

SCHEDULES

SCHEDULE 4

YOUTH REHABILITATION ORDERS: CONSEQUENTIAL AND RELATED AMENDMENTS

PART 1

CONSEQUENTIAL AMENDMENTS

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 44 (1) Section 234 (probation orders: persons residing in England and Wales) is amended as follows.
- (2) In subsection (2), at the end insert “(in any case where the offender has attained the age of 18 years) or under section 1 of the Criminal Justice and Immigration Act 2008 (in any other case)”.
- (3) In subsection (4)—
- (a) in paragraph (a), for “and section 207(2) of the Criminal Justice Act 2003” substitute “, section 207(2) of the Criminal Justice Act 2003 and paragraph 20(2) of Schedule 1 to the Criminal Justice and Immigration Act 2008”,
 - (b) in paragraph (a), for “or, as the case may be, community orders under Part 12 of that Act” substitute “, community orders under Part 12 of the Criminal Justice Act 2003 or, as the case may be, youth rehabilitation orders under Part 1 of the Criminal Justice and Immigration Act 2008”,
 - (c) in paragraph (a), for “and section 207 of the Criminal Justice Act 2003” substitute “, section 207 of the Criminal Justice Act 2003 and paragraph 20 of Schedule 1 to the Criminal Justice and Immigration Act 2008”,
 - (d) in paragraph (b), after “2003” insert “or (as the case may be) paragraphs 20(4) and 21(1) to (3) of Schedule 1 to the Criminal Justice and Immigration Act 2008”, and
 - (e) in paragraph (b), at the end insert “or that paragraph”.
- (4) In subsection (4A) at the end insert “(in any case where the offender has attained the age of 18 years) or in a youth rehabilitation order made under section 1 of the Criminal Justice and Immigration Act 2008 (in any other case)”.
- (5) In subsection (5) for the words from “subject to subsection (6)” to the end substitute “subject to subsections (6) and (6A) below—
- (a) Schedule 8 to the Criminal Justice Act 2003 shall apply as if it were a community order made by a magistrates' court under section 177 of that Act and imposing the requirements specified under subsection (4A) above (in any case where the offender has attained the age of 18 years); and

Status: This is the original version (as it was originally enacted).

- (b) Schedule 2 to the Criminal Justice and Immigration Act 2008 shall apply as if it were a youth rehabilitation order made by a magistrates' court under section 1 of that Act and imposing the requirements specified under that subsection (in any other case)."

(6) After subsection (6) insert—

“(6A) In its application to a probation order made or amended under this section, Schedule 2 to the Criminal Justice and Immigration Act 2008 has effect subject to the following modifications—

- (a) any reference to the responsible officer has effect as a reference to the person appointed or assigned under subsection (1)(a) above,
- (b) in paragraph 6, sub-paragraph (2)(c) is omitted and, in sub-paragraph (16), the reference to the Crown Court has effect as a reference to a court in Scotland, and
- (c) Parts 3 and 5 are omitted.”