

Status: Point in time view as at 27/06/2011.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Issue of summons or warrant by justice of the peace is up to date with all changes known to be in force on or before 21 July 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)

SCHEDULES

SCHEDULE 12

BREACH OR AMENDMENT OF SUSPENDED SENTENCE ORDER, AND EFFECT OF FURTHER CONVICTION

PART 2

BREACH OF COMMUNITY REQUIREMENT OR CONVICTION OF FURTHER OFFENCE

Modifications etc. (not altering text)

- C1** Sch. 12 Pt. 2 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 206, 383, [Sch. 7](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Issue of summons or warrant by justice of the peace

- 6 (1) This paragraph applies to—
- a suspended sentence order made by a magistrates' court, or
 - any suspended sentence order which was made by the Crown Court and includes a direction that any failure to comply with the community requirements of the order is to be dealt with by a magistrates' court.
- ^{F1}(2) If at any time while a suspended sentence order to which this paragraph applies is in force it appears on information to a justice of the peace ^{F2}. . . that the offender has failed to comply with any of the community requirements of the order, the justice may—
- issue a summons requiring the offender to appear at the place and time specified in it, or
 - if the information is in writing and on oath, issue a warrant for his arrest.
- (3) Any summons or warrant issued under this paragraph must direct the offender to appear or be brought—
- in the case of a suspended sentence order which is subject to review, before the court responsible for the order,
 - ^{F3}(b) in any other case, before a magistrates' court acting for the petty sessions area in which the offender resides or, if it is not known where he resides, before a magistrates' court [^{F4}acting in the local justice area] concerned.]
- (4) Where a summons issued under sub-paragraph (2)(a) requires the offender to appear before a magistrates' court and the offender does not appear in answer to the summons, the magistrates' court may issue a warrant for the arrest of the offender.

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Textual Amendments

- F1** By [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 110\(b\)](#), it is provided (1.4.2005) that in Sch. 12 para. 6(2) for the words "acting for the petty sessions area" there be substituted the words "acting in the local justice area"
- F2** Sch. 12 para. 6(2) omitted (31.3.2005) by virtue of [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 29, 60](#), [Sch. 5 para. 8\(2\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)
- F3** Sch. 12 para. 6(3)(b) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 29, 60](#), [Sch. 5 para. 8\(3\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)
- F4** Words in Sch. 12 para. 6(3)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 110\(b\)](#)

Commencement Information

- I1** Sch. 12 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 34](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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