crown Prosecution Regulations (see [Involvement of the Crown Solicitor](#) above).

If at case management discussions there are new charges to be filed, the prosecutor must arrange for the charges to be electronically filed before the [case review event](#). If charges are to be amended, indicate this on the CMM for the Judge to action.

See the [Criminal Procedure -Review stage](#) chapter for detailed information about case management discussions, the requirements of the case management memorandum, and the case review hearing.

Case review event

Children and young persons who have elected trial by jury are given the opportunity at the case review event to withdraw their election. This should be signalled on the Case Management Memorandum that is filed by the defence five days prior to the case review event.

If at case review:	the matter is...
the plea is changed to 'not denied'	adjourned for a disposition FGC. The prosecutor should transfer the file back to Youth Aid who will appear at the FGC.
charge/s are still denied	set down for trial and a trial callover date is set. If the Crown Solicitor has not yet assumed responsibility for the file, they will do so now.

Parties may be required to prepare submissions for the case review hearing on whether it is in the interests of justice for trials to be separated for jointly charged offenders, as per section [277](#) the Act.

Trial stage

Judge alone trial in the Youth Court

Refer to the [Criminal Procedure- Trial Stage](#) chapter for information on the Judge Alone trial procedure, including pre-trial applications for evidence admissibility. The procedure will be the same in the Youth Court as it is in the District Court.

Jury trial in the District Court or High Court

Refer to the [Criminal Procedure- Trial Stage](#) chapter for information on the jury trial procedure, including pre-trial applications for evidence admissibility, filing of formal statements, trial callover, and the jury trial itself.

Sentencing the child or young person

When considering making an order under section [283](#) of the Act, a Youth Court judge must take into account the impact of the offending on the victim. The victim has the same rights as in the adult jurisdiction to attend the hearing and submit a victim impact statement. For more detailed information on victim impact statements see the [Victims \(Police service to victims\)](#) chapter.

For more information see Manage Court Youth aged 14 to under 18 process

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 [Manage Court Process Youth \(July 2019\)](#)

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Further information

Refer to the [Youth Court of New Zealand](#) website (<http://www.justice.govt.nz/courts/youth>) for information about the processes followed by Youth Courts.

Dealing with Schedule 1A offending

Introduction

The Oranga Tamariki Act includes a list of serious offences in [Schedule 1A](#) such as aggravated robbery and sexual violation. Where a 17 year old is charged with one of these offences, they will have their first appearance in the Youth Court and will then be transferred to the District Court (for a category 3 offence) or the High Court (for a category 4 offence)([s275\(2\)\(aa\)](#) and [\(ab\)](#)). However, once a proceeding is transferred to the adult courts under section 275 in some circumstances it can be transferred back to the Youth Court to be dealt with in that court, unless the interests of justice require the proceeding to remain, and be dealt with, in the adult courts ([s276A](#)). This is subject to the information about related charges and joint charging set out below.

[Schedule 1A](#) of the Act comes into force on 1 July 2019. The Schedule outlines the serious offences applying to 17-year-olds from 1 July for proceedings that start on or after 1 July. This includes a 17-year-old charged on 1 July for offending that is alleged to have happened prior to that date.

Many of the processes for 17-year-olds who are alleged to have committed a Schedule 1A offence are different to the processes for other young people. The following section outlines the processes for 17-year-olds who are alleged to have committed an offence in Schedule 1A. This section provides exceptions to the standard process for young people and should be read in conjunction with the rest of this chapter.

For an overview see the 'Manage Schedule 1A Offence Process - Offenders aged 17 years' below.

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[Manage Schedule 1A Offence Process - Offenders aged 17 yrs \(July 2019\)](#)

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In this section:

- **Related charge** - means a charge for an offence not specified in Schedule 1A that the Youth Court has determined is related to a charge for an offence specified in Schedule 1A
- **Schedule 1A offence** - means an offence specified in [Schedule 1A](#)
- **Non-Schedule 1A offence** - means an offence that is not specified in Schedule 1A and that is within the jurisdiction of the Youth Court

Dealing with family group conferences when there are related charges

There are no family group conferences for [Schedule 1A offences](#). Where a 17-year-old is alleged to have committed a Schedule 1A offence, because a Schedule 1A offence is not in the jurisdiction of the Youth Court ([s272\(3\)\(baa\)](#)), it cannot be referred to a family group conference at any stage.

In order to bring the non-Schedule 1A charges to the Youth Court to determine whether they are related to a Schedule 1A charge, the Act provides for family group conferences to not be required, suspended, or discontinued.

An intention to charge family group conference **is not required** where a charge for a Schedule 1A offence has been filed, Police intends to commence criminal proceedings against the 17-year-old for a non-Schedule 1A offence, and the prosecutor intends to seek a determination that a non-Schedule 1A offence is related to the Schedule 1A charge ([s247A\(1\)](#) refers).

In these circumstances, Police is able to file a charge for the non-Schedule 1A offence and summons the 17-year-old to appear in the Youth Court. Because section [245](#) of the Act does not apply in these circumstances, sections [14](#) and [28](#) of the Criminal Procedure Act apply without restriction **and with such modifications as are necessary** (through section [321\(1\)](#) and [Schedule 1](#) of the the Act).

