

SCHEDULES

SCHEDULE 2

BREACH OF INJUNCTIONS: POWERS OF COURT IN RESPECT OF UNDER-18S

PART 2

SUPERVISION ORDERS

Activity requirements

- 4 (1) In this Schedule “activity requirement”, in relation to a supervision order, means a requirement that the defaulter do any or all of the following within the period for the time being specified in the order under paragraph 2(5)—
- (a) participate, on however many days are specified in the order, in activities at a place or places specified in it;
 - (b) participate in an activity or activities specified in the order on however many days are specified in it;
 - (c) participate in one or more residential exercises for a continuous period or periods comprising however many days are specified in the order;
 - (d) in accordance with sub-paragraphs (8) to (10), engage in activities in accordance with instructions of the responsible officer on however many days are specified in the order.
- (2) The aggregate number of days specified in a supervision order in relation to an activity requirement must not be less than 12 or more than 24.
- (3) A requirement referred to in sub-paragraph (1)(a) operates to require the defaulter, in accordance with instructions given by the responsible officer, on the number of days specified in the order in relation to the requirement—
- (a) to present himself or herself at a place specified in the order to a person of a description specified in it;
 - (b) on each day, to comply with instructions given by, or under the authority of, the person in charge of the place.
- (4) A requirement referred to in sub-paragraph (1)(b) operates to require the defaulter, in accordance with instructions given by the responsible officer, on the number of days specified in the order in relation to the requirement—
- (a) to participate in an activity specified in the order;
 - (b) on each day, to comply with instructions given by, or under the authority of, the person in charge of the activity.
- (5) Where the order includes a requirement referred to in sub-paragraph (1)(c) to participate in a residential exercise, it must specify either—
- (a) a place, or

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- (b) an activity,
in relation to the exercise.
- (6) A requirement under sub-paragraph (1)(c) to participate in a residential exercise in relation to which a place is specified under sub-paragraph (5) operates to require the defaulter, in accordance with instructions given by the responsible officer—
- (a) to present himself or herself at the beginning of the period specified in the order in relation to the exercise, at the place specified in it, to a person of a description specified in the instructions;
 - (b) to live there for that period;
 - (c) during that period to comply with instructions given by, or under the authority of, the person in charge of the place.
- (7) A requirement under sub-paragraph (1)(c) to participate in a residential exercise in relation to which an activity is specified under sub-paragraph (5) operates to require the defaulter, in accordance with instructions given by the responsible officer—
- (a) to participate, for the period specified in the order in relation to the exercise, in the activity specified in it;
 - (b) during that period to comply with instructions given by, or under the authority of, the person in charge of the activity.
- (8) Subject to sub-paragraph (9), instructions under sub-paragraph (1)(d) relating to any particular day must require the defaulter to do either of the following—
- (a) to present himself or herself to a person of a description specified in the instructions at a place specified in them;
 - (b) to participate in an activity specified in the instructions.
- The instructions operate to require the defaulter, on that day or while participating in that activity, to comply with instructions given by, or under the authority of, the person in charge of the place or activity.
- (9) If the supervision order so provides, instructions under sub-paragraph (1)(d) may require the defaulter to participate in a residential exercise for a period comprising not more than seven days, and for that purpose—
- (a) to present himself or herself at the beginning of that period to a person of a description specified in the instructions at a place specified in them, and to live there for that period, or
 - (b) to participate for that period in an activity specified in the instructions.
- (10) Instructions of the kind mentioned in sub-paragraph (9)—
- (a) may not be given except with the consent of a parent or guardian of the defaulter;
 - (b) operate to require the defaulter, during the period specified under that sub-paragraph, to comply with instructions given by, or under the authority of, the person in charge of the place or activity specified under paragraph (a) or (b) of that sub-paragraph.
- (11) Instructions given by, or under the authority of, a person in charge of a place under sub-paragraph (3)(b), (6)(c), (8) or (10)(b) may require the defaulter to engage in activities otherwise than at that place.
- (12) Where a supervision order contains an activity requirement, the court may, on the application of the original applicant or the defaulter, amend the order by substituting

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for a number of days, place, activity, period or description of persons specified in the order a new number of days, place, activity, period or description (subject, in the case of a number of days, to sub-paragraph (2)).

- (13) A court may include an activity requirement in a supervision order or vary an activity requirement under sub-paragraph (12) only if—
- (a) it has consulted the youth offending team that is to be, or is, specified in the order,
 - (b) it is satisfied that it is feasible to secure compliance with the requirement, or the requirement as varied,
 - (c) it is satisfied that provision for the defaulter to participate in the activities proposed can be made under the arrangements for persons to participate in those activities which exist in the area of the youth offending team that is to be, or is, specified in the order, and
 - (d) in a case where the requirement, or the requirement as varied, would involve the co-operation of a person other than the defaulter and the responsible officer, that person consents to its inclusion or variation.
- (14) In sub-paragraph (10) “guardian” has the same meaning as in the Children and Young Persons Act 1933.

But where a local authority has parental responsibility (within the meaning given by section 3 of the Children Act 1989) for a defaulter who—

- (a) is in the authority’s care, or
- (b) is provided with accommodation by the authority in the exercise of social services functions (within the meaning given by section 1A of the Local Authority Social Services Act 1970),

the reference to “guardian” in sub-paragraph (10) is to be read as a reference to that authority.