

## SCHEDULES

### SCHEDULE 2

#### SUPERVISION AND TREATMENT ORDERS

#### PART III

#### REVOCATION AND AMENDMENT OF ORDERS

##### *Revocation of order in interests of health or welfare*

- 6       Where a supervision and treatment order is in force in respect of any person and, on the application of the supervised person or the supervising officer, it appears to a magistrates' court acting for the petty sessions area concerned that, having regard to circumstances which have arisen since the order was made, it would be in the interests of the health or welfare of the supervised person that the order should be revoked, the court may revoke the order.

##### *Amendment of order by reason of change of residence*

- 7       (1) This paragraph applies where, at any time while a supervision and treatment order is in force in respect of any person, a magistrates' court acting for the petty sessions area concerned is satisfied that the supervised person proposes to change, or has changed, his residence from the area specified in the order to another local social services authority area or petty sessions area.
- (2) Subject to sub-paragraph (3) below, the court may, and on the application of the supervising officer shall, amend the supervision and treatment order by substituting the other area for the area specified in the order.
- (3) The court shall not amend under this paragraph a supervision and treatment order which contains requirements which in the opinion of the court, cannot be complied with unless the supervised person continues to reside in the area specified in the order unless, in accordance with paragraph 8 below, it either—
- (a) cancels those requirements; or
  - (b) substitutes for those requirements other requirements which can be complied with if the supervised person ceases to reside in that area.

##### *Amendment of requirements of order*

- 8       (1) Without prejudice to the provisions of paragraph 7 above, but subject to sub-paragraph (2) below, a magistrates' court for the petty sessions area concerned may, on the application of the supervised person or the supervising officer, by order amend a supervision and treatment order—
- (a) by cancelling any of the requirements of the order; or

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*Status: This is the original version (as it was originally enacted).*

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- (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 the court by which the order was made and were then making it.
- (2) The power of a magistrates' court under sub-paragraph (1) above shall not include power to amend an order by extending the period specified in it beyond the end of two years from the date of the original order.

*Amendment of requirements in pursuance of medical report*

- 9 (1) Where the medical practitioner by whom or under whose direction the supervised person is being treated for his mental condition in pursuance of any requirement of a supervision and treatment order—
  - (a) is of the opinion mentioned in sub-paragraph (2) below; or
  - (b) is for any reason unwilling to continue to treat or direct the treatment of the supervised person,
 he shall make a report in writing to that effect to the supervising officer and that officer shall apply under paragraph 8 above to a magistrates' court for the petty sessions area concerned for the variation or cancellation of the requirement.
- (2) The opinion referred to in sub-paragraph (1) above is—
  - (a) that the treatment of the supervised person should be continued beyond the period specified in the supervision and treatment order;
  - (b) that the supervised person needs different treatment, being treatment of a kind to which he could be required to submit in pursuance of such an order;
  - (c) that the supervised person is not susceptible to treatment; or
  - (d) that the supervised person does not require further treatment.

*Supplemental*

- 10 (1) On the making under paragraph 6 above of an order revoking a supervision and treatment order, the clerk to the court shall forthwith give copies of the revoking order to the supervising officer.
- (2) A supervising officer to whom in accordance with sub-paragraph (1) above copies of a revoking order are given shall give a copy to the supervised person and to the person in charge of any institution in which the supervised person was required by the order to reside.
- 11 (1) On the making under paragraph 7 or 8 above of an order amending a supervision and treatment order, the clerk to the court shall forthwith—
  - (a) if the order amends the supervision and treatment order otherwise than by substituting a new area or a new place for the one specified in the supervision and treatment order, give copies of the amending order to the supervising officer;
  - (b) if the order amends the supervision and treatment order in the manner excepted by paragraph (a) above, send to the clerk to the justices for the new petty sessions area concerned—
    - (i) copies of the amending order; and
    - (ii) such documents and information relating to the case as he considers likely to be of assistance to a court acting for that area in exercising its functions in relation to the order;

and in a case falling within paragraph (b) above, the clerk to the justices for that area shall give copies of the amending order to the supervising officer.

- (2) Where in accordance with sub-paragraph (1) above copies of an order are given to the supervising officer, he shall give a copy to the supervised person and to the person in charge of any institution in which the supervised person is or was required by the order to reside.