

SCHEDULES

SCHEDULE 3

BREACH, REVOCATION AND AMENDMENT OF CURFEW, PROBATION, COMMUNITY SERVICE, COMBINATION AND DRUG TREATMENT AND TESTING ORDERS

PART II

BREACH OF REQUIREMENT OF ORDER

Community service orders imposed for breach of relevant order

- 7 (1) Section 46(1) of this Act (community service orders) shall apply for the purposes of paragraphs 4(1)(b) and 5(1)(b) above as if for the words from the beginning to “make” there were substituted “Where a court has power to deal with an offender aged 16 or over under Part II of Schedule 3 to this Act for failure to comply with any of the requirements of a relevant order, the court may make in respect of the offender”.
- (2) In this paragraph a “secondary order” means a community service order made by virtue of paragraph 4(1)(b) or 5(1)(b) above.
- (3) The number of hours which an offender may be required to work under a secondary order shall be specified in the order and shall not exceed 60 in the aggregate; and—
- (a) where the relevant order is a community service order, the number of hours which the offender may be required to work under the secondary order shall not be such that the total number of hours under both orders exceeds the maximum specified in section 46(3) of this Act; and
 - (b) where the relevant order is a combination order, the number of hours which the offender may be required to work under the secondary order shall not be such that the total number of hours under—
 - (i) the secondary order, and
 - (ii) the community service element of the combination order, exceeds the maximum specified in section 51(1)(b) of this Act.
- (4) Section 46(4) of this Act and, so far as applicable—
- (a) section 46(5) to (7) and (9) to (13), and
 - (b) section 47 and the provisions of this Schedule so far as relating to community service orders,
- have effect in relation to a secondary order as they have effect in relation to any other community service order, subject to sub-paragraph (6) below.
- (5) Sections 35 and 36 of this Act (restrictions and procedural requirements for community sentences) do not apply in relation to a secondary order.

Status: This is the original version (as it was originally enacted).

- (6) Where the provisions of this Schedule have effect as mentioned in sub-paragraph (4) above in relation to a secondary order—
- (a) the power conferred on the court by each of paragraphs 4(1)(d) and 5(1)(d) above and paragraph 10(3)(b) below to deal with the offender for the offence in respect of which the order was made shall be construed as a power to deal with the offender, for his failure to comply with the original order, in any way in which the court could deal with him if that failure had just been proved to the satisfaction of the court;
 - (b) the references in paragraphs 10(1)(b) and 11(1)(a) below to the offence in respect of which the order was made shall be construed as references to the failure to comply in respect of which the order was made; and
 - (c) the power conferred on the Crown Court by paragraph 11(2)(b) below to deal with the offender for the offence in respect of which the order was made shall be construed as a power to deal with the offender, for his failure to comply with the original order, in any way in which a magistrates' court (if the original order was made by a magistrates' court) or the Crown Court (if the original order was made by the Crown Court) could deal with him if that failure had just been proved to its satisfaction;

and in this sub-paragraph “the original order” means the relevant order the failure to comply with which led to the making of the secondary order.