

**Changes to legislation:** *Criminal Justice and Immigration Act 2008, Part 3 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 2

#### BREACH, REVOCATION OR AMENDMENT OF YOUTH REHABILITATION ORDERS

##### Annotations:

##### Modifications etc. (not altering text)

- C1** Sch. 2 modified by Criminal Procedure (Scotland) Act 1995 (c. 46), s. 234(6A) (as inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), [Sch. 4 para. 44\(6\)](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074, art. 2\(p\)\(v\)](#))

### PART 3

#### REVOCATION OF ORDER

##### *Revocation of order with or without re-sentencing: powers of appropriate court*

- 11 (1) This paragraph applies where—
- (a) a youth rehabilitation order is in force in respect of any offender,
  - (b) the order—
    - (i) was made by a youth court or other magistrates' court, or
    - (ii) was made by the Crown Court and contains a direction under paragraph 36 of Schedule 1, and
  - (c) the offender or the responsible officer makes an application to the appropriate court under this sub-paragraph.
- (2) If it appears to the appropriate court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the appropriate court may—
- (a) revoke the order, or
  - (b) both—
    - (i) revoke the order, and
    - (ii) deal with the offender, for the offence in respect of which the order was made, in any way in which the appropriate court could have dealt with the offender for that offence (had the offender been before that court to be dealt with for it).
- (3) The circumstances in which a youth rehabilitation order may be revoked under sub-paragraph (2) include the offender's making good progress or responding satisfactorily to supervision or treatment (as the case requires).

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- (4) In dealing with an offender under sub-paragraph (2)(b), the appropriate court must take into account the extent to which the offender has complied with the requirements of the youth rehabilitation order.
- (5) A person sentenced under sub-paragraph (2)(b) for an offence may appeal to the Crown Court against the sentence.
- (6) No application may be made by the offender under sub-paragraph (1) while an appeal against the youth rehabilitation order is pending.
- (7) If an application under sub-paragraph (1) relating to a youth rehabilitation order is dismissed, then during the period of three months beginning with the date on which it was dismissed no further such application may be made in relation to the order by any person except with the consent of the appropriate court.
- (8) In this paragraph, “the appropriate court” means—
  - (a) if the offender is aged under 18 when the application under sub-paragraph (1) was made, a youth court acting in the local justice area specified in the youth rehabilitation order, and
  - (b) if the offender is aged 18 or over at that time, a magistrates' court (other than a youth court) acting in that local justice area.

**Annotations:**

**Commencement Information**

**II** Sch. 2 para. 11 in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(n)**

*Revocation of order with or without re-sentencing: powers of Crown Court*

- 12 (1) This paragraph applies where—
- (a) a youth rehabilitation order is in force in respect of an offender,
  - (b) the order—
    - (i) was made by the Crown Court, and
    - (ii) does not contain a direction under paragraph 36 of Schedule 1, and
  - (c) the offender or the responsible officer makes an application to the Crown Court under this sub-paragraph.
- (2) If it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made, the Crown Court may—
- (a) revoke the order, or
  - (b) both—
    - (i) revoke the order, and
    - (ii) deal with the offender, for the offence in respect of which the order was made, in any way in which the Crown Court could have dealt with the offender for that offence.
- (3) The circumstances in which a youth rehabilitation order may be revoked under sub-paragraph (2) include the offender's making good progress or responding satisfactorily to supervision or treatment (as the case requires).

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- (4) In dealing with an offender under sub-paragraph (2)(b), the Crown Court must take into account the extent to which the offender has complied with the youth rehabilitation order.
- (5) No application may be made by the offender under sub-paragraph (1) while an appeal against the youth rehabilitation order is pending.
- (6) If an application under sub-paragraph (1) relating to a youth rehabilitation order is dismissed, then during the period of three months beginning with the date on which it was dismissed no further such application may be made in relation to the order by any person except with the consent of the Crown Court.

**Annotations:**

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**Commencement Information**

**I2** Sch. 2 para. 12 in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(n)**

**Changes to legislation:**

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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\(3\)](#)