

## SCHEDULES

### SCHEDULE 4

Section 14

#### OFFICERS RESPONSIBLE FOR IMPLEMENTING ORDERS

#### PART 1

##### FUNCTIONS CONFINED TO THE PUBLIC SECTOR

##### *Criminal Justice Act 2003 (c. 44)*

- 1 The Criminal Justice Act 2003 is amended as follows.
- 2 In section 191 (power to provide for review of suspended sentence order), in subsection (1)(d), for “the responsible officer” substitute “an officer of a provider of probation services”.
- 3 (1) Section 192 (periodic review of suspended sentence order) is amended as follows.
  - (2) In subsection (1)—
    - (a) omit “responsible”, and
    - (b) after “subsection” insert “(“the review officer’s report”)
  - (3) In each of subsections (4) and (5), for “responsible” substitute “review”.
- 4 In section 210 (drug rehabilitation requirement: provision for review by court), in subsection (1)(d), for “the responsible officer” substitute “an officer of a provider of probation services”.
- 5 (1) Section 211 (periodic review of drug rehabilitation requirement) is amended as follows.
  - (2) In subsection (1)—
    - (a) omit “responsible”, and
    - (b) after “subsection” insert “(“the review officer’s report”)
  - (3) In each of subsections (6) and (7), for “responsible” substitute “review”.
- 6 (1) Schedule 8 (breach, revocation or amendment of community order) is amended as follows.
  - (2) After paragraph 1 insert—
    - “1A (1) In this Schedule “enforcement officer” means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.
    - (2) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.

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- (3) In sub-paragraph (2) “public sector provider” means—
- (a) a probation trust or other public body, or
  - (b) the Secretary of State.”

- (3) In paragraph 5(1), for paragraph (b) substitute—
- “(b) the officer refers the matter to an enforcement officer (see paragraph 6A).”

- (4) In paragraph 6(1), for the words from “must cause an information” to the end substitute “must refer the matter to an enforcement officer (see paragraph 6A).”

- (5) After paragraph 6 insert—

*“Role of enforcement officer*

- 6A (1) Where a matter is referred to an enforcement officer under paragraph 5(1)(b) or 6(1), it is the duty of the enforcement officer to consider the case and, where appropriate, to cause an information to be laid before a justice of the peace in respect of the offender’s failure to comply with the requirement.

- (2) In relation to any community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates’ court, the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to the Crown Court.”

- (6) In each of paragraphs 13(1), 14(1)(b), 17(1), 19, 19A(1), 20(1)(b) and 24(2)(b) for “the responsible officer” substitute “an officer of a provider of probation services”.

- (7) In paragraph 18(1) for “apply” substitute “cause an application to be made”.

- 7 (1) Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction) is amended as follows.

- (2) After paragraph 1 insert—

- “1A (1) In this Schedule “enforcement officer” means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.

- (2) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.

- (3) In sub-paragraph (2) “public sector provider” means—
- (a) a probation trust or other public body, or
  - (b) the Secretary of State.”

- (3) In paragraph 4(1), for paragraph (b) substitute—

- “(b) the officer refers the matter to an enforcement officer (see paragraph 5A).”

- (4) In paragraph 5(1), for the words from “must cause an information” to the end substitute “must refer the matter to an enforcement officer (see paragraph 5A).”

(5) After paragraph 5 insert—

*“Role of enforcement officer*

5A (1) Where a matter is referred to an enforcement officer under paragraph 4(1)(b) or 5(1), it is the duty of the enforcement officer to consider the case and, where appropriate, to cause an information to be laid before a justice of the peace in respect of the offender’s failure to comply with the requirement.

(2) In relation to any suspended sentence order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates’ court, the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to the Crown Court.”

(6) In each of paragraphs 13(1), 15(1), 17, 18(1)(b) and 19(2)(b) for “the responsible officer” substitute “an officer of a provider of probation services”.

(7) In paragraph 16(1) for “apply” substitute “cause an application to be made”.

*Offender Management Act 2007 (c. 21)*

8 In section 4 of the Offender Management Act 2007 (probation provision that may only be made with a probation trust or other public body), after subsection (2) insert—

“(3) The provision described in subsection (2)(b) includes provision which relates to the making of an application by an officer to a court under—

- (a) paragraph 13, 14, 17, 19A or 20 of Schedule 8 to the Criminal Justice Act 2003 (revocation or amendment of community orders),
- (b) paragraph 13, 15, 17 or 18 of Schedule 12 to that Act (amendment of suspended sentence orders), or
- (c) paragraph 10 of Schedule 19A to that Act (revocation or amendment of supervision default orders).”

**PART 2**

CONSEQUENTIAL PROVISION

*Children Act 1989 (c. 41)*

9 In Schedule A1 to the Children Act 1989 (enforcement orders), in paragraph 3, omit sub-paragraphs (1) and (2)(a).

*Criminal Justice Act 2003 (c. 44)*

10 The Criminal Justice Act 2003 is amended as follows.

11 (1) Section 198 (duties of responsible officer) is amended as follows.

(2) In subsection (1)—

- (a) at the end of paragraph (a) insert “and”;

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- (b) omit paragraph (c) and the “and” before it.
- (3) Omit subsection (2).
- 12 (1) Section 219 (provision of copies of relevant orders) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The court by which any relevant order is made must forthwith provide copies of the order—
- (a) to the offender,
- (b) to the responsible officer,
- (c) to an officer who is acting at the court and is an officer of a provider of probation services that is a public sector provider, and
- (d) where the court specifies a local justice area in which the court making the order does not act, to a provider of probation services that is a public sector provider and is acting in that area.”
- (3) After subsection (3) insert—
- “(4) In subsection (1)(c) and (d), “public sector provider” means—
- (a) a probation trust or other public body, or
- (b) the Secretary of State;”.
- 13 In section 330(5)(a) (orders), omit “section 197(3),”.
- 14 (1) Schedule 8 (breach, revocation or amendment of community order) is amended as follows.
- (2) In paragraph 25A(4)(b), for “the responsible officer” substitute “any officer of a provider of probation services who the court thinks has an interest in the proceedings”.
- (3) In paragraph 27(1)(b), for sub-paragraph (i) substitute—
- “(i) a provider of probation services that is a public sector provider operating in that area, and”.
- (4) In paragraph 27, after sub-paragraph (3) insert—
- “(4) In this paragraph “public sector provider” means—
- (a) a probation trust or other public body, or
- (b) the Secretary of State.”
- 15 (1) In Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction), paragraph 22 is amended as follows.
- (2) In sub-paragraph (1), for paragraph (b) substitute—
- “(b) in the case of an amending order which substitutes a new local justice area, provide a copy of the amending order to—
- (i) a provider of probation services that is a public sector provider operating in that area, and
- (ii) the magistrates’ court acting in that area, and”.
- (3) After sub-paragraph (3) insert—
- “(4) In this paragraph “public sector provider” means—

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- (a) a probation trust or other public body, or
- (b) the Secretary of State.”