

**Changes to legislation:** Criminal Justice Act 2003, SCHEDULE 19A is up to date with all changes known to be in force on or before 22 April 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

### [<sup>F1</sup>SCHEDULE 19A

#### SUPERVISION DEFAULT ORDERS

##### Textual Amendments

- F1** Sch. 19A inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 2** (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), art. 2(t)

##### Modifications etc. (not altering text)

- C1** Sch. 19A applied (with modifications) by [1997 c. 43](#), Sch. 1 para. 8(2)(4)(8)-(12) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), Sch. 3 para. 3(2)(3)(5) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), art. 2(u))
- C2** Sch. 19A applied (with modifications) by [2006 c. 43](#), s. 106B(2)-(7) (as inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), ss. 6(4), 22(1) (with [Sch. 7 para. 2](#)); [S.I. 2015/40](#), art. 2(f))
- C3** Sch. 19A applied (with modifications) (E.W.) (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), ss. 247(2)(c)(3)(4), 416(1) (with ss. 2, 398(1), 406, Sch. 27); [S.I. 2020/1236](#), reg. 2

### [<sup>F2</sup>PART 1

#### REQUIREMENTS ETC

##### Textual Amendments

- F2** Sch. 19A Pt. 1 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 248(2)** (with [Sch. 24 para. 447](#), Sch. 27); [S.I. 2020/1236](#), reg. 2

#### *Application of provisions of the Sentencing Code*

- 1 The provisions of the Sentencing Code listed in paragraph 2 apply in relation to a supervision default order as they apply in relation to a community order but with the modifications listed in paragraph 3.
- 2 Those provisions are—
- sections 208(13) and 214(4) (requirement to avoid conflict with religious beliefs);
  - section 210 (local justice area to be specified in order);
  - section 212(2)(a) and (b) and (3) (provision of copies);
  - section 220(1)(b), (2) and (3) (completion of unpaid work requirement);
  - section 395 (data from electronic monitoring: code of practice);
  - paragraphs 1(1), 2(1) and 3 of Schedule 9 (unpaid work requirement);

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- (g) paragraph 34(1) and (2) of that Schedule (availability of arrangements in local area);
- (h) paragraphs [F39(1) to (4A)] and 10(1) and (2) of that Schedule (curfew requirement);
- (i) paragraphs 29(1) and 31 to 33 of that Schedule (electronic monitoring requirement).

#### Textual Amendments

**F3** Words in Sch. 19A para. 2(h) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 150\(8\)\(a\)](#), 208(5)(q)

- 3 (1) The modifications mentioned in paragraph 1 are as follows.
- (2) Section 212(2)(b) applies as if the reference to the responsible officer were to the supervisor.
- (3) Section 214(4) applies as if the reference to the responsible officer were to the supervisor.
- (4) Paragraph 1(1) of Schedule 9 applies—
- (a) as if the reference to the responsible officer were to the supervisor, and
  - (b) as if, in paragraph (b), for “during a period of 12 months” there were substituted “ before the end of the supervision period. ”
- (5) Paragraph 2(1) of that Schedule applies as if for sub-paragraphs (i) and (ii) of paragraph (b) (limit on number of hours of unpaid work) there were substituted—
- “(i) not less than 20 hours, and
  - (ii) not more than 60 hours.”
- (6) Paragraph 9 of that Schedule applies as if for sub-paragraph (4) there were substituted—
- “(4) The order—
  - (a) may not specify periods which amount to less than 2 hours or more than [F4the relevant number of hours] in any day,
  - (b) may not specify periods which fall outside the supervision period, and
  - (c) must require the person to remain at the specified place or places on at least 20 days.”
- [F5(6A) Paragraph 9(4A) of that Schedule applies as if references to an offence of which the offender was convicted before, on or after a day were references to a failure by a person to comply with a requirement that occurred before, on or after that day.]
- (7) Paragraph 29(1) of that Schedule applies as if paragraph (b) were omitted.
- (8) Paragraph 32 of that Schedule applies as if the references to the responsible officer were to the supervisor.

#### Textual Amendments

**F4** Words in Sch. 19A para. 3(6) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022](#) (c. 32), [ss. 150\(8\)\(b\)\(i\)](#), 208(5)(q)

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**F5** Sch. 19A para. 3(6A) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 150(8)(b)(ii), 208(5)(q)

*Powers of Secretary of State in relation to provisions of the Sentencing Code*

- 4 The Secretary of State's power to make regulations under subsection (4) of section 214 of the Sentencing Code (requirement to avoid conflict with religious beliefs etc) includes power to provide for that subsection, as applied by this Schedule, to have effect with additional restrictions specified in the regulations.
- 5 (1) The Secretary of State's power to make rules under section 394 of the Sentencing Code (rules regulating the supervision of persons subject to community orders etc) may be exercised in relation to persons subject to supervision default orders.
- (2) For the purpose of sub-paragraph (1), section 394(1)(b) of the Sentencing Code has effect as if the reference to responsible officers were to supervisors.
- 6 The Secretary of State may by regulations amend paragraph 3(5) or (6) by changing the number of hours or days for the time being specified there.]

