

# CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

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## EXPLANATORY NOTES

### THE ACT

#### *Commentary on Sections*

#### ***Schedule 7: Youth default orders: Modification of provisions applying to youth rehabilitation orders***

311. *Paragraph 2* modifies paragraph 10 of Schedule 1 to amend the number of hours of unpaid work that can be specified in the youth default order. It sets out in a table the maximum number of hours of unpaid work which may be required. This differs according to the amount which the offender has failed to pay.
312. *Paragraph 3* modifies paragraph 12 of Schedule 1. It sets out in a table the number of hours which the offender may be required to attend an attendance centre. This differs according to the amount which he has failed to pay.
313. *Paragraph 4* modifies paragraph 14 of Schedule 1. It sets out in a table the maximum number of days of curfew which may be imposed, which differs according to the amount owed by the offender.
314. *Paragraph 5* modifies Schedule 2 to apply the provisions for breach, revocation or amendment to youth default orders.
315. *Paragraph 6* provides the Secretary of State with the power to amend by order (subject to the affirmative resolution procedure) the amounts of money or number of hours or days set out in the tables in paragraphs 2, 3 and 4.
316. *Paragraph 7* modifies Schedule 3 (transfer of orders to Northern Ireland) as it applies to youth default orders.

#### ***Section 40: Power to impose attendance centre requirement on fine defaulter***

317. This section re-enacts, with appropriate modifications to make them applicable to the new sentencing framework, one of the fine default provisions in section 60 of the 2000 Act. That provision gives a court with the power to commit a fine defaulter aged under 25 to prison a power to send him or her to an attendance centre instead. Section 40 achieves the re-enactment by amending section 300 of the 2003 Act, which provides similar powers to impose unpaid work requirements or curfew requirements on fine defaulters as an alternative to committal to prison. Under section 300, an order imposing an unpaid work requirement or a curfew requirement is called a “default order”.

#### ***Section 41: Disclosure of information for enforcing fines***

318. **Section 41** inserts new paragraphs 9A, 9B and 9C into Part 3 of Schedule 5 to the Courts Act 2003.

**New paragraph 9A of Part 3 of Schedule 5 to the Courts Act 2003**

319. Paragraph 9A empowers a designated officer in a magistrates' court to ask for information about a person's benefit status from the Secretary of State, in order to assist a court in deciding whether to make an application for benefits deductions. A person's benefit status consists of the particular benefit of which he is in receipt, which deductions apply and how much money is finally received after those deductions have been made (paragraph 9C). It also allows certain other information, such as name and address, to be obtained. This enables the person in respect of whom the request is made to be identified.

**New paragraph 9B of Part 3 of Schedule 5 to the Courts Act 2003**

320. Paragraph 9B places restrictions on the way in which this information can be used once it has been obtained and creates an offence to ensure that it is not used or disclosed in an unauthorised manner or otherwise than in accordance with the purposes intended.