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**Changes to legislation:** Criminal Justice and Immigration Act 2008, Cross Heading: Powers of magistrates' court following subsequent conviction is up to date with all changes known to be in force on or before 15 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)

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## 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 5

#### POWERS OF COURT IN RELATION TO ORDER FOLLOWING SUBSEQUENT CONVICTION

##### *Powers of magistrates' court following subsequent conviction*

- 18 (1) This paragraph applies where—
- (a) a youth rehabilitation order is in force in respect of an offender, and
  - (b) the offender is convicted of an offence (the “further offence”) by a youth court or other magistrates' court (“the convicting court”).
- (2) Sub-paragraphs (3) and (4) apply where—
- (a) the youth rehabilitation 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
  - (b) the convicting court is dealing with the offender for the further offence.
- (3) The convicting court may revoke the order.
- (4) Where the convicting court revokes the order under sub-paragraph (3), it may deal with the offender, for the offence in respect of which the order was made, in any way in which it could have dealt with the offender for that offence (had the offender been before that court to be dealt with for the offence).
- (5) The convicting court may not exercise its powers under sub-paragraph (3) or (4) unless it considers that it would be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made.
- (6) In dealing with an offender under sub-paragraph (4), the sentencing court must take into account the extent to which the offender has complied with the order.
- (7) A person sentenced under sub-paragraph (4) for an offence may appeal to the Crown Court against the sentence.

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- (8) Sub-paragraph (9) applies where—
- (a) the youth rehabilitation order was made by the Crown Court and contains a direction under paragraph 36 of Schedule 1, and
  - (b) the convicting court would, but for that sub-paragraph, deal with the offender for the further offence.
- (9) The convicting court may, instead of proceeding under sub-paragraph (3)—
- (a) commit the offender in custody, or
  - (b) release the offender on bail,
- until the offender can be brought before the Crown Court.
- (10) Sub-paragraph (11) applies if the youth rehabilitation order was made by the Crown court and does not contain a direction under paragraph 36 of Schedule 1.
- (11) The convicting court may—
- (a) commit the offender in custody, or
  - (b) release the offender on bail,
- until the offender can be brought or appear before the Crown Court.
- (12) Where the convicting court deals with an offender's case under sub-paragraph (9) or (11), it must send to the Crown Court such particulars of the case as may be desirable.

**Annotations:**

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**Commencement Information**

**II** Sch. 2 para. 18 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\(3\)](#)