

SCHEDULES

SCHEDULE 9

Section 66.

ENFORCEMENT OF COMMUNITY ORDERS

- 1 Schedule 2 to the Criminal Justice Act 1991 (enforcement of community orders) has effect subject to the amendments in paragraphs 2 to 8.
- 2 In paragraph 2(2) (issue by justice of the peace of summons or warrant to direct offender to appear or be brought, in the case of a drug treatment or testing order, before the court responsible for the order and, in the case of any other relevant order, before a magistrates' court for the petty sessions area concerned), for paragraphs (a) and (b) substitute—
 - “(a) in the case of a drug treatment and testing order, before the court responsible for the order;
 - (b) in the case of any other relevant order which was made by the Crown Court and included a direction that any failure to comply with any of the requirements of the order be dealt with by the Crown Court, before the Crown Court; and
 - (c) in the case of any other relevant order, before a magistrates' court acting for the petty sessions area concerned.”
- 3 In paragraph 3(1) (powers of magistrates' court), for “the magistrates' court” substitute “a magistrates' court”.
- 4 In paragraph 6(5) (community service orders)—
 - (a) in paragraph (a), for “7(2)(a)(ii)” substitute “7(2)(b)”, and
 - (b) in paragraph (b), for “reference in paragraph 7(1)(b)” substitute “references in paragraphs 7(1)(b) and 8(1)(a)” and for “a reference” substitute “references”.
- 5 (1) Paragraph 7 (revocation of order by magistrates' court) is amended as follows.
 - (2) In sub-paragraph (1)—
 - (a) after “a relevant order” insert “made by a magistrates' court”, and
 - (b) for “for which a magistrates' court is responsible, to that court” substitute “, to the magistrates' court responsible for the order”.
 - (3) For sub-paragraph (2) substitute—

“(2) The 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 the court of the offence.”
 - (4) In sub-paragraph (3), for “(2)(a)(i)” substitute “(2)(a)”.

Status: This is the original version (as it was originally enacted).

- (5) In sub-paragraphs (4) and (5), for “(2)(a)(ii)” substitute “(2)(b)”.
- (6) Omit sub-paragraph (6).
- 6 For paragraph 8(1) and (1A) (circumstances in which Crown Court may revoke an order) substitute—
- “8 (1) This paragraph applies where—
- (a) a relevant order made by the Crown Court is in force in respect of an offender and the offender or the responsible officer applies to the Crown Court for the order to be revoked or for the offender to be dealt with in some other manner for the offence in respect of which the order was made; or
- (b) an offender in respect of whom a relevant order is in force is convicted of an offence before the Crown Court or, having been committed by a magistrates' court to the Crown Court for sentence, is brought or appears before the Crown Court.”
- 7 (1) Paragraph 8A (replacement of probation order with conditional discharge) is amended as follows.
- (2) In sub-paragraph (1), for “it appears to a magistrates' court acting for the petty sessions area concerned” substitute “to a magistrates' court acting for the petty sessions area concerned (where the order was made by a magistrates' court) or the Crown Court (where the order was made by the Crown Court) it appears to the court”.
- (3) In sub-paragraph (2), after “paragraph 7” insert “or 8”.
- (4) In sub-paragraph (3)—
- (a) omit “and the probation order was made by a magistrates' court”, and
- (b) for “the magistrates' court” substitute “the court”.
- (5) Omit sub-paragraphs (4) and (5).
- (6) In sub-paragraph (6)—
- (a) for “sub-paragraphs (3) and (5)” substitute “sub-paragraph (3)”, and
- (b) in the words treated as substituted in section 1A(1) of the Powers of Criminal Courts Act 1973, omit “or (5)”.
- 8 In paragraph 11A (application of paragraph 6A for purposes of paragraphs 6 and 7), for “7(2)(a)(ii)” substitute “7(2)(b)”.
- 9 (1) In each of the provisions specified in sub-paragraph (2) (which refer to paragraph 7 of Schedule 2 to the Criminal Justice Act 1991), for “7(2)(a)(ii)” substitute “7(2)(b)”.
- (2) The provisions referred to in sub-paragraph (1) are—
- (a) section 16B(2) of the Children and Young Persons Act 1969,
- (b) section 35(5) and (8) of the Crime (Sentences) Act 1997, and
- (c) paragraph 5(4) of Schedule 5 to the Crime and Disorder Act 1998.