

Changes to legislation: Criminal Justice Act 1991, Paragraph 11 is up to date with all changes known to be in force on or before 01 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

RECIPROCAL ENFORCEMENT OF CERTAIN ORDERS

Commencement Information

II Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

PART III

TRANSFER OF PROBATION ORDERS FROM NORTHERN IRELAND

Commencement Information

II Sch. 3 (paras. 1 - 11) wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

- 11 (1) Where a probation order is made or amended in any of the circumstances specified in paragraph 10 above, the court which makes or amends the order shall send three copies of it as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.
- (2) Where [^{F1}an adult probation order] is made or amended in any of the circumstances specified in paragraph 10 above, then, subject to the following provisions of this paragraph—
- (a) the order shall be treated as if it were a [^{F2}community order] made in England and Wales ^{F3}. . . ; and
- [^{F4}(b) the provisions of [^{F5}Chapter 2 of Part 9 of the Sentencing Code] shall apply accordingly.]
- [^{F6}(2A) Where a youth probation order is made or amended in any of the circumstances specified in paragraph 10 above then, subject to the following provisions of this paragraph—
- (a) the order shall be treated as if it were a youth rehabilitation order made in England and Wales, and
- (b) the provisions of [^{F7}Chapter 1 of Part 9 of the Sentencing Code] shall apply accordingly.]
- (3) Before making or amending a probation order in the circumstances specified in paragraph 10 above the court shall explain to the offender in ordinary language—
- [^{F8}[^{F9}(a) the requirements of the legislation relating to community orders or, as the case may be, youth rehabilitation orders;]
- (b) the powers of the home court under [^{F10}that legislation], as modified by this paragraph; and]

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- (c) its own powers under this paragraph, and an explanation given in accordance with this sub-paragraph shall be sufficient without the addition of an explanation under [F11 Article 10(3) of the Criminal Justice (Northern Ireland) Order 1996].
- (4) The home court may exercise in relation to the probation order any power which it could exercise in relation to a [F12 community order [F13 or, as the case may be, a youth rehabilitation order] made by a court in England and Wales F14 . . . , except a power conferred by [F15 paragraph 10(5)(c) or (d) or 14(5) of Schedule 10 to the Sentencing Code][F16 or by [F17 paragraph 6(5)(c) or 12(5) of Schedule 7 to that Code]]].
- (5) If at any time while [F18 [F19 Chapter 2 of Part 9 of the Sentencing Code][F20 or, as the case may be, [F21 Chapter 1 of that Part]]] applies by virtue of sub-paragraph [F22 (2) or (2A) (as the case may be)] to a probation order made in Northern Ireland it appears to the home court—
- (a) on information to a justice of the peace [F23 acting in the local justice area] for the time being specified in the order, that the offender has failed to comply with any of the requirements of [F24 that Part] applicable to the order; or
 - (b) on the application [F25 of—
 - (i) the offender, or the
 - (ii) officer of a local probation board, officer of a provider of probation services or member of a youth offending team (as the case may be),]
 , that it would be in the interests of justice for the power conferred by [F26 paragraph 7 or 8 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996] to be exercised,
- the home court may require the offender to appear before the court which made the order.
- (6) Where an offender is required by virtue of sub-paragraph (5) above to appear before the court which made the probation order, that court—
- (a) may issue a warrant for his arrest; and
 - (b) may exercise any power which it could exercise in respect of the probation order if the offender resided in Northern Ireland,
- and [F27 Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996] shall have effect accordingly.
- (7) Where an offender is required by virtue of paragraph (a) of sub-paragraph (5) above to appear before the court which made the probation order—
- (a) the home court shall send to that court a certificate certifying that the offender has failed to comply with such of the requirements of the order as may be specified in the certificate, together with such other particulars of the case as may be desirable; and
 - (b) a certificate purporting to be signed by the [F28 designated officer for] the home court shall be admissible as evidence of the failure before the court which made the order.
- (8) In this paragraph
- [F29 “adult probation order” means a probation order made in respect of an offender who was aged at least 18 when convicted of the offence in respect of which the order is made;

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[^{F30}“community order” has the meaning given by section 200 of the Sentencing Code;]]

“home court” means, if the offender resides in England and Wales, or will be residing there at the time when the order or the amendment to it comes into force, the court of summary jurisdiction [^{F31}acting in the local justice area] in which he resides or proposes to reside.