A court referred family group conference **is not required** for a non-Schedule 1A charge that is brought before the court following arrest, where the prosecutor seeks a determination from the Youth Court that the charge is related to a [Schedule 1A charge](#).

The Schedule 1A charge must be filed previously or at the same time as the non-Schedule 1A so that the Youth Court can consider whether the charges are related. It does not matter that the Schedule 1A might have already been transferred up to the adult court.

A family group conference (whether convened under section [247\(b\)](#), (c), or (d) **is suspended** when a charge for a [Schedule 1A](#) offence is

filed and the prosecutor intends to seek a determination that the charge or offending for the non-Schedule 1A offence that is being dealt with by the family group conference is related to the Schedule 1A charge (new section 247A(3) and (4) refer).

The family group conference is suspended until the Youth Court makes a determination. If the Youth Court determines the charges are related, the family group conference **is discontinued**. If the Youth Court determines that the charges are not related, the family group conference can be reconvened.

Police has a discretion whether we seek a determination that charges are related. You should consider what stage the family group conference is at before making this decision. It may not be in the interests of parties to suspend the family group conference process if a plan has been agreed and the 17-year-old has already started completing the plan.

The exclusion of the requirement to have a family group conference is triggered by Police intending to seek a determination of the charges being related. Without that intention on our part the family group conference goes ahead.

Court process

The diagrams in the document below show the route of proceedings through the Youth Court, District Court and High Court depending on the following circumstances:

The offender is a Youth at time of filing charges and:

- Schedule 1A offence with no plea entered on 1st appearance in the Youth Court
- Schedule 1A offence and plea entered on 1st appearance in the Youth Court

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 [Manage Court Process Youth \(July 2019\)](#)

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Entry of a plea

If the young person...	then...	
Is 17 years old and charged with a Schedule 1A offence (denied or not denied)	The young person will have their first appearance in the Youth Court and will then proceed to the District or High Court.	
	If charged with a...	then...
	Category 4 offence	the matter is adjourned and the young person proceeds to High Court
	Not a Category 4 offence but is a Crown schedule offence	the matter is adjourned and the young person proceeds to District Court and the case handed to the Crown Solicitor for prosecution
	Is neither Category 4 nor Crown schedule offence	the matter is adjourned and the young person proceeds to District Court and the case handed to the Police Prosecution Service

Determining related charges

The prosecutor may seek a determination from the Youth Court that a charge for a non-Schedule 1A offence is related to a charge for a Schedule 1A offence. This must be sought as soon as practicable after the latter of the charges is filed. This would typically be sought at the same time as filing the latter charge. The requirements are outlined in new section [276AA](#) of the Act.

When the Youth Court determines whether the charges are related it may consider any agreement of the parties, and written or oral submissions of the parties. Where both parties agree that the charges are related the Youth Court may make a determination without requiring any further submissions from parties.

If the young person or their advocate disagree that the charges are related, the Youth Court may consider either oral or written submissions from the parties. This may be either done 'on the papers', or through a further hearing.

This process also includes where a 17-year-old is on District or High Court bail and breaches their bail by committing an offence on bail. This could be:

- failure to answer Police bail (section 24 of the Bail Act)
- refusing to allow an authorised person entry to an EM address (section 36A of the Bail Act)
- failure to answer court bail (section 38 of the Bail Act)
- where the person has committed an offence that is related to a bail condition (eg. they further assault the complainant or a witness)

In these circumstances the prosecutor can seek a determination that the offence is related to the charge in the District or High Court that the 17-year-old was bailed for.

Transferring related charges

Where a non-Schedule 1A charge is determined by the Youth Court to be a related charge it must be transferred to the District Court or High Court to be dealt with together with the Schedule 1A charge. The related charge is then out of the jurisdiction of the Youth Court (through an amendment to sections 272 and 273 of the Act).

Generally, the non-Schedule 1A charge is transferred despite any plea entered for the Schedule 1A charge. If a guilty plea has been entered for the Schedule 1A charge and a not guilty plea or no plea entered for the non-Schedule 1A charge, the charge for the non-Schedule 1A offence must be dealt with in the District or High Court unless a court orders that it is in the interests of justice that the related charge be dealt with in the Youth Court (section [276AC](#) refers).

Mixed pleas for related charges

If the 17-yr-old...	then...
Pleads <ul style="list-style-type: none"> - guilty to the Schedule 1A charge; and - not guilty to or denies the non-Schedule 1A offence 	The proceedings will be heard in the District or High Court for the related charge(s) unless it is not in the interests of justice where the non-Schedule 1A charge will then be heard separately in the Youth Court
Pleads <ul style="list-style-type: none"> - not guilty to the Schedule 1A charge; and - guilty to or does not deny the non-Schedule 1A offence 	The proceedings will be heard in the District or High Court for the related charge(s).
Is found not guilty of the Schedule 1A offence or the Schedule 1A offence is withdrawn or dismissed	The District or High Court must transfer the non-Schedule 1A charge back to the Youth Court to be dealt with unless it is in the interests of justice that proceedings remain in the District or High Court

Joint trials

Where a 17-year-old is charged with a [Schedule 1A offence](#) and is jointly charged with a child or another young person (including a 17-year-old not charged with a Schedule 1A offence), the Act outlines what court the trial will be held in. The process is similar to adult being jointly charged with a child or young person (section 277 has been amended to provide that all references in that section to 'adult' also mean a 17-year-old charged with a Schedule 1A offence).

