
Status: Point in time view as at 25/08/2000.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Powers of magistrates' court is up to date with all changes known to be in force on or before 28 May 2023. 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)

SCHEDULES

SCHEDULE 3

BREACH, REVOCATION AND AMENDMENT OF CURFEW, PROBATION, COMMUNITY SERVICE, COMBINATION AND DRUG TREATMENT AND TESTING ORDERS

PART II

BREACH OF REQUIREMENT OF ORDER

Powers of magistrates' court

- 4 (1) If it is proved to the satisfaction of a magistrates' court before which an offender appears or is brought under paragraph 3 above that he has failed without reasonable excuse to comply with any of the requirements of the relevant order, the court may deal with him in respect of the failure in any one of the following ways—
- (a) it may impose on him a fine not exceeding £1,000;
 - (b) where the offender is aged 16 or over it may, subject to paragraph 7 below, make a community service order in respect of him;
 - (c) where—
 - (i) the relevant order is a curfew order and the offender is aged under 16, or
 - (ii) the relevant order is a probation order or combination order and the offender is aged under 21,it may, subject to paragraph 8 below, make an attendance centre order in respect of him; or
 - (d) where the relevant order was made by a magistrates' court, it may deal with him, for the offence in respect of which the order was made, in any way in which it could deal with him if he had just been convicted by the court of the offence.
- (2) In dealing with an offender under sub-paragraph (1)(d) above, a magistrates' court—
- (a) shall take into account the extent to which the offender has complied with the requirements of the relevant order; and
 - (b) in the case of an offender who has wilfully and persistently failed to comply with those requirements, may impose a custodial sentence (where the relevant order was made in respect of an offence punishable with such a sentence) notwithstanding anything in section 79(2) of this Act.
- (3) Where a magistrates' court deals with an offender under sub-paragraph (1)(d) above, it shall revoke the relevant order if it is still in force.
- (4) Where a relevant order was made by the Crown Court and a magistrates' court has power to deal with the offender under sub-paragraph (1)(a), (b) or (c) above, it may

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instead commit him to custody or release him on bail until he can be brought or appear before the Crown Court.

- (5) A magistrates' court which deals with an offender's case under sub-paragraph (4) above shall send to the Crown Court—
- (a) a certificate signed by a justice of the peace certifying that the offender has failed to comply with the requirements of the relevant order in the respect specified in the certificate; and
 - (b) such other particulars of the case as may be desirable;
- and a certificate purporting to be so signed shall be admissible as evidence of the failure before the Crown Court.
- (6) A person sentenced under sub-paragraph (1)(d) above for an offence may appeal to the Crown Court against the sentence.

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