

SCHEDULES

SCHEDULE 3

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

PART IV

AMENDMENT OF ORDER

Amendment by reason of change of residence

- 18 (1) This paragraph applies where, at any time while a relevant order (other than a drug treatment and testing order) is in force in respect of an offender, a magistrates' court acting for the petty sessions area concerned is satisfied that the offender proposes to change, or has changed, his residence from that petty sessions area to another petty sessions area.
- (2) Subject to sub-paragraphs (3) to (5) below, the court may, and on the application of the responsible officer shall, amend the relevant order by substituting the other petty sessions area for the area specified in the order or, in the case of a curfew order, a place in that other area for the place so specified.
- (3) The court shall not amend under this paragraph a probation or curfew order which contains requirements which, in the opinion of the court, cannot be complied with unless the offender continues to reside in the petty sessions area concerned unless, in accordance with paragraph 19 below, it either—
- (a) cancels those requirements; or
 - (b) substitutes for those requirements other requirements which can be complied with if the offender ceases to reside in that area.
- (4) Sub-paragraph (3) above applies also in relation to a combination order whose probation element contains requirements such as are mentioned in that sub-paragraph.
- (5) The court shall not amend a community service order or combination order under this paragraph unless it appears to the court that provision can be made for the offender to perform work under the order under the arrangements which exist for persons who reside in the other petty sessions area to perform work under such orders.
- (6) Where—
- (a) the court amends a probation, community service or combination order under this paragraph,
 - (b) a local authority is specified in the order in accordance with section 41(5) or 46(9) of this Act, and
 - (c) the change, or proposed change, of residence also is or would be a change of residence from the area of that authority to the area of another such authority,

Status: This is the original version (as it was originally enacted).

the court shall further amend the order by substituting the other authority for the authority specified in the order.

- (7) In sub-paragraph (6) above “local authority” has the meaning given by section 42 of the Crime and Disorder Act 1998, and references to the area of a local authority shall be construed in accordance with that section.