

SCHEDULES

SCHEDULE 4

YOUTH REHABILITATION ORDERS: CONSEQUENTIAL AND RELATED AMENDMENTS

PART 1

CONSEQUENTIAL AMENDMENTS

Criminal Justice Act 2003 (c. 44)

80 (1) Section 174 (duty to give reasons for, and explain effect of, sentence) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (b), after “that section” insert “or any other statutory provision”,
- (b) in paragraph (c), after “community sentence” insert “, other than one consisting of or including a youth rehabilitation order with intensive supervision and surveillance or fostering.”, and

(c) after paragraph (c) insert—

“(ca) where the sentence consists of or includes a youth rehabilitation order with intensive supervision and surveillance and the case does not fall within paragraph 5(2) of Schedule 1 to the Criminal Justice and Immigration Act 2008, state that it is of the opinion that section 1(4)(a) to (c) of that Act and section 148(1) of this Act apply and why it is of that opinion,

(cb) where the sentence consists of or includes a youth rehabilitation order with fostering, state that it is of the opinion that section 1(4)(a) to (c) of the Criminal Justice and Immigration Act 2008 and section 148(1) of this Act apply and why it is of that opinion.”.

(3) After subsection (4) insert—

“(4A) Subsection (4B) applies where—

- (a) a court passes a custodial sentence in respect of an offence on an offender who is aged under 18, and
- (b) the circumstances are such that the court must, in complying with subsection (1)(a), make the statement referred to in subsection (2) (b).

(4B) That statement must include—

- (a) a statement by the court that it is of the opinion that a sentence consisting of or including a youth rehabilitation order with intensive

Status: This is the original version (as it was originally enacted).

- supervision and surveillance or fostering cannot be justified for the offence, and
- (b) a statement by the court why it is of that opinion.”