**PART 2**

BREACH, REVOCATION OR AMENDMENT

*Proceedings for breach*

- 7 (1) If the supervisor in relation to a person subject to supervision requirements under section 256AA—
- (a) is satisfied that the person has failed without reasonable excuse to comply with a requirement imposed by a supervision default order, and
  - (b) considers that the failure should be dealt with by a court,
- the supervisor must refer the matter to an enforcement officer.
- (2) Where a matter is referred to an enforcement officer under this paragraph, it is the duty of the enforcement officer—
- (a) to consider the case, and
  - (b) where appropriate, to cause an information to be laid before a justice of the peace in respect of the person's failure to comply with the requirement.
- (3) In this paragraph “enforcement officer” means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.
- (4) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.
- (5) In sub-paragraph (4) “public sector provider” means—
- (a) a probation trust or other public body, or
  - (b) the Secretary of State.

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*Issue of summons or warrant by justice of the peace*

- 8 (1) If at any time while a supervision default order is in force it appears on information to a justice of the peace that the person subject to the order has failed to comply with a requirement imposed by the order, the justice may—
- (a) issue a summons requiring the person to appear at the place and time specified in it, or
  - (b) if the information is in writing and on oath, issue a warrant for the person's arrest.
- (2) A summons or warrant issued under this paragraph must direct the person to appear or be brought before—
- (a) a magistrates' court acting for the local justice area in which the person resides, or
  - (b) if it is not known where the person resides, before a magistrates' court acting for the local justice area specified in the supervision default order.

*Powers of magistrates' court to deal with breach*

- 9 (1) This paragraph applies if it is proved to the satisfaction of a magistrates' court before which a person appears or is brought under paragraph 8 that the person has failed without reasonable excuse to comply with a requirement imposed by the supervision default order.
- (2) The court may revoke the order and deal with the person for the failure in any of the ways listed in section 256AC(4)(a) to (c) (and section 256AC(5) and (7) to (9) apply accordingly).
- (3) In dealing with a person under this paragraph, a magistrates' court must take into account the extent to which the person has complied with the supervision default order.
- (4) A person dealt with under this paragraph may appeal to the Crown Court against the order made by the court.

*Amendment or revocation of order by magistrates' court*

- 10 (1) Where a person is subject to a supervision default order, the appropriate magistrates' court may on the application of the person or an officer of a provider of probation services—
- (a) revoke the order,
  - (b) amend the order, or
  - (c) revoke the order and deal with the person under section 256AC(4) in any way in which it could deal with the person if the order had never been made.
- (2) A magistrates' court acting under sub-paragraph (1)(b)—
- (a) may not increase the number of hours or days specified in the order;
  - (b) may reduce the number of hours or days so specified, but not so as to reduce them below the minimum specified in [F6 paragraph 2(1) or 9(4) of Schedule 9 to the Sentencing Code] (as modified by paragraph 3).
- (3) In exercising its powers under sub-paragraph (1), a magistrates' court must take into account the extent to which the person has complied with the supervision default order.

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- (4) Where a court exercises its powers under sub-paragraph (1)(b) or (c), the person may appeal to the Crown Court against the order made by the court.
- (5) Where a magistrates' court proposes to exercise its powers under this paragraph on an application of an officer of a provider of probation services, the court—
  - (a) must summon the person subject to the supervision default order to appear before the court, and
  - (b) if the person does not appear in answer to the summons, may issue a warrant for the person's arrest.
- (6) Sub-paragraph (5) does not apply where the court proposes only to amend the order to reduce the number of hours or days specified in it.
- (7) Where an application under this paragraph is made by a person subject to a supervision default order, the magistrates' court may not hear the application unless satisfied that adequate notice has been given to any officer of a provider of probation services who the court thinks has an interest in the application.
- (8) No application may be made under this paragraph while an appeal against the supervision default order is pending.
- (9) In this paragraph “the appropriate magistrates' court” means a magistrates' court acting in the local justice area specified in the supervision default order.

#### Textual Amendments

- F6** Words in Sch. 19A para. 10(2)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 248\(3\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

#### *Amendment of local justice area specified in order*

- 11 (1) This paragraph applies where, at any time while a supervision default order is in force in respect of a person, the appropriate magistrates' court is satisfied that the person proposes to change, or has changed, residence from the local justice area specified in the order to another local justice area (“the new local justice area”).
  - (2) The appropriate magistrates' court may amend the order to specify the new local justice area.
  - (3) In this paragraph “the appropriate magistrates' court” has the same meaning as in paragraph 10.

#### *Revocation of order on imposition of further sentence*

- 12 (1) This paragraph applies where—
  - (a) the Crown Court or a magistrates' court is sentencing a person for an offence, and
  - (b) a supervision default order is in force in respect of the person.
- (2) If the court imposes a sentence of imprisonment or detention (other than a suspended sentence) it must revoke the supervision default order.
- (3) If the court makes a community order or suspended sentence order it may revoke the supervision default order and deal with the person under section 256AC(4) in

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any way in which the person could be dealt with under section 256AC(4) if the supervision default order had never been made.

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Where—

- (a) the Crown Court or a magistrates' court orders that a suspended sentence or any part of it is to take effect in relation to a person, and
  - (b) a supervision default order is in force in respect of the person,
- the court must revoke the supervision default order.]

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

**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. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))

- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to [legislation.gov.uk](#). Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)