

Changes to legislation: Criminal Justice and Immigration Act 2008, Part 4 is up to date with all changes known to be in force on or before 04 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 4

AMENDMENT OF ORDER

Amendment by appropriate court

- 13 (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 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) an application for the amendment of the order is made to the appropriate court by the offender or the responsible officer.
- (2) If the appropriate court is satisfied that the offender proposes to reside, or is residing, in a local justice area (“the new local justice area”) other than the local justice area for the time being specified in the order, the court—
- (a) must, if the application under sub-paragraph (1)(c) was made by the responsible officer, or
 - (b) may, in any other case,
- amend the youth rehabilitation order by substituting the new local justice area for the area specified in the order.
- (3) Sub-paragraph (2) is subject to paragraph 15.
- (4) The appropriate court may by order amend the youth rehabilitation order—
- (a) by cancelling any of the requirements of the order, or
 - (b) by replacing any of those requirements with a requirement of the same kind which could have been included in the order when it was made.
- (5) Sub-paragraph (4) is subject to paragraph 16.

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- (6) 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

I1 Sch. 2 para. 13 in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(n)**

Amendment by Crown Court

- 14 (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) an application for the amendment of the order is made to the Crown Court by the offender or the responsible officer.
- (2) If the Crown Court is satisfied that the offender proposes to reside, or is residing, in a local justice area (“the new local justice area”) other than the local justice area for the time being specified in the order, the court—
- (a) must, if the application under sub-paragraph (1)(c) was made by the responsible officer, or
 - (b) may, in any other case,
- amend the youth rehabilitation order by substituting the new local justice area for the area specified in the order.
- (3) Sub-paragraph (2) is subject to paragraph 15.
- (4) The Crown Court may by order amend the youth rehabilitation order—
- (a) by cancelling any of the requirements of the order, or
 - (b) by replacing any of those requirements with a requirement of the same kind which could have been included in the order when it was made.
- (5) Sub-paragraph (4) is subject to paragraph 16.

Annotations:

Commencement Information

I2 Sch. 2 para. 14 in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(n)**

Exercise of powers under paragraph 13(2) or 14(2): further provisions

- 15 (1) In sub-paragraphs (2) and (3), “specific area requirement”, in relation to a youth rehabilitation order, means a requirement contained in the order which, in the opinion

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of the court, cannot be complied with unless the offender continues to reside in the local justice area specified in the youth rehabilitation order.

- (2) A court may not under paragraph 13(2) or 14(2) amend a youth rehabilitation order which contains specific area requirements unless, in accordance with paragraph 13(4) or, as the case may be, 14(4), it either—
- (a) cancels those requirements, or
 - (b) substitutes for those requirements other requirements which can be complied with if the offender resides in the new local justice area mentioned in paragraph 13(2) or (as the case may be) 14(2).
- (3) If—
- (a) the application under paragraph 13(1)(c) or 14(1)(c) was made by the responsible officer, and
 - (b) the youth rehabilitation order contains specific area requirements,
- the court must, unless it considers it inappropriate to do so, so exercise its powers under paragraph 13(4) or, as the case may be, 14(4) that it is not prevented by subparagraph (2) from amending the order under paragraph 13(2) or, as the case may be, 14(2).
- (4) The court may not under paragraph 13(2) or, as the case may be, 14(2) amend a youth rehabilitation order imposing a programme requirement unless the court is satisfied that a programme which—
- (a) corresponds as nearly as practicable to the programme specified in the order for the purposes of that requirement, and
 - (b) is suitable for the offender,
- is available in the new local justice area.

Annotations:

Commencement Information

I3 Sch. 2 para. 15 in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(n\)](#)

Exercise of powers under paragraph 13(4) or 14(4): further provisions

- 16 (1) ^{F1}Subject to paragraph 16A,] any requirement imposed under paragraph 13(4)(b) or 14(4)(b) must be capable of being complied with before the date specified under paragraph 32(1) of Schedule 1.
- (2) Where—
- (a) a youth rehabilitation order imposes a fostering requirement (the “original requirement”), and
 - (b) under paragraph 13(4)(b) or 14(4)(b) a court proposes to substitute a new fostering requirement (“the substitute requirement”) for the original requirement,
- paragraph 18(2) of Schedule 1 applies in relation to the substitute requirement as if the reference to the period of 12 months beginning with the date on which the original requirement first had effect were a reference to the period of 18 months beginning with that date.
- (3) The court may not under paragraph 13(4) or 14(4) impose—

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- (a) a mental health treatment requirement,
 - (b) a drug treatment requirement, or
 - (c) a drug testing requirement,
- unless the offender has expressed willingness to comply with the requirement.
- (4) If an offender fails to express willingness to comply with a mental health treatment requirement, a drug treatment requirement or a drug testing requirement which the court proposes to impose under paragraph 13(4) or 14(4), the court may—
- (a) revoke the youth rehabilitation order, and
 - (b) deal with the offender, for the offence in respect of which the order was made, in any way in which that court could have dealt with the offender for that offence (had the offender been before that court to be dealt with for it).
- (5) In dealing with the offender under sub-paragraph (4)(b), the court must take into account the extent to which the offender has complied with the order.

Annotations:

Amendments (Textual)

F1 Words in Sch. 2 para. 16(1) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 83\(4\), 151\(1\)](#); S.I. 2012/2906, art. 2(a) (with art. 5(2))

Commencement Information

I4 Sch. 2 para. 16 in force at 30.11.2009 by [S.I. 2009/3074, art. 2\(n\)](#)

[F² Extension of order

Annotations:

Amendments (Textual)

F2 Sch. 2 para. 16A and cross-heading inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 83\(5\), 151\(1\)](#); S.I. 2012/2906, art. 2(a) (with art. 5(2))

- 16A (1) The appropriate court may, on the application of the offender or the responsible officer, amend a youth rehabilitation order by substituting a later date for that specified under paragraph 32(1) of Schedule 1.
- (2) A date substituted under sub-paragraph (1)—
- (a) may not fall outside the period of six months beginning with the date previously specified under paragraph 32(1) of Schedule 1;
 - (b) subject to that, may fall more than three years after the date on which the order took effect.
- (3) The power under sub-paragraph (1) may not be exercised in relation to an order if it has previously been exercised in relation to that order.
- (4) A date substituted under sub-paragraph (1) is to be treated as having been specified in relation to the order under paragraph 32(1) of Schedule 1.
- (5) In this paragraph “the appropriate court” means—

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- (a) if the order was made by a youth court or other magistrates' court, or was made by the Crown Court and contains a direction under paragraph 36 of Schedule 1, the court determined under sub-paragraph (6), and
 - (b) if the order was made by the Crown Court and does not contain a direction under paragraph 36 of Schedule 1, the Crown Court.
- (6) The court referred to in sub-paragraph (5)(a) is—
- (a) if the offender is aged under 18 when the application is 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.]

Extension of unpaid work requirement

- 17 Where—
- (a) a youth rehabilitation order imposing an unpaid work requirement is in force in respect of an offender, and
 - (b) on the application of the offender or the responsible officer, it appears to the appropriate court that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made,
- the court may, in relation to the order, extend the period of 12 months specified in paragraph 10(6) of Schedule 1.

Annotations:

Commencement Information

15 Sch. 2 para. 17 in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(n)**

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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\(3\)](#)