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## SCHEDULES

### SCHEDULE 3

#### [<sup>F1</sup>BREACH, REVOCATION AND AMENDMENT OF CERTAIN COMMUNITY ORDERS]

##### Textual Amendments

- F1** Heading to Sch. 3 substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 199(27)**; S.I. 2001/919, **art. 2(f)(iv)**

#### PART I

##### PRELIMINARY

##### *Definitions*

- 1 (1) In this Schedule “relevant order” means any of the following orders—
- (a) a curfew order;
  - [<sup>F1</sup>(aa) an exclusion order;]
  - (b) a [<sup>F2</sup>community rehabilitation order];
  - (c) a [<sup>F3</sup>community punishment order];
  - (d) a [<sup>F4</sup>community punishment and rehabilitation order];
  - (e) a drug treatment and testing order.
  - [<sup>F5</sup>(f) a drug abstinence order.]
- (2) In this Schedule “the petty sessions area concerned” means—
- (a) in relation to a curfew order, the petty sessions area in which the place for the time being specified in the order is situated; and
  - (b) in relation to [<sup>F6</sup>an exclusion, community rehabilitation, community punishment, community punishment and rehabilitation, drug treatment and testing or drug abstinence] order, the petty sessions area for the time being specified in the order.
- (3) In this Schedule, references to the court responsible for a drug treatment and testing order [<sup>F7</sup>or drug abstinence order] shall be construed in accordance with section 54(7) of this Act [<sup>F8</sup>(or that subsection as applied by section 58B(2) of this Act)].
- (4) In this Schedule—
- (a) references to the [<sup>F9</sup>community rehabilitation element] of a [<sup>F4</sup>community punishment and rehabilitation order] are references to the order in so far as it imposes such a requirement as is mentioned in section 51(1)(a) of this Act (and in so far as it imposes any additional requirements included in the order by virtue of section 42); and

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- (b) references to the [<sup>F10</sup>community punishment element] of such an order are references to the order in so far as it imposes such a requirement as is mentioned in section 51(1)(b).

#### Textual Amendments

- F1** Sch. 3 para. 1(1)(aa) inserted (2.7.2001 for specified purposes and 2.9.2004 in so far as not already in force) by *Criminal Justice and Courts Services Act 2000 (c. 43)*, s. 80(1), **Sch. 7 para. 199(2)(a)(i)**; S.I. 2004/2171, art. 2
- F2** Words in Sch. 3 para. 1(1)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 1(1)(a)(2)**; S.I. 2001/919, art. 2(f)(i)
- F3** Words in Sch. 3 para. 1(1)(c) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 2(1)(a)(2)**; S.I. 2001/919, art. 2(f)(i)
- F4** Words in Sch. 3 para. 1(1)(d)(4)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 3(1)(a)(2)**; S.I. 2001/919, art. 2(f)(i)
- F5** Sch. 3 para. 1(1)(f) inserted (20.6.2001 and 2.7.2001 for specified purposes and 2.9.2004 in so far as not already in force) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 199(2)(a)(ii)**; S.I. 2001/2232, art. 2(m)(viii); S.I. 2004/2171, art. 2
- F6** Words in Sch. 3 para. 1(2)(b) substituted (1.4.2001, 20.6.2001, 2.7.2001 for specified purposes and 2.9.2004 in so far as not already in force) by 2000 c. 43, ss. 74, 80(1), **Sch. 7 Pt. II para. 199(2)(b)**; S.I. 2001/2232, art. 2(m)(viii); S.I. 2004/2171, art. 2
- F7** Words in Sch. 3 para. 1(3) inserted (20.6.2001 for specified purposes otherwise 2.7.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 199(2)(c)(i)**; S.I. 2001/2232, art. 2(m)(viii)
- F8** Words in Sch. 3 para. 1(3) inserted (20.6.2001 for specified purposes otherwise 2.7.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 199(2)(c)(ii)**; S.I. 2001/2232, art. 2(m)(viii)
- F9** Words in Sch. 3 para. 1(4)(a) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 199(3)**; S.I. 2001/919, art. 2(f)(iv)
- F10** Words in Sch. 3 para. 1(4)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 199(4)**; S.I. 2001/919, art. 2(f)(iv)

#### *Orders made on appeal*

- 2 (1) Where a curfew, [<sup>F11</sup>exclusion, community rehabilitation, community punishment, community punishment and rehabilitation or drug abstinence] order has been made on appeal, for the purposes of this Schedule it shall be deemed—
- (a) if it was made on an appeal brought from a magistrates' court, to have been made by a magistrates' court;
- (b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court.
- (2) Where a drug treatment and testing order has been made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, for the purposes of this Schedule it shall be deemed to have been made by the Crown Court.

#### Textual Amendments

- F11** Words in Sch. 3 para. 2(1) substituted (1.4.2001, 20.6.2001, 2.7.2001 for specified purposes and 2.9.2004 in so far as not already in force) by 2000 c. 43, ss. 74, 80(1), **Sch. 7 Pt. II para. 199(5)**; S.I. 2001/919, art. 2(f)(iv); S.I. 2001/2232, art. 2(m)(viii); S.I. 2004/2171, art. 2

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PROSPECTIVE

*Functions of responsible officer*

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