

SCHEDULES

SCHEDULE 4

YOUTH REHABILITATION ORDERS: CONSEQUENTIAL AND RELATED AMENDMENTS

PART 2

RELATED AMENDMENTS

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 108 (1) Schedule 8 (breach, revocation and amendment of action plan orders and reparation orders) is amended as follows.
- (2) Omit paragraph 1 and the heading before that paragraph.
- (3) In paragraph 2(1), for “the appropriate court,” substitute—
- “(a) a youth court acting in the local justice area in which the offender resides, or
 - (b) if it is not known where the offender resides, a youth court acting in the local justice area for the time being named in the order in pursuance of section 74(4) of this Act.”.
- (4) In paragraph 5—
- (a) in sub-paragraphs (1) and (3), for “appropriate court” substitute “relevant court”, and
 - (b) at the end insert—
- “(4) In this paragraph, “the relevant court” means—
- (a) a youth court acting in the local justice area for the time being named in the order in pursuance of section 74(4) of this Act, or
 - (b) in the case of an application made both under this paragraph and under paragraph 2(1), the court mentioned in paragraph 2(1).”
- (5) In paragraph 6—
- (a) in sub-paragraph (1), for “the appropriate court” substitute “a court”,
 - (b) in sub-paragraph (4), for “the appropriate court” substitute “the court before which the warrant directs the offender to be brought (“the relevant court””,
 - (c) in sub-paragraph (5), for “the appropriate court” substitute “the relevant court”, and
 - (d) in sub-paragraph (7), for “the appropriate court”, in each place it occurs, substitute “the relevant court”.
- (6) After paragraph 6 insert—

Status: This is the original version (as it was originally enacted).

“Power to adjourn hearing and remand offender

- 6A (1) This paragraph applies to any hearing relating to an offender held by a youth 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, it must not resume the hearing unless it is satisfied that the persons mentioned in sub-paragraph (5) have had adequate notice of the time and place for the resumed hearing.
- (5) The persons referred to in sub-paragraph (4)(b) are—
- (a) the offender,
 - (b) if the offender is aged under 14, a parent or guardian of the offender, and
 - (c) the responsible officer.
- (6) If a local authority has parental responsibility for an offender who is in its care or provided with accommodation by it in the exercise of any social services functions, the reference in sub-paragraph (5)(b) to a parent or guardian of the offender is to be read as a reference to that authority.
- (7) In sub-paragraph (6)—
- “local authority” has the same meaning as it has in Part 1 of the Criminal Justice and Immigration Act 2008 by virtue of section 7 of that Act,
 - “parental responsibility” has the same meaning as it has in the Children Act 1989 by virtue of section 3 of that Act, and
 - “social services functions” has the same meaning as it has in the Local Authority Social Services Act 1970 by virtue of section 1A of that Act.
- (8) The powers of a youth court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.
- (9) 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.”