[^{F32}“youth probation order” means a probation order made in respect of an offender who was aged under 18 when convicted of the offence in respect of which the order is made;

[^{F33}“youth rehabilitation order” has the meaning given by section 173 of the Sentencing Code.]]

Textual Amendments

- F1** Words in Sch. 3 para. 11(2) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(2)(a)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F2** Words in Sch. 3 para. 11(2)(a) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, {Sch. 32 para. 64(3)(a)}; S.I. 2005/950, **art. 2**, Sch. 1 para. 42(25) (subject to Sch. 2)
- F3** Words in Sch. 3 para. 11(2)(a) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(2)(b)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F4** Sch. 3 para. 11(2)(b) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, **Sch. 32 para. 64(3)(b)**; S.I. 2005/950, **art. 2**, Sch. 1 para. 42(25) (subject to Sch. 2)
- F5** Words in Sch. 3 para. 11(2)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 121(2)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F6** Sch. 3 para. 11(2A) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(3)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F7** Words in Sch. 3 para. 11(2A)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 121(3)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F8** Sch. 3 para. 11(3)(a)(b) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, {Sch. 32 para. 64(4)}; S.I. 2005/950, **art. 2**, Sch. 1 para. 42(25) (subject to Sch. 2)
- F9** Sch. 3 para. 11(3)(a) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(4)(a)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F10** Words in Sch. 3 para. 11(3)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(4)(b)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F11** Words in Sch. 3 para. 11(3) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(e)(ii)**; S.R. 1997/523, **art. 3**
- F12** Words in Sch. 3 para. 11(4) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, {Sch. 32 para. 64(5)}; S.I. 2005/950, **art. 2**, Sch. 1 para. 42(25) (subject to Sch. 2)
- F13** Words in Sch. 3 para. 11(4) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(5)(a)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F14** Words in Sch. 3 para. 11(4) repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(5)(b)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F15** Words in Sch. 3 para. 11(4) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 121(4)(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F16** Words in Sch. 3 para. 11(4) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(5)(c)**; S.I. 2009/3074, art. 2(f)(p)(v)
- F17** Words in Sch. 3 para. 11(4) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 121(4)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F18** Words in Sch. 3 para. 11(5) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), ss. 304, 336, {Sch. 32 para. 64(6)}; S.I. 2005/950, **art. 2**, Sch. 1 para. 42(25) (subject to Sch. 2)
- F19** Words in Sch. 3 para. 11(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 121(5)(a)** (with Sch. 27); S.I. 2020/1236, reg. 2

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- F20** Words in Sch. 3 para. 11(5) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(6)(a)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F21** Words in Sch. 3 para. 11(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 121(5)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F22** Words in Sch. 3 para. 11(5) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(6)(b)**; S.I. 2009/3074, **art. 2(f)(p)(v)**
- F23** Words in Sch. 3 para. 11(5) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 48(b)**
- F24** Words in Sch. 3 para. 11(5)(a) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 121(5)(c)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F25** Words in Sch. 3 para. 11(5)(b) substituted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(6)(c)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F26** Words in Sch. 3 para. 11(5)(b) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(e)(iii)**; S.R. 1997/523, **art. 3**
- F27** Words in Sch. 3 para. 11(6) substituted (1.1.1998) by S.I. 1996/3161, **art. 2(e)(iv)**; S.R. 1997/523, **art. 3**
- F28** Words in Sch. 3 para. 11(7)(b) substituted (6.4.2020) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 17**; S.I. 2020/24, reg. 3(b)
- F29** Sch. 3 para. 11(8): definitions inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(7)(a)** (with Sch. 27, paras. 1, 5); S.I. 2009/3074, **art. 2(f)(p)(v)**
- F30** Words in Sch. 3 para. 11(8) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 121(6)(a)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F31** Words in Sch. 3 para. 11(8) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 48(b)**
- F32** Sch. 3 para. 11(8): definitions inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6(2), 153, **Sch. 4 para. 41(7)(b)**; S.I. 2009/3074, **art. 2(f)(p)(v)**
- F33** Words in Sch. 3 para. 11(8) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 121(6)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2

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

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

- s. 24(2)(ba) inserted by [2013 c. 22 s. 26\(7\)](#)
- s. 46(3)(aa) substituted for word by [2008 c. 4 s. 33\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))
- s. 46ZA inserted by [2008 c. 4 s. 33\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 33(2)(4)(7)(8) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(a); S.I. 2012/2906, art. 2(d))