



# 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.

### *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);
  - “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;

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“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;

“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

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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.