

SCHEDULES

SCHEDULE 2

ENFORCEMENT ETC. OF COMMUNITY ORDERS

PART IV

AMENDMENT OF ORDER

Amendment by reason of change of residence

^{F1}12.

F1 Sch. 2 para. 12 repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(f), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Amendment of requirements of probation order

13.—(1) [^{F2}A court of summary jurisdiction] may, on the application of the offender or the + responsible officer, by order amend a probation order—

- (a) by cancelling any of the requirements of the order; or
- (b) by inserting in the order (either in addition to or in substitution for any such requirement) any requirement which the court could include if it were then making the order.

(2) A court of summary jurisdiction shall not amend a probation order under sub-paragraph (1)—

- (a) by reducing the probation period, or by extending that period beyond the end of 3 years from the date of the original order; or
- (b) by inserting in it a requirement that the offender shall submit to treatment for his mental condition, or his dependency on drugs or alcohol, unless the amending order is made within 3 months after the date of the original order.

(3) In this paragraph and paragraph 14, references to the offender's dependency on drugs or alcohol include references to his propensity towards the misuse of drugs or alcohol.

F2 Words in Sch. 2 para. 13(1) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(g) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

14.—(1) Where the medical practitioner or other person by whom or under whose direction an offender is being treated for his mental condition, or his dependency on drugs or alcohol, in pursuance of any requirement of a probation order—

- (a) is of the opinion mentioned in sub-paragraph (2); or
- (b) is for any reason unwilling to continue to treat or direct the treatment of the offender,

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he shall make a report in writing to that effect to the responsible officer and that officer shall apply under paragraph 13 to a court of summary jurisdiction ^{F3}... for the variation or cancellation of the requirement.

- (2) The opinion referred to in sub-paragraph (1) is—
- (a) that the treatment of the offender should be continued beyond the period specified in that behalf in the order;
 - (b) that the offender needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of a probation order;
 - (c) that the offender is not susceptible to treatment; or
 - (d) that the offender does not require further treatment.

F3 Words in Sch. 2 para. 14(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(h), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F4

F4 prosp. insertion by 1998 NI 20

Extension of community service order

15. Where—

- (a) a community service order is in force in respect of any offender; and
- (b) on the application of the offender or the responsible officer, it appears to a court of summary jurisdiction ^{F5}... that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made,

the court may, in relation to the order, extend the period of 12 months specified in Article 14(2).

F5 Words in Sch. 2 para. 15(b) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(i), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Supplemental

16. No order may be made under paragraph 12, and no application may be made under paragraph 13 or 15 ^{F6}, while an appeal against the relevant order is pending.

F6 prosp. insertion by 1998 NI 20

17.—(1) Subject to sub-paragraph (2), where a court proposes to exercise its powers under this Part, otherwise than on the application of the offender, the court—

- (a) shall summon him to appear before the court; and
- (b) if he does not appear in answer to the summons, may issue a warrant for his arrest;

and the court shall not amend a relevant order under this Part unless the offender expresses his willingness to comply with the requirements of the order as amended.

(2) This paragraph shall not apply to an order cancelling a requirement of a relevant order or reducing the period of any requirement^{F7}....

F7 Words in Sch. 2 para. 17(2) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(j), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

18.—(1) On the making under this Part of an order amending a relevant order^{F8}, the clerk to the court shall [^{F9}forthwith give copies of the amending order to the responsible officer] .

^{F8}(2) A responsible officer to whom in accordance with sub-paragraph (1)^{F8} copies of an order are given shall give a copy to the offender and to the person in charge of any institution in which the offender is or was required by the order to reside.

(3) Where a probation order is in force in respect of an offender under the age of 21 years who is subsequently committed to^{F10} a^{F11} juvenile justice centre under the Criminal Justice (Children) (Northern Ireland) Order 1998] or to a young offenders centre, the probation officer who supervises the case shall send such documents and information relating to the case as he considers likely to be of assistance to^{F10} the^{F11} managers of the juvenile justice centre] or, as the case may be, the governor of the young offenders centre.

F8 prosp. insertion by 1998 NI 20

F9 Words in Sch. 2 para. 18(1) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 112(5)(k) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

F10 prosp. insertion by 2002 c. 26

F11 1998 NI 9

Changes to legislation:

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Changes and effects yet to be applied to :

- [Instrument rev. in pt. by 1998 c. 40 s.9\(1\)\(2\)Sch.1 Pt.II para.10Sch.2 Pt.II](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch. 2 para. 9\(1\)\(a\)\(i\) words repealed by 2015 c. 9 \(N.I.\) Sch. 1 para. 112\(5\)\(e\)Sch. 9 Pt. 1](#)
- [art. 44A\(4\) words substituted by S.I. 2008/1216 \(N.I.\) Sch. 5 para. 7\(9\) \(This amendment not applied to legislation.gov.uk. It is thought that the correct affected document should be S.I. 1998/1504 \(N.I. 9\), art. 44A\(4\). The correction will be made as soon as we get the approved amended document from the relevant office\)](#)
- [art. 53\(1\) art. 53 renumbered as art. 53\(1\) by 2019 c. 17 s. 44\(6\)](#)
- [art. 53\(1\)\(a\) substituted by 2019 c. 17 s. 43\(2\)](#)
- [art. 53\(2\)-\(9\) inserted by 2019 c. 17 s. 44\(7\)](#)
- [art. 54A inserted by 2019 c. 17 s. 37\(3\)](#)