
Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Criminal Justice Act 2003 (c. 44) is up to date with all changes known to be in force on or before 27 March 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 2003 (c. 44)

- 71 Part 12 of the Criminal Justice Act 2003 (sentencing) has effect subject to the following amendments.

Annotations:

Commencement Information

- I1** Sch. 4 para. 71 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

- 72 (1) Section 147 (meaning of “community sentence” etc.) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (b), and
- (b) after that paragraph insert—
- “(c) a youth rehabilitation order.”
- (3) Omit subsection (2).

Annotations:

Commencement Information

- I2** Sch. 4 para. 72 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

- 73 (1) Section 148 (restrictions on imposing community sentences) is amended as follows.
- (2) In subsection (2)—
- (a) omit “which consists of or includes a community order”, and
- (b) in paragraph (a), after “community order” insert “, or, as the case may be, youth rehabilitation order, comprised in the sentence”.
- (3) After that subsection insert—
- “(2A) Subsection (2) is subject to paragraph 3(4) of Schedule 1 to the Criminal Justice and Immigration Act 2008 (youth rehabilitation order with intensive supervision and surveillance).”

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(4) Omit subsection (3).

Annotations:

Commencement Information

I3 Sch. 4 para. 73 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

74 In section 149(1) (passing of community sentence on offender remanded in custody) for “youth community order” substitute “ youth rehabilitation order ”.

Annotations:

Commencement Information

I4 Sch. 4 para. 74 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

75 In section 150 (community sentence not available where sentence fixed by law etc.) for “youth community order” substitute “ youth rehabilitation order ”.

Annotations:

Commencement Information

I5 Sch. 4 para. 75 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

76 (1) Section 151 (community order for persistent offender previously fined) is amended as follows.

(2) In the title, after “community order” insert “ or youth rehabilitation order ”.

(3) In subsections (1)(a) and [F1 (1A)(b)], for “16” substitute “ 18 ”.

(4) After subsection (2) insert—

“(2A) Subsection (2B) applies where—

- (a) a person aged 16 or 17 is convicted of an offence (“the current offence”);
- (b) on three or more previous occasions the offender has, on conviction by a court in the United Kingdom of any offence committed by him after attaining the age of 16, had passed on him a sentence consisting only of a fine; and
- (c) despite the effect of section 143(2), the court would not (apart from this section) regard the current offence, or the combination of the current offence and one or more offences associated with it, as being serious enough to warrant a youth rehabilitation order.

(2B) The court may make a youth rehabilitation order in respect of the current offence instead of imposing a fine if it considers that, having regard to all the circumstances including the matters mentioned in subsection (3), it would be in the interests of justice to make such an order.”

(5) In subsection (3)—

- (a) after “(2)” insert “ and (2B) ”; and
- (b) in paragraph (a) for “or [F2 (1A)(c)]” substitute “ [F2 (1A)(c)] or (2A)(b) ”.

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(6) In subsections (4), (5) and (6), for “and [F3 (1A)(c)]” substitute “[F3 (1A)(c)] and (2A)(b)”.

(7) In section 166 (savings for powers to mitigate etc.), in subsection (1)(a) after “151(2)” insert “or (2B)”.

Annotations:

Amendments (Textual)

- F1** Word in Sch. 4 para. 76(3) substituted (12.11.2009) by Coroners and Justice Act 2009 (c. 25), s. 182(1)(h), Sch. 21 para. 98(3)(a) (with s. 180)
- F2** Word in Sch. 4 para. 76(5)(b) substituted (12.11.2009) by Coroners and Justice Act 2009 (c. 25), s. 182(1)(h), Sch. 21 para. 98(3)(b) (with s. 180)
- F3** Word in Sch. 4 para. 76(6) substituted (12.11.2009) by Coroners and Justice Act 2009 (c. 25), s. 182(1)(h), Sch. 21 para. 98(3)(b) (with s. 180)

Commencement Information

- I6** Sch. 4 para. 76 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

77 (1) Section 156 (pre-sentence reports and other requirements) is amended as follows.

(2) In subsection (1)—

- (a) for “, (2)(b) or (3)(b)” substitute “or (2)(b),”, and
- (b) after “153(2),” insert “or in section 1(4)(b) or (c) of the Criminal Justice and Immigration Act 2008 (youth rehabilitation orders with intensive supervision and surveillance or fostering),”.

(3) In subsection (2) omit “or (3)(a)”.

(4) In subsection (3)(b)—

- (a) for “, (2)(b) or (3)(b)” substitute “or (2)(b), or in section 1(4)(b) or (c) of the Criminal Justice and Immigration Act 2008,”, and
- (b) after “community order” insert “or youth rehabilitation order”.

Annotations:

Commencement Information

- I7** Sch. 4 para. 77 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

78 In section 161 (pre-sentence drug testing)—

- (a) in subsection (1), omit “aged 14 or over”, and
- (b) omit subsection (7).

Annotations:

Commencement Information

- I8** Sch. 4 para. 78 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

79 (1) Section 166 (savings for powers to mitigate sentences and deal appropriately with mentally disordered offenders) is amended as follows.

