

## PART 8

## TRANSITIONAL PROVISIONS

Prohibition on proceedings

**158. On and after the coming into force of this section, no proceedings may be commenced under the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, in respect of an offence within the meaning of that Act, or under the *Juvenile Delinquents Act*, chapter J-3 of the Revised Statutes of Canada, 1970, in respect of a delinquency within the meaning of that Act.**

Proceedings commenced under *Young Offenders Act*

**159. (1) Subject to section 161, where, before the coming into force of this section, proceedings are commenced under the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, in respect of an offence within the meaning of that Act alleged to have been committed by a person who was at the time of the offence a young person within the meaning of that Act, the proceedings and all related matters shall be dealt with in all respects as if this Act had not come into force.**

Proceedings commenced under *Juvenile Delinquents Act*

**(2) Subject to section 161, where, before the coming into force of this section, proceedings are commenced under the *Juvenile Delinquents Act*, chapter J-3 of the Revised Statutes of Canada, 1970, in respect of a delinquency within the meaning of that Act alleged to have been committed by a person who was at the time of the delinquency a child as defined in that Act, the proceedings and all related matters shall be dealt with under this Act as if the delinquency were an offence that occurred after the coming into force of this section.**

Offences committed before this section in force

**160. (1) Any person who, before the coming into force of this section, while he or she was a young person, committed an offence in respect of which no proceedings were commenced before the coming into force of this section shall be dealt with under this Act as if the offence occurred after the coming into force of this section, except that**

- (a) paragraph 62(a) applies only if the offence is one set out in paragraph (a) of the definition "presumptive offence" in subsection 2(1) and the young person was at least sixteen years old at the time of its commission;**
- (b) paragraph 110(2)(b) does not apply in respect of the offence; and**
- (c) paragraph 42(2)(r) applies in respect of the offence only if the young person consents to its application.**

Applicable sentence

**161. (1) A person referred to in section 159 who is found guilty of an offence or delinquency, other than a person convicted of an offence in ordinary court, as defined in subsection 2(1) of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, shall be sentenced under this Act, except that**

- (a) paragraph 110(2)(b) does not apply in respect of the offence or delinquency; and**
- (b) paragraph 42(2)(r) applies in respect of the offence or delinquency only if the young person consents to its application.**

**The provisions of this Act applicable to sentences imposed under section 42 apply in respect of the sentence.**

Dispositions under paragraph 20(1)(k) or (k.1) of *Young Offenders Act*

**(2) Where a young person is to be sentenced under this Act while subject to a disposition under paragraph 20(1)(k) or (k.1) of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, on the application of the Attorney General or the young person, a youth justice court shall, unless to do so would bring the administration of justice into disrepute, order that the remaining portion of the disposition made under that Act be dealt with, for all purposes under this Act or any other Act of Parliament, as if it had been a sentence imposed under paragraph 42(2)(n) or (q) of this Act, as the case may be.**

Review of sentence

**(3) For greater certainty, for the purpose of determining when the sentence is reviewed under section 94, the relevant date is the one on which the disposition came into force under the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985.**

Proceedings commence with information

**162. For the purposes of sections 158 to 160, proceedings are commenced by the laying of an information or indictment.**

Application to delinquency and other offending behaviour

**163. Sections 114 to 129 apply, with any modifications that the circumstances require, in respect of records relating to the offence of delinquency under the *Juvenile Delinquents Act*, chapter J-3 of the Revised Statutes of Canada, 1970, and in respect of records kept under sections 40 to 43 of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985.**

Agreements continue in force

**164. Any agreement made under the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, remains in force until it expires, unless it is amended or a new agreement is made under this Act.**

Designation of youth justice court

**165. (1) Any court established or designated as a youth court for the purposes of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, is deemed, as of the coming into force of this section, to have been established or designated as a youth justice court for the purposes of this Act.**

Designation of youth justice court judges

**(2) Any person appointed to be a judge of the youth court for the purposes of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, is deemed, as of the coming into force of this section, to have been appointed as a judge of the youth justice court for the purposes of this Act.**

Designation of provincial directors and youth workers

**(3) Any person, group or class of persons or body appointed or designated as a provincial director for the purposes of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, and any person appointed or designated as a youth worker for the purposes of that Act is deemed, as of the coming into force of this section, to have been appointed or designated as a provincial director or youth worker, as the case may be, for the purposes of this Act.**

Designation of review boards and youth justice committees

**(4) Any review board established or designated for the purposes of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, and any youth justice committee established for the purposes of that Act is**

deemed, as of the coming into force of this section, to have been established or designated as a review board or a youth justice committee, as the case may be, for the purposes of this Act.

Alternative measures continued as extrajudicial sanctions

**(5) Any program of alternative measures authorized for the purposes of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, is deemed, as of the coming into force of this section, to be a program of extrajudicial sanctions authorized for the purposes of this Act.**

Designation of places of temporary detention and youth custody

**(6) Subject to subsection (7), any place that was designated as a place of temporary detention or open custody for the purposes of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, and any place or facility designated as a place of secure custody for the purposes of that Act is deemed, as of the coming into force of this section, to have been designated for the purposes of this Act as**

**(a) in the case of a place of temporary detention, a place of temporary detention; and**

**(b) in the case of a place of open custody or secure custody, a youth custody facility.**

Exception

**(7) If the lieutenant governor in council of a province makes an order under section 88 that the power to make determinations of the level of custody for young persons and to review those determinations be exercised in accordance with the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, the designation of any place as a place of open custody or secure custody for the purposes of that Act remains in force for the purposes of section 88, subject to revocation or amendment of the designation.**

Designation of other persons

**(8) Any person designated as a clerk of the youth court for the purposes of the *Young Offenders Act*, chapter Y-1 of the Revised Statutes of Canada, 1985, or any person or group of persons who were designated under that Act to carry out specified functions and duties are deemed, as of the coming into force of this section, to have been designated as a clerk of the youth justice court, or to carry out the same functions and duties, as the case may be, under this Act.**