

*Changes to legislation: There are currently no known outstanding effects for the Street Offences Act 1959, Part 4. (See end of Document for details)*

## [<sup>F1</sup>SCHEDULE

### ORDERS UNDER SECTION 1(2A): BREACH, AMENDMENT ETC.

#### Textual Amendments

- F1** Sch. inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), ss. 17(4), 116(1), **Sch. 1**; S.I. 2010/507, art. 5(d) (with art. 6)

#### PART 4

#### SUPPLEMENTARY

##### *Detention and remand of arrested offender*

- 9 (1) This paragraph applies where the offender is arrested in pursuance of a warrant under this Schedule and cannot be brought immediately before the court before which the warrant directs him to be brought (“the appropriate court”).
- (2) The person in whose custody the offender is must, as soon as practicable and in any event before the end of the period of 72 hours beginning with the time of the arrest, bring the offender before [<sup>F2</sup>any magistrates' court].
- (3) That person may make arrangements for the offender to be detained until brought before the court.
- <sup>F3</sup>(4) .....
- (5) A person who is detained in pursuance of arrangements made under sub-paragraph (3) is deemed to be in legal custody.

#### Textual Amendments

- F2** Words in Sch. para. 9(2) substituted for Sch. para. 9(2)(a)(b) (3.5.2015) by **Serious Crime Act 2015 (c. 9), Sch. 4 para. 2(3)** (with s. 86(11)); S.I. 2015/820, **reg. 2(r)(ii)**
- F3** Sch. para. 9(4) omitted (3.5.2015) by **Serious Crime Act 2015 (c. 9), Sch. 4 para. 2(4)** (with s. 86(11)); S.I. 2015/820, **reg. 2(r)(ii)**

- 10 (1) This paragraph applies where the court before which an offender is brought under paragraph 9(2) is not the appropriate court (within the meaning of paragraph 9).
- (2) The alternative court may direct that the offender is to be released forthwith or remand him to appear before the appropriate court.
- (3) For the purposes of sub-paragraph (2), section 128 of the Magistrates' Courts Act 1980 (remand in custody or on bail) applies as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the appropriate court.
- (4) Any power to remand the offender in custody which is conferred by section 128 of the Magistrates' Court Act 1980 (as modified by sub-paragraph (3)) is to be taken to be a power to remand the offender [<sup>F4</sup>to a prison].

- <sup>F5</sup>(5) .....

*Changes to legislation: There are currently no known outstanding effects for the Street Offences Act 1959, Part 4. (See end of Document for details)*

#### Textual Amendments

- F4** Words in Sch. para. 10(4) substituted for Sch. para. 10(4)(a)(b) (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(5\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)
- F5** Sch. para. 10(5) omitted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(6\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)

#### *Adjournments*

- 11 (1) This paragraph applies to any hearing relating to an offender held by a <sup>F6</sup>... magistrates' court in any proceedings under this Schedule.
- (2) The court may adjourn the hearing, and, where it does so, may—
- (a) direct that the offender be released forthwith, or
  - (b) remand the offender.
- (3) Where the court remands the offender under sub-paragraph (2)—
- (a) it must fix the time and place at which the hearing is to be resumed, and
  - (b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.
- (4) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
- (a) it may fix the time and place at which the hearing is to be resumed, but
  - (b) if it does not do so, must not resume the hearing unless it is satisfied that the offender and, where appropriate, the supervisor have had adequate notice of the time and place for the resumed hearing.
- (5) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.
- (6) This paragraph—
- (a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
  - (b) is not to be taken to affect the application of that section to hearings of any other description.

#### Textual Amendments

- F6** Words in Sch. para. 11(1) omitted (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), [Sch. 4 para. 2\(7\)](#) (with s. 86(11)); [S.I. 2015/820](#), [reg. 2\(r\)\(ii\)](#)

#### *Notification*

- 12 (1) This paragraph applies where a court revokes or amends an order under any provision of this Schedule.
- (2) The proper officer must—
- (a) provide copies of the revoking or amending order to the offender and the supervisor, and

---

*Changes to legislation: There are currently no known outstanding effects for the Street Offences Act 1959, Part 4. (See end of Document for details)*

---

- (b) in the case of an amending order which substitutes a new local justice area, provide a copy of the amending order to a magistrates' court acting for that area.
- (3) If the court that revokes or amends the order is a magistrates' court acting in a local justice area other than the area specified in the order, the proper officer must provide a copy of the revoking or amending order to a magistrates' court acting in the local justice area specified in the order.
- (4) Where the proper officer acts under sub-paragraph (2)(b), the officer must also provide to the court such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in the exercise of any function in relation to the order.
- (5) In this paragraph “proper officer” means the designated officer for the court.]

**Changes to legislation:**

There are currently no known outstanding effects for the Street Offences Act 1959, Part 4.