(2) In subsection (1), after paragraph (d) add—

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- “(e) paragraph 3 of Schedule 1 to the Criminal Justice and Immigration Act 2008 (youth rehabilitation order with intensive supervision and surveillance), or
- (f) paragraph 4 of Schedule 1 to that Act (youth rehabilitation order with fostering),”.

(3) In subsections (3) and (5), for “(d)” substitute “ (f) ”.

Annotations:

Commencement Information

I9 Sch. 4 para. 79 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

F480

Annotations:

Amendments (Textual)

F4 Sch. 4 para. 80 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. 64(5)(b), 151(1); S.I. 2012/2906, art. 2(a)

81 In section 176 (interpretation of Chapter 1)—

- (a) omit the definition of “youth community order”, and
- (b) at the end add—

““youth rehabilitation order” has the meaning given by section 1(1) of the Criminal Justice and Immigration Act 2008;

“youth rehabilitation order with fostering” has the meaning given by paragraph 4 of Schedule 1 to that Act;

“youth rehabilitation order with intensive supervision and surveillance” has the meaning given by paragraph 3 of Schedule 1 to that Act.”

Annotations:

Commencement Information

I10 Sch. 4 para. 81 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

82 In section 177(1) (community orders) for “16” substitute “ 18 ”.

Annotations:

Commencement Information

I11 Sch. 4 para. 82 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

83 In section 197(1)(b) (meaning of “the responsible officer”), omit “the offender is aged 18 or over and”.

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Annotations:

Commencement Information

I12 Sch. 4 para. 83 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

- 84 In section 199 (unpaid work requirement)—
- (a) in subsection (3), for “appropriate officer” substitute “ officer of a local probation board or an officer of a provider of probation services ”, and
 - (b) omit subsection (4).

Annotations:

Commencement Information

I13 Sch. 4 para. 84 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

- 85 In section 201 (activity requirement), in subsection (3)(a), for sub-paragraphs (i) and (ii) (but not the “and” immediately following sub-paragraph (ii)) substitute “ an officer of a local probation board or an officer of a provider of probation services ”.

Annotations:

Commencement Information

I14 Sch. 4 para. 85 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

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Annotations:

Amendments (Textual)

F5 Sch. 4 para. 86 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. 70(8), 151(1); S.I. 2012/2906, art. 2(a)

- 87 In section 203(2), for paragraphs (a) and (b) substitute “ an officer of a local probation board or an officer of a provider of probation services ”.

Annotations:

Commencement Information

I15 Sch. 4 para. 87 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

- 88 In section 209(2)(c) (drug rehabilitation requirement), for sub-paragraphs (i) and (ii) substitute “ by an officer of a local probation board or an officer of a provider of probation services, and ”.

Annotations:

Commencement Information

I16 Sch. 4 para. 88 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

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- 89 In section 211 (periodic review of drug rehabilitation requirement), omit subsection (5).

Annotations:

Commencement Information

I17 Sch. 4 para. 89 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

- 90 In section 214 (attendance centre requirement), after subsection (6) add—

“(7) A requirement to attend at an attendance centre for any period on any occasion operates as a requirement, during that period, to engage in occupation, or receive instruction, under the supervision of and in accordance with instructions given by, or under the authority of, the officer in charge of the centre, whether at the centre or elsewhere.”

Annotations:

Commencement Information

I18 Sch. 4 para. 90 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

- 91 In section 217(1)(b) (requirement to avoid conflict with religious beliefs etc.), for “school or any other” substitute “any”.

Annotations:

Commencement Information

I19 Sch. 4 para. 91 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

- 92 In section 221(2) (provision of attendance centres)—

- (a) omit “or” at the end of paragraph (a),
- (b) after that paragraph insert—
 - “(aa) attendance centre requirements of youth rehabilitation orders, within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008,” and
- (c) omit paragraph (b).

Annotations:

Commencement Information

I20 Sch. 4 para. 92(b) in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiv)

- 93 In section 222(1)(e) (rules), after “attendance centre requirements” insert “, or to attendance centre requirements imposed by youth rehabilitation orders under Part 1 of the Criminal Justice and Immigration Act 2008,”.

Annotations:

Commencement Information

I21 Sch. 4 para. 93 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xv)

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- 94 Omit section 279 (drug treatment and testing requirement in action plan order or supervision order).

Annotations:

Commencement Information

I22 Sch. 4 para. 94 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xv)

- 95 In section 330(5)(a) (orders subject to the affirmative resolution procedure), omit the entry relating to section 161(7).

Annotations:

Commencement Information

I23 Sch. 4 para. 95 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xv)

- 96 In Schedule 8 (breach, revocation or amendment of community order), omit paragraphs 12, 15 and 17(5) (powers of magistrates' court in case of offender reaching 18).

Annotations:

Commencement Information

I24 Sch. 4 para. 96 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xv)

- 97 Omit Schedule 24 (drug treatment and testing requirement in action plan order or supervision order).

Annotations:

Commencement Information

I25 Sch. 4 para. 97 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xv)

Changes to legislation:

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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\(3\)](#)