

**Changes to legislation:** Sentencing Act 2020, PART 3 is up to date with all changes known to be in force on or before 25 April 2024. 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) View outstanding changes

## SCHEDULES

### SCHEDULE 8

#### TRANSFER OF YOUTH REHABILITATION ORDERS TO NORTHERN IRELAND

##### Modifications etc. (not altering text)

- C1** Sch. 8 applied (with modifications) by 2008 c. 4, s. 39(6)(d), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

### PART 3

#### MAKING OR AMENDMENT OF ORDER IN ACCORDANCE WITH PART 1 OF THIS SCHEDULE

##### *Application*

- 8 This Part of this Schedule applies in a case where a court makes or amends a youth rehabilitation order in accordance with Part 1 of this Schedule.

##### Commencement Information

- I1** Sch. 8 para. 8 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

##### *Explanation to be given by court before order is made or amended*

- 9 Before making or amending the youth rehabilitation order, the court must explain to the offender in ordinary language—
- (a) the effect of paragraph 15(1) (order to be treated as corresponding order),
  - (b) the requirements of the legislation in Northern Ireland relating to corresponding orders,
  - (c) the powers of the home court under that legislation, as modified by Part 4 of this Schedule, and
  - (d) its own powers in relation to the youth rehabilitation order under Part 4 of this Schedule.

##### Commencement Information

- I2** Sch. 8 para. 9 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

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*Matters to be specified in the order*

- 10 (1) The youth rehabilitation order must specify as the corresponding order for the purposes of this Schedule an order that may be made by a court in Northern Ireland.
- (2) If the youth rehabilitation order is made by the Crown Court and includes a direction under section 189, the order must specify the youth court or other magistrates' court in England and Wales which is to be the relevant court in England and Wales for the purposes of this Schedule.

**Commencement Information**

**I3** Sch. 8 para. 10 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

*Provision of copies*

- 11 (1) The court which makes or amends the youth rehabilitation order must forthwith—
- (a) provide each of the persons mentioned in sub-paragraph (2) with a copy of the order as made or amended, and
  - (b) provide the home court with—
    - (i) a copy of the order as made or amended, and
    - (ii) such other documents and information relating to the case as it considers likely to be of assistance to the home court.
- (2) Those persons are—
- (a) the offender,
  - (b) if the offender is aged under 14—
    - (i) the offender's parent or guardian, or
    - (ii) if an authority in Northern Ireland has parental responsibility for, and is looking after, the offender, the authority, and
  - (c) the body which is to make suitable arrangements for the offender's supervision under the order.
- (3) In sub-paragraph (2)(b)(ii)—
- (a) “authority” has the meaning given by Article 2 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)),
  - (b) the reference to an offender who is looked after by an authority is to be construed in accordance with Article 25 of that Order, and
  - (c) “parental responsibility” has the same meaning as in that Order.
- (4) If the court—
- (a) makes a youth rehabilitation order which imposes a requirement specified in column 1 of the following table, or
  - (b) amends a youth rehabilitation order so as to impose or amend such a requirement,
- the court must also forthwith provide the person specified in the corresponding entry in column 2 of the table with a copy of so much of the youth rehabilitation order or amending order as relates to the requirement—

***Requirement***

***Person to whom copy of requirement is to be given***

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An activity requirement which comprises or includes a specified place obligation.	The person in charge of each place specified under paragraph 3(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified activities obligation.	The person in charge of each activity specified under paragraph 4(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified residential exercise obligation.	The person in charge of each place or activity specified under paragraph 5(1)(b) of Schedule 6
An attendance centre requirement.	The officer in charge of the attendance centre specified under paragraph 14(2)(a) of Schedule 6
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender.	The person intended to be protected
A residence requirement requiring residence with an individual.	The individual specified under paragraph 22(2)(b) of Schedule 6
A place of residence requirement (within the meaning of paragraph 22 of Schedule 6) relating to residence in an institution.	The person in charge of the institution
A mental health treatment requirement.	The person in charge of the institution or place specified under sub-paragraph (3)(b)(i) or (ii) of paragraph 28 of Schedule 6, or the person specified under sub-paragraph (3)(b)(iii) of that paragraph
A drug treatment requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
A drug testing requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
An intoxicating substance treatment requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
An education requirement.	The Education Authority established under section 1 of the Education Act (Northern Ireland) 2014 (c. 12 (N.I.))
[ <sup>F1</sup> An electronic monitoring requirement][ <sup>F1</sup> An electronic compliance monitoring requirement].	Any person who by virtue of paragraph 42(1) of Schedule 6 will be responsible for the electronic monitoring Any person without whose consent the requirement could not have been included in the order.
[ <sup>F2</sup> An electronic whereabouts monitoring requirement	Any person who by virtue of paragraph 46 of Schedule 6 will be responsible for the electronic monitoring

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Any person without whose consent the requirement could not be included in the order.]

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(5) This paragraph has effect in place of section 190.

**Textual Amendments**

- F1** Words in [Sch. 8 para. 11\(4\)](#) Table substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 14\(4\)\(a\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))
- F2** Words in [Sch. 8 para. 11\(4\)](#) Table inserted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 14\(4\)\(b\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

**Commencement Information**

- I4** Sch. 8 para. 11 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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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):

- s. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)
- Sch. 19 para. 22A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 84](#)

- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)