If jointly charged with a young person, if one co-defendant elects jury trial then all defendants will have a jury trial in the District or High Court. If no co-defendants elect a jury trial then the trial will be held in the Youth Court.

If a co-defendant is a child, the child's election determines where their trial is held. If the child elects jury trial, then all co-defendants will be transferred to the District or High Court for trial. If the child does not elect jury trial, the 17-year-old and any other co-defendants will have a separate trial in the District or High Court if they elect a jury trial, or they will have a joint trial in the Youth Court

with the child if they do not elect a jury trial.

This table summarises how cases proceed where a young person charged with a [Schedule 1A offence](#) (young person A) is jointly charged with others:

When young person A is jointly charged with ...	and young person A chooses Judge-alone trial, then...	or young person A elects trial by jury, then...
Child who chooses Judge-alone trial	Youth Court trial (both)	Jury trial (young person A) and Youth Court trial (child)
Child who elects trial by jury	Jury trial for both	Jury trial for both
Young person B who chooses Judge-alone trial	Youth Court trial for both	Jury trial for both, <i>unless</i> the Youth Court orders Youth Court trial for young person B
Young person B who elects trial by jury	Jury trial for both	Jury trial for both
Adult who chooses Judge-alone trial	Judge-alone trial in the District Court for both	Jury trial for both
Adult who elects trial by jury	Jury trial for both	Jury trial for both

An amendment to section 272 of the Act clarifies that the [Schedule 1A](#) charge is within jurisdiction of the Youth Court for the purposes of the joint trial (they would otherwise not be within jurisdiction).

For the purposes of dealing with pre-trial matters, where a 17-year-old charged with a Schedule 1A offence is jointly charged with a child or young person, the proceeding is not transferred to the District or High Court unless (section 275(2A) refers):

- one or more co-defendants elect jury trial and are to be tried together
- the defendants are to be tried separately (i.e. a child does not elect a jury trial but the 17-year-old does elect), in which case the 17-year-old is transferred and the child remains in the Youth Court
- one of the defendants is charged with murder or manslaughter.

Transfer of proceedings back to the Youth Court

Proceedings must be transferred back to the Youth Court when the circumstances for which they were transferred up to the District or High Court no longer applies, unless it is in the interests of justice that the proceedings remain in the adult jurisdiction.

Examples of where the circumstances no longer apply are where:

- the 17-year-old is found not guilty of the [Schedule 1A](#) offence
- the charge for the Schedule 1A offence is to be heard separately (after being severed under section 138(4) of the Criminal Procedure Act)
- the charge for the Schedule 1A offence is withdrawn or dismissed
- the District or High Court has ordered that the non-Schedule 1A charge be dealt with in the Youth Court following a guilty plea to the Schedule 1A charge (section 276AC(2) refers)

When the proceedings are transferred back to the Youth Court, the Youth Court may refer the proceedings to a family group conference under section 281B of the Act. The Youth Court can make any order under sections 282 and 283 of the Act.

Transitioning 17-year-olds with proceedings underway on 1 July

The Act outlines which jurisdiction the proceedings are heard in and transitions proceedings already underway prior to 1 July so that those proceedings continue under the law as it was before 1 July.

Use this matrix to determine which court has jurisdiction after 1 July 2019:

Sch 1A Offence	Age at Offence	Age charge(s) filed	1 July 2019	Age charge(s) filed	1 st appearance	Jurisdiction
N/A	16	17			Youth Court	Youth Court
N/A	16	18			District Court	District Court
N/A	16			17	Youth Court	Youth Court
N/A	16			18	Youth Court	Youth Court
N/A	18	18			District Court	District Court
No	17	17			District Court	District Court
No	17	18			District Court	District Court
No	17			17	Youth Court	Youth Court
No	17			18	Youth Court	Youth Court
No	17			19	District Court	District Court
Yes	17			17	Youth Court	District Court
Yes	17			18	Youth Court	District Court
Yes	17			19	District Court	District Court

The process for related charges in sections [276AA](#), [276AB](#), and [276AC](#), apply to further charges filed against a 17-year-old who has proceedings underway on 1 July. This means that the prosecutor can seek a determination that the further non-Schedule 1A charges are related to a charge in the proceedings in the District or High Court.

For the purposes of applying the process to these transitioned proceedings:

- the charge in the District or High Court does not need to be a [Schedule 1A](#) (Schedule 1A is not in force prior to 1 July)
- the non-Schedule 1A offence continues to exclude murder or manslaughter or any other offences outside the jurisdiction of the Youth Court.

Section [247](#) relating to family group conferences and section [276A](#) relating to transferring proceedings back to the Youth Court also apply to non-Schedule 1A charges that are related to charges in proceedings underway prior to 1 July.

