

SCHEDULES

SCHEDULE 5

BREACH, REVOCATION AND AMENDMENT OF ATTENDANCE CENTRE ORDERS

Revocation of order with or without re-sentencing

- 4 (1) Where an attendance centre order is in force in respect of an offender, an appropriate court may, on an application made by the offender or by the officer in charge of the relevant attendance centre, revoke the order.
- (2) In sub-paragraph (1) above “an appropriate court” means—
- (a) where the court which made the order was the Crown Court and there is included in the order a direction that the power to revoke the order is reserved to that court, the Crown Court;
 - (b) in any other case, either of the following—
 - (i) a magistrates' court acting for the petty sessions area in which the relevant attendance centre is situated;
 - (ii) the court which made the order.
- (3) Any power conferred by this paragraph—
- (a) on a magistrates' court to revoke an attendance centre order made by such a court, or
 - (b) on the Crown Court to revoke an attendance centre order made by the Crown Court,
- includes power to deal with the offender, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (4) A person sentenced by a magistrates' court under sub-paragraph (3) above for an offence may appeal to the Crown Court against the sentence.
- (5) The proper officer of a court which makes an order under this paragraph revoking an attendance centre order shall—
- (a) deliver a copy of the revoking order to the offender or send a copy by registered post or the recorded delivery service addressed to the offender's last or usual place of abode; and
 - (b) deliver or send a copy to the officer in charge of the relevant attendance centre.
- (6) In this paragraph “the relevant attendance centre”, in relation to an attendance centre order, means the attendance centre specified in the order or substituted for the attendance centre so specified by an order made by virtue of paragraph 5(1)(b) below.
- (7) In this paragraph “proper officer” means—
- (a) in relation to a magistrates' court, the justices' chief executive for the court; and

Status: This is the original version (as it was originally enacted).

- (b) in relation to the Crown Court, the appropriate officer.