

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Criminal Justice Act 1982 is up to date with all changes known to be in force on or before 26 February 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)

SCHEDULES

SCHEDULE 4

YOUTH REHABILITATION ORDERS: CONSEQUENTIAL AND RELATED AMENDMENTS

PART 1

CONSEQUENTIAL AMENDMENTS

Criminal Justice Act 1982

- 26 Part 3 of Schedule 13 to the Criminal Justice Act 1982 (reciprocal arrangements for transfer of community service orders from Northern Ireland) has effect subject to the following amendments.

Annotations:

Commencement Information

- II** Sch. 4 para. 26 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

- 27 (1) Paragraph 7 (transfer to England and Wales) is amended as follows.
- (2) In sub-paragraph (1), in Article 13(4)(b) inserted by that provision, for “such orders” substitute “an unpaid work requirement of a community order under section 177 of the Criminal Justice Act 2003 or youth rehabilitation order under section 1 of the Criminal Justice and Immigration Act 2008”.
- (3) In sub-paragraph (2)(b)—
- (a) after “a community order” insert “or a youth rehabilitation order”, and
- (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”.
- (4) In sub-paragraph (3)—
- (a) for “A community service order” substitute “An adult community service order”, and
- (b) in paragraph (b)—
- (i) omit “within the meaning of Part 12 of the Criminal Justice Act 2003”, and
- (ii) for “by that Part of that Act” substitute “by Part 12 of the Criminal Justice Act 2003”.
- (5) After sub-paragraph (3) insert—
- “(4) A youth community service order made or amended in accordance with this paragraph shall—

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- (a) specify the local justice area in England or Wales in which the offender resides or will be residing when the order or the amendment comes into force; and
 - (b) require—
 - (i) the local probation board for that area established under section 4 of the Criminal Justice and Court Services Act 2000 or (as the case may be) a provider of probation services operating in that area, or
 - (ii) a youth offending team established under section 39 of the Crime and Disorder Act 1998 by a local authority for the area in which the offender resides or will be residing when the order or amendment comes into force,
 to appoint a person who will discharge in respect of the order the functions in respect of youth rehabilitation orders conferred on responsible officers by Part 1 of the Criminal Justice and Immigration Act 2008.
- (5) The person appointed under sub-paragraph (4)(b) must be—
- (a) where the appointment is made by a local probation board, an officer of that board;
 - (b) where the appointment is made by a provider of probation services, an officer of that provider;
 - (c) where the appointment is made by a youth offending team, a member of that team.”

Annotations:

Commencement Information

I2 Sch. 4 para. 27 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

- 28 (1) Paragraph 9 (general provision) is amended as follows.
- (2) In sub-paragraph (3)—
- (a) in paragraph (a)—
 - (i) for “a community service order” substitute “ an adult community service order ”;
 - (ii) omit “under section 177 of the Criminal Justice Act 2003”;
 - (iii) for “of that Act” substitute “ of the Criminal Justice Act 2003 ”, and
 - (b) before “and” at the end of that paragraph insert—
 - “(aa) a youth community service order made or amended in the circumstances specified in paragraph 7 above shall be treated as if it were a youth rehabilitation order made in England and Wales and the provisions of Part 1 of the Criminal Justice and Immigration Act 2008 shall apply accordingly;”.
- (3) In sub-paragraph (4)(a)—
- (a) after “community orders” insert “ or youth rehabilitation orders ”, and
 - (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”.
- (4) In sub-paragraph (5)—

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- (a) after “community order” insert “ or youth rehabilitation order ”, and
 - (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”.
- (5) In sub-paragraph (6)—
- (a) after “community orders” insert “ or youth rehabilitation orders ”,
 - (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”, and
 - (c) in paragraph (b)(i), after “2003” insert “ or, as the case may be, Part 1 of the Criminal Justice and Immigration Act 2008 ”.

Annotations:

Commencement Information

I3 Sch. 4 para. 28 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

29 After that paragraph insert—

*“Community service orders relating to persons
residing in England and Wales: interpretation*

10 In paragraphs 7 and 9 above—

“adult community service order” means a community service order made in respect of an offender who was aged at least 18 when convicted of the offence in respect of which the order is made;

“community order” means an order made under section 177 of the Criminal Justice Act 2003;

“youth community service order” means a community service order made in respect of an offender who was aged under 18 when convicted of the offence in respect of which the order is made;

“youth rehabilitation order” means an order made under section 1 of the Criminal Justice and Immigration Act 2008.”

Annotations:

Commencement Information

I4 Sch. 4 para. 29 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

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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\(3\)](#)