



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 1

#### YOUTH REHABILITATION ORDERS

##### *Youth rehabilitation orders*

#### **1 Youth rehabilitation orders**

- (1) Where a person aged under 18 is convicted of an offence, the court by or before which the person is convicted may in accordance with Schedule 1 make an order (in this Part referred to as a “youth rehabilitation order”) imposing on the person any one or more of the following requirements—
- (a) an activity requirement (see paragraphs 6 to 8 of Schedule 1),
  - (b) a supervision requirement (see paragraph 9 of that Schedule),
  - (c) in a case where the offender is aged 16 or 17 at the time of the conviction, an unpaid work requirement (see paragraph 10 of that Schedule),
  - (d) a programme requirement (see paragraph 11 of that Schedule),
  - (e) an attendance centre requirement (see paragraph 12 of that Schedule),
  - (f) a prohibited activity requirement (see paragraph 13 of that Schedule),
  - (g) a curfew requirement (see paragraph 14 of that Schedule),
  - (h) an exclusion requirement (see paragraph 15 of that Schedule),
  - (i) a residence requirement (see paragraph 16 of that Schedule),
  - (j) a local authority residence requirement (see paragraph 17 of that Schedule),
  - (k) a mental health treatment requirement (see paragraph 20 of that Schedule),
  - (l) a drug treatment requirement (see paragraph 22 of that Schedule),
  - (m) a drug testing requirement (see paragraph 23 of that Schedule),
  - (n) an intoxicating substance treatment requirement (see paragraph 24 of that Schedule), and

- (o) an education requirement (see paragraph 25 of that Schedule).
- (2) A youth rehabilitation order—
  - (a) may also impose an electronic monitoring requirement (see paragraph 26 of Schedule 1), and
  - (b) must do so if paragraph 2 of that Schedule so requires.
- (3) A youth rehabilitation order may be—
  - (a) a youth rehabilitation order with intensive supervision and surveillance (see paragraph 3 of Schedule 1), or
  - (b) a youth rehabilitation order with fostering (see paragraph 4 of that Schedule).
- (4) But a court may only make an order mentioned in subsection (3)(a) or (b) if—
  - (a) the court is dealing with the offender for an offence which is punishable with imprisonment,
  - (b) the court is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was so serious that, but for paragraph 3 or 4 of Schedule 1, a custodial sentence would be appropriate (or, if the offender was aged under 12 at the time of conviction, would be appropriate if the offender had been aged 12), and
  - (c) if the offender was aged under 15 at the time of conviction, the court is of the opinion that the offender is a persistent offender.
- (5) Schedule 1 makes further provision about youth rehabilitation orders.
- (6) This section is subject to—
  - (a) sections 148 and 150 of the Criminal Justice Act 2003 (c. 44) (restrictions on community sentences etc.), and
  - (b) the provisions of Parts 1 and 3 of Schedule 1.

## **2 Breach, revocation or amendment of youth rehabilitation orders**

Schedule 2 makes provision about failures to comply with the requirements of youth rehabilitation orders and about the revocation or amendment of such orders.

## **3 Transfer of youth rehabilitation orders to Northern Ireland**

Schedule 3 makes provision about the transfer of youth rehabilitation orders to Northern Ireland.

## **4 Meaning of “the responsible officer”**

- (1) For the purposes of this Part, “the responsible officer”, in relation to an offender to whom a youth rehabilitation order relates, means—
  - (a) in a case where the order—
    - (i) imposes a curfew requirement or an exclusion requirement but no other requirement mentioned in section 1(1), and
    - (ii) imposes an electronic monitoring requirement,
 the person who under paragraph 26(4) of Schedule 1 is responsible for the electronic monitoring required by the order;

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- (b) in a case where the only requirement imposed by the order is an attendance centre requirement, the officer in charge of the attendance centre in question;
  - (c) in any other case, the qualifying officer who, as respects the offender, is for the time being responsible for discharging the functions conferred by this Part on the responsible officer.
- (2) In this section “qualifying officer”, in relation to a youth rehabilitation order, means—
- (a) a member of a youth offending team established by a local authority for the time being specified in the order for the purposes of this section, or
  - (b) an officer of a local probation board appointed for or assigned to the local justice area for the time being so specified or (as the case may be) an officer of a provider of probation services acting in the local justice area for the time being so specified.
- (3) The Secretary of State may by order—
- (a) amend subsections (1) and (2), and
  - (b) make any other amendments of—
    - (i) this Part, or
    - (ii) Chapter 1 of Part 12 of the Criminal Justice Act 2003 (c. 44) (general provisions about sentencing),that appear to be necessary or expedient in consequence of any amendment made by virtue of paragraph (a).
- (4) An order under subsection (3) may, in particular, provide for the court to determine which of two or more descriptions of responsible officer is to apply in relation to any youth rehabilitation order.

## **5 Responsible officer and offender: duties in relation to the other**

- (1) Where a youth rehabilitation order has effect, it is the duty of the responsible officer—
- (a) to make any arrangements that are necessary in connection with the requirements imposed by the order,
  - (b) to promote the offender’s compliance with those requirements, and
  - (c) where appropriate, to take steps to enforce those requirements.
- (2) In subsection (1) “responsible officer” does not include a person falling within section 4(1)(a).
- (3) In giving instructions in pursuance of a youth rehabilitation order relating to an offender, the responsible officer must ensure, as far as practicable, that any instruction is such as to avoid—
- (a) any conflict with the offender’s religious beliefs,
  - (b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and
  - (c) any conflict with the requirements of any other youth rehabilitation order to which the offender may be subject.
- (4) The Secretary of State may by order provide that subsection (3) is to have effect with such additional restrictions as may be specified in the order.
- (5) An offender in respect of whom a youth rehabilitation order is in force—

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- (a) must keep in touch with the responsible officer in accordance with such instructions as the offender may from time to time be given by that officer, and
  - (b) must notify the responsible officer of any change of address.
- (6) The obligation imposed by subsection (5) is enforceable as if it were a requirement imposed by the order.