

SCHEDULES

SCHEDULE 2

BREACH, REVOCATION OR AMENDMENT OF YOUTH REHABILITATION ORDERS

PART 6

SUPPLEMENTARY

Appearance of offender before court

- 20 (1) Subject to sub-paragraph (2), where, otherwise than on the application of the offender, a court proposes to exercise its powers under Part 3, 4 or 5 of this Schedule, the court—
- (a) must summon the offender to appear before the court, and
 - (b) if the offender does not appear in answer to the summons, may issue a warrant for the offender's arrest.
- (2) Sub-paragraph (1) does not apply where a court proposes to make an order—
- (a) revoking a youth rehabilitation order,
 - (b) cancelling, or reducing the duration of, a requirement of a youth rehabilitation order, or
 - (c) substituting a new local justice area or place for one specified in a youth rehabilitation order.

Warrants

- 21 (1) Sub-paragraph (2) applies where an offender is arrested in pursuance of a warrant issued by virtue of this Schedule and cannot be brought immediately before the court before which the warrant directs the offender to be brought (“the relevant court”).
- (2) The person in whose custody the offender is—
- (a) may make arrangements for the offender's detention in a place of safety for a period of not more than 72 hours from the time of the arrest, and
 - (b) must within that period bring the offender before a magistrates' court.
- (3) In the case of a warrant issued by the Crown Court, section 81(5) of the Supreme Court Act 1981 (c. 54) (duty to bring person before magistrates' court) does not apply.
- (4) A person who is detained under arrangements made under sub-paragraph (2)(a) is deemed to be in legal custody.
- (5) In sub-paragraph (2)(a) “place of safety” has the same meaning as in the Children and Young Persons Act 1933.
- (6) Sub-paragraphs (7) to (10) apply where, under sub-paragraph (2), the offender is brought before a court (“the alternative court”) which is not the relevant court.

Status: This is the original version (as it was originally enacted).

- (7) If the relevant court is a magistrates' court—
- (a) the alternative court may—
 - (i) direct that the offender be released forthwith, or
 - (ii) remand the offender, and
 - (b) for the purposes of paragraph (a), section 128 of the Magistrates' Courts Act 1980 (c. 43) (remand in custody or on bail) has effect as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the relevant court.
- (8) If the relevant court is the Crown Court, section 43A of that Act (functions of magistrates' court where a person in custody is brought before it with a view to appearance before the Crown Court) applies as if, in subsection (1)—
- (a) the words “issued by the Crown Court” were omitted, and
 - (b) the reference to section 81(5) of the Supreme Court Act 1981 were a reference to sub-paragraph (2)(b).
- (9) Any power to remand the offender in custody which is conferred by section 43A or 128 of the Magistrates' Courts Act 1980 is to be taken to be a power—
- (a) if the offender is aged under 18, to remand the offender to accommodation provided by or on behalf of a local authority, and
 - (b) in any other case, to remand the offender to a prison.
- (10) Where the court remands the offender to accommodation provided by or on behalf of a local authority, the court must designate, as the authority which is to receive the offender, the local authority for the area in which it appears to the court that the offender resides.

Adjournment of proceedings

- 22 (1) This paragraph applies to any hearing relating to an offender held by a youth court or other magistrates' court in any proceedings under this Schedule.
- (2) The court may adjourn the hearing, and, where it does so, may—
- (a) direct that the offender be released forthwith, or
 - (b) remand the offender.
- (3) Where the court remands the offender under sub-paragraph (2)—
- (a) it must fix the time and place at which the hearing is to be resumed, and
 - (b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.
- (4) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
- (a) it may fix the time and place at which the hearing is to be resumed, but
 - (b) if it does not do so, must not resume the hearing unless it is satisfied that the offender, the responsible officer and, if the offender is aged under 14, a parent or guardian of the offender have had adequate notice of the time and place of the resumed hearing.
- (5) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980 (c. 43).

Status: This is the original version (as it was originally enacted).

- (6) This paragraph—
- (a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
 - (b) is not to be taken to affect the application of that section to hearings of any other description.

Restrictions on imposition of intensive supervision and surveillance or fostering

- 23 Subsection (4), and the provisions mentioned in subsection (6), of section 1 apply in relation to a power conferred by paragraph 6(2)(b), 8(2)(b), 13(4)(b) or 14(4)(b) to impose a requirement as they apply in relation to any power conferred by section 1 or Part 1 of Schedule 1 to make a youth rehabilitation order which includes such a requirement.

Provision of copies of orders etc.

- 24 (1) Where a court makes an order under this Schedule revoking or amending a youth rehabilitation order, the proper officer of the court must forthwith—
- (a) provide copies of the revoking or amending order to the offender and, if the offender is aged under 14, to the offender's parent or guardian,
 - (b) provide a copy of the revoking or amending order to the responsible officer,
 - (c) in the case of an amending order which substitutes a new local justice area, provide copies of the amending order to—
 - (i) the local probation board acting for that area or (as the case may be) a provider of probation services operating in that area, and
 - (ii) the magistrates' court acting in that area,
 - (d) in the case of an amending order which imposes or cancels a requirement specified in the first column of the Table in paragraph 34(4) of Schedule 1, provide a copy of so much of the amending order as relates to that requirement to the person specified in relation to that requirement in the second column of that Table,
 - (e) in the case of an order which revokes a requirement specified in the first column of that Table, provide a copy of the revoking order to the person specified in relation to that requirement in the second column of that Table, and
 - (f) if the court is a magistrates' court acting in a local justice area other than the area specified in the youth rehabilitation order, provide a copy of the revoking or amending order to a magistrates' court acting in the local justice area specified in the order.
- (2) Where under sub-paragraph (1)(c) the proper officer of the court provides a copy of an amending order to a magistrates' court acting in a different area, the officer must also provide to that court such documents and information relating to the case as appear likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.
- (3) In this paragraph “proper officer” means—
- (a) in relation to a magistrates' court, the designated officer for the court, and
 - (b) in relation to the Crown Court, the appropriate officer.

Status: This is the original version (as it was originally enacted).

Power to amend maximum period of fostering requirement

- 25 The Secretary of State may by order amend paragraph 6(9), 8(9) or 16(2) by substituting, for—
- (a) the period of 18 months specified in the provision, or
 - (b) any other period which may be so specified by virtue of a previous order under this paragraph,
- such other period as may be specified in the order.