
Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Pre-conditions to imposing local authority residence requirement or fostering requirement is up to date with all changes known to be in force on or before 29 March 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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) [F1that representation was made available to the offender for the purposes of the proceedings under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 but was withdrawn because of the offender's conduct,] or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.

Annotations:

Amendments (Textual)

- F1** Sch. 1 para. 19(2)(a) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 5 para. 69](#); S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

Commencement Information

- I1** Sch. 1 para. 19 in force at 30.11.2009 by [S.I. 2009/3074, art. 2\(m\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)