

SCHEDULES

SCHEDULE 2

ENFORCEMENT ETC. OF COMMUNITY ORDERS

PART III

REVOCATION OF ORDER

Revocation of order with or without re-sentencing

7.—(1) This paragraph applies where a relevant order is in force in respect of any offender and, on the application of the offender or the responsible officer, it appears to a court of summary jurisdiction acting for the petty sessions district concerned that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice—

- (a) that the order should be revoked; or
- (b) that the offender should be dealt with in some other manner for the offence in respect of which the order was made.

(2) The court may—

- (a) if the order was made by a magistrates' court—

- (i) revoke the order; or
 - (ii) revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which it could deal with him if he had just been convicted by the court of the offence; or

- (b) if the order was made by the Crown Court, commit him to custody or release him on bail until he can be brought or appear before the Crown Court.

(3) The circumstances in which a probation order may be revoked under sub-paragraph (2)(a)(i) shall include the offender's making good progress or his responding satisfactorily to supervision.

(4) In dealing with an offender under sub-paragraph (2)(a)(ii), a court of summary jurisdiction shall take into account the extent to which the offender has complied with the requirements of the relevant order.

(5) Where the court deals with an offender's case under sub-paragraph (2)(b), it shall send to the Crown Court such particulars of the case as may be desirable.

(6) Where a court of summary jurisdiction proposes to exercise its powers under this paragraph otherwise than on the application of the offender it shall summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

(7) No application may be made by the offender under sub-paragraph (1) while an appeal against the relevant order is pending.

8.—(1) This paragraph applies where an offender in respect of whom a relevant order is in force—

- (a) is convicted of an offence before the Crown Court; or

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- (b) by virtue of paragraph 7(2)(b) is brought or appears before the Crown Court.
- (2) If it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may—
 - (a) revoke the order; or
 - (b) revoke the order and deal with the offender, for the offence in respect of which the order was made, in any manner in which it could deal with him if he had just been convicted by or before the court of the offence.
- (3) The circumstances in which a probation order may be revoked under sub-paragraph (2)(a) shall include the offender's making good progress or his responding satisfactorily to supervision.
- (4) In dealing with an offender under sub-paragraph (2)(b), the Crown Court shall take into account the extent to which the offender has complied with the requirements of the relevant order.

Revocation of order following custodial sentence

- 9.**—(1) This paragraph applies where—
- (a) an offender in respect of whom a relevant order is in force is convicted of an offence before a court of summary jurisdiction other than a court of summary jurisdiction acting for the petty sessions district concerned; and
 - (b) the court imposes a custodial sentence on the offender.
- (2) If it appears to the court, on the application of the offender or the responsible officer, 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—
- (a) if the order was made by a magistrates' court revoke it; and
 - (b) if the order was made by the Crown Court, commit the offender to custody or release him on bail until he can be brought or appear before the Crown Court.
- (3) Where the court deals with an offender's case under sub-paragraph (2)(b), it shall send to the Crown Court such particulars of the case as may be desirable.
- 10.** Where by virtue of paragraph 9(2)(b) an offender is brought or appears before the Crown Court and it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the relevant order was made, the Crown Court may revoke the order.

Supplemental

- 11.**—(1) On the making under this Part of an order revoking a relevant order, the clerk to the court shall forthwith give copies of the revoking order to the responsible officer.
- (2) A responsible officer to whom in accordance with sub-paragraph (1) copies of a revoking order are given shall give a copy to the offender and to the person in charge of any institution in which the offender 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 a training school under the Children and Young Persons Act (Northern Ireland) 1968 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 the managers of the school or, as the case may be, the governor of the young offenders centre.