



Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 1

YOUTH REHABILITATION ORDERS

Supplementary

6 Abolition of certain youth orders and related amendments

- (1) Chapters 1, 2, 4 and 5 of Part 4 of (and Schedules 3 and 5 to 7 to) the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (curfew orders, exclusion orders, attendance centre orders, supervision orders and action plan orders) cease to have effect.
- (2) Part 1 of Schedule 4 makes amendments consequential on provisions of this Part.
- (3) Part 2 of Schedule 4 makes minor amendments regarding other community orders which are related to the consequential amendments in Part 1 of that Schedule.

7 Youth rehabilitation orders: interpretation

- (1) In this Part, except where the contrary intention appears—
 - “accommodation provided by or on behalf of a local authority” has the same meaning as it has in the Children Act 1989 (c. 41) by virtue of section 105 of that Act;
 - “activity requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 6 of Schedule 1;
 - “associated”, in relation to offences, is to be read in accordance with section 161(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6);
 - “attendance centre” has the meaning given by section 221(2) of the Criminal Justice Act 2003 (c. 44);

Status: This is the original version (as it was originally enacted).

“attendance centre requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 12 of Schedule 1;

“curfew requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 14 of Schedule 1;

“custodial sentence” has the meaning given by section 76 of the Powers of Criminal Courts (Sentencing) Act 2000;

“detention and training order” has the same meaning as it has in that Act by virtue of section 163 of that Act;

“drug treatment requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 22 of Schedule 1;

“drug testing requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 23 of Schedule 1;

“education requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 25 of Schedule 1;

“electronic monitoring requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 26 of Schedule 1;

“exclusion requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 15 of Schedule 1;

“extended activity requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 3 of Schedule 1;

“fostering requirement”, in relation to a youth rehabilitation order with fostering, has the meaning given by paragraph 18 of Schedule 1;

“guardian” has the same meaning as in the Children and Young Persons Act 1933 (c. 12);

“intoxicating substance treatment requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 24 of Schedule 1;

“local authority” means—

(a) in relation to England—

(i) a county council,

(ii) a district council whose district does not form part of an area that has a county council,

(iii) a London borough council, or

(iv) the Common Council of the City of London in its capacity as a local authority, and

(b) in relation to Wales—

(i) a county council, or

(ii) a county borough council;

“local authority residence requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 17 of Schedule 1;

“local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000 (c. 43);

“mental health treatment requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 20 of Schedule 1;

“programme requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 11 of Schedule 1;

“prohibited activity requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 13 of Schedule 1;

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

“residence requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 16 of Schedule 1;

“the responsible officer”, in relation to an offender to whom a youth rehabilitation order relates, has the meaning given by section 4;

“supervision requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 9 of Schedule 1;

“unpaid work requirement”, in relation to a youth rehabilitation order, has the meaning given by paragraph 10 of Schedule 1;

“youth offending team” means a team established under section 39 of the Crime and Disorder Act 1998 (c. 37);

“youth rehabilitation order” has the meaning given by section 1;

“youth rehabilitation order with fostering” has the meaning given by paragraph 4 of Schedule 1;

“youth rehabilitation order with intensive supervision and surveillance” has the meaning given by paragraph 3 of Schedule 1.

- (2) For the purposes of any provision of this Part which requires the determination of the age of a person by the court, the Secretary of State or a local authority, the person’s age is to be taken to be that which it appears to the court or (as the case may be) the Secretary of State or a local authority to be after considering any available evidence.
- (3) Any reference in this Part to an offence punishable with imprisonment is to be read without regard to any prohibition or restriction imposed by or under any Act on the imprisonment of young offenders.
- (4) If a local authority has parental responsibility for an offender who is in its care or provided with accommodation by it in the exercise of any social services functions, any reference in this Part (except in paragraphs 4 and 25 of Schedule 1) to the offender’s parent or guardian is to be read as a reference to that authority.
- (5) In subsection (4)—
 - “parental responsibility” has the same meaning as it has in the Children Act 1989 (c. 41) by virtue of section 3 of that Act, and
 - “social services functions” has the same meaning as it has in the Local Authority Social Services Act 1970 (c. 42) by virtue of section 1A of that Act.

8 Isles of Scilly

This Part has effect in relation to the Isles of Scilly with such exceptions, adaptations and modifications as the Secretary of State may by order specify.