

## SCHEDULES

### SCHEDULE 1

#### FURTHER PROVISIONS ABOUT YOUTH REHABILITATION ORDERS

##### PART 2

##### REQUIREMENTS

###### *Pre-conditions to imposing local authority residence requirement or fostering requirement*

- 19 (1) A court may not include a local authority residence requirement or a fostering requirement in a youth rehabilitation order in respect of an offender unless—
- (a) the offender was legally represented at the relevant time in court, or
  - (b) either of the conditions in sub-paragraph (2) is satisfied.
- (2) Those conditions are—
- (a) that the offender was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service for the purposes of the proceedings but the right was withdrawn because of the offender's conduct, or
  - (b) that the offender has been informed of the right to apply for such representation for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.
- (3) In this paragraph—
- “the proceedings” means—
    - (a) the whole proceedings, or
    - (b) the part of the proceedings relating to the imposition of the local authority residence requirement or the fostering requirement;
  - “the relevant time” means the time when the court is considering whether to impose that requirement.