

Status: Point in time view as at 27/06/2011.

Changes to legislation: Criminal Justice Act 2003, SCHEDULE 13 is up to date with all changes known to be in force on or before 25 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 13

Section 194

TRANSFER OF SUSPENDED SENTENCE ORDERS TO SCOTLAND OR NORTHERN IRELAND

Modifications etc. (not altering text)

- C1** Sch. 13 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 201, 383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

PART 1

SCOTLAND

- 1 (1) Where the court considering the making of a suspended sentence order is satisfied that the offender resides in Scotland, or will reside there when the order comes into force, the court may not make a suspended sentence order in respect of the offender unless it appears to the court—
- (a) in the case of an order imposing a requirement mentioned in sub-paragraph (2), that arrangements exist for persons to comply with such a requirement in the locality in Scotland in which the offender resides, or will be residing when the order comes into force, and that provision can be made for him to comply with the requirement under those arrangements, and
 - (b) in any case, that suitable arrangements for his supervision can be made by the local authority in whose area he resides, or will be residing when the order comes into force.
- (2) The requirements referred to in sub-paragraph (1)(a) are—
- (a) an unpaid work requirement,
 - (b) an activity requirement,
 - (c) a programme requirement,
 - (d) a mental health treatment requirement,
 - (e) a drug rehabilitation requirement,
 - (f) an alcohol treatment requirement, and
 - (g) an electronic monitoring requirement.
- (3) Where—
- (a) the appropriate court for the purposes of paragraph 14 of Schedule 12 (amendment by reason of change of residence) is satisfied that an offender in respect of whom a suspended sentence order is in force proposes to reside or is residing in Scotland, and
 - (b) it appears to the court that the conditions in sub-paragraph (1)(a) and (b) are satisfied,

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the power of the court to amend the order under Part 3 of Schedule 12 includes power to amend it by requiring it to be complied with in Scotland and the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(b).

- (4) For the purposes of sub-paragraph (3), any reference in sub-paragraph (1)(a) and (b) to the time when the order comes into force is to be treated as a reference to the time when the amendment comes into force.
- (5) The court may not by virtue of sub-paragraph (1) or (3) require an attendance centre requirement to be complied with in Scotland.
- (6) The court may not provide for an order made in accordance with this paragraph to be subject to review under section 191 or 210; and where an order which is subject to review under either of those sections is amended in accordance with this paragraph, the order shall cease to be so subject.

Modifications etc. (not altering text)

- C2** Sch. 13 para. 1(1) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(1\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- C3** Sch. 13 para. 1(5)(6) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(2\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

- I1** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 2 A suspended sentence order made or amended in accordance with paragraph 1 must—
- (a) specify the local authority area in which the offender resides or will be residing when the order or amendment comes into force, and
- (b) require the local authority for that area to appoint or assign an officer who will be responsible for discharging in relation to him the functions conferred on responsible officers by Part 12 of this Act;
- and section 216 (^{F1}local justice area] to be specified) does not apply in relation to an order so made or amended.

Textual Amendments

- F1** Words in Sch. 13 para. 2 substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 111\(a\)](#)

Commencement Information

- I2** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 3 (1) Where a court makes or amends a suspended sentence order in accordance with paragraph 1, the court must provide the relevant documents to—
- (a) the local authority for the area specified in the order, and

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(b) the sheriff court having jurisdiction in the locality in which the offender resides or proposes to reside;
and paragraphs (b) to (d) of subsection (1) of section 219 (provision of copies of relevant orders) do not apply in relation to an order so made or amended.

- (2) In this paragraph, “the relevant documents” means—
- (a) a copy of the order as made or amended, and
 - (b) such other documents and information relating to the case as the court making or amending the order considers likely to be of assistance.

Modifications etc. (not altering text)

- C4** Sch. 13 para. 3 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(2\)](#), [383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

- I3** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 4 (1) In relation to the making or amendment of a suspended sentence order in accordance with paragraph 1, and (except for the purposes of paragraph 20) in relation to an order so made or amended, Chapter 4 of Part 12 of this Act has effect subject to the following modifications.
- (2) Any reference to the responsible officer has effect as a reference to the officer appointed or assigned under paragraph 2(b).
- (3) The following provisions are omitted—
- (a) subsection (7) of section 201 (activity requirement),
 - (b) subsection (7) of section 202 (programme requirement),
 - (c) subsection (4) of section 206 (residence requirement),
 - (d) subsection (4) of section 218 (availability of arrangements in local area).
- (4) In section 207 (mental health treatment requirement), for subsection (2)(a) there is substituted—
- “(a) treatment as a resident patient in a hospital within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003, not being a state hospital within the meaning of that Act;”.
- (5) In section 215 (electronic monitoring requirement), in subsection (3), the words from “and” onwards are omitted.

Commencement Information

- I4** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 5 In this Part of this Schedule “local authority” means a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (c. 39); and any reference to the area of such an authority is a reference to the local government area within the meaning of that Act.

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Commencement Information

- I5** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 35 (subject to **art. 2(2)**, Sch. 2)

PART 2

NORTHERN IRELAND

- 6 (1) Where the court considering the making of a suspended sentence order is satisfied that the offender resides in Northern Ireland, or will reside there when the order comes into force, the court may not make a suspended sentence order in respect of the offender unless it appears to the court—
- (a) in the case of an order imposing a requirement mentioned in sub-paragraph (2), that arrangements exist for persons to comply with such a requirement in the petty sessions district in Northern Ireland in which the offender resides, or will be residing when the order comes into force, and that provision can be made for him to comply with the requirement under those arrangements, and
 - (b) in any case, that suitable arrangements for his supervision can be made by the Probation Board for Northern Ireland.
- (2) The requirements referred to in sub-paragraph (1)(a) are—
- (a) an unpaid work requirement,
 - (b) an activity requirement,
 - (c) a programme requirement,
 - (d) a mental health treatment requirement,
 - (e) a drug rehabilitation requirement,
 - (f) an alcohol treatment requirement,
 - (g) an attendance centre requirement, and
 - (h) an electronic monitoring requirement.
- (3) Where—
- (a) the appropriate court for the purposes of paragraph 14 of Schedule 12 (amendment by reason of change of residence) is satisfied that an offender in respect of whom a suspended sentence order is in force proposes to reside or is residing in Northern Ireland, and
 - (b) it appears to the court that the conditions in sub-paragraphs (1)(a) and (b) are satisfied,
- the power of the court to amend the order under Part 3 of Schedule 12 includes power to amend it by requiring it to be complied with in Northern Ireland and the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1) (b).
- (4) For the purposes of sub-paragraph (3), any reference in sub-paragraph (1)(a) and (b) to the time when the order comes into force is to be treated as a reference to the time when the amendment comes into force.
- (5) The court may not provide for an order made in accordance with this paragraph to be subject to review under section 191 or 210; and where an order which is subject to

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review under either of those sections is amended in accordance with this paragraph, the order shall cease to be so subject.

Modifications etc. (not altering text)

- C5** Sch. 13 para. 6(1) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(1\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- C6** Sch. 13 para. 6(5) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(2\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

- I6** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 7 A suspended sentence order made or amended in accordance with paragraph 6 must—
- (a) specify the petty sessions district in Northern Ireland in which the offender resides or will be residing when the order or amendment comes into force, and
 - (b) require the Probation Board for Northern Ireland to appoint or assign a probation officer who will be responsible for discharging in relation to him the functions conferred on responsible officers by Part 12 of this Act;
- and section 216 (^{F2}[local justice area] to be specified) does not apply in relation to an order so made or amended..

Textual Amendments

- F2** Words in Sch. 13 para. 7 substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 111\(a\)](#)

Commencement Information

- I7** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 8 (1) Where a court makes or amends a suspended sentence order in accordance with paragraph 6, the court must provide the relevant documents to—
- (a) the Probation Board for Northern Ireland, and
 - (b) the court of summary jurisdiction acting for the petty sessions district in which the offender resides or proposes to reside;
- and paragraphs (b) to (d) of subsection (1) of section 219 (provision of copies of relevant orders) do not apply in relation to an order so made or amended.
- (2) In this paragraph, “the relevant documents” means—
- (a) a copy of the order as made or amended, and
 - (b) such other documents and information relating to the case as the court making or amending the order considers likely to be of assistance.

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Modifications etc. (not altering text)

- C7** Sch. 13 para. 8 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(2\)](#), [383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

- I8** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 9 (1) In relation to the making or amendment of a suspended sentence order in accordance with paragraph 6, and (except for the purposes of paragraph 20) in relation to an order so made or amended, Chapter 4 of Part 12 of this Act has effect subject to the following modifications.
- (2) Any reference to the responsible officer has effect as a reference to the probation officer appointed or assigned under paragraph 7(b).
- (3) The following provisions are omitted—
- (a) subsection (7) of section 201 (activity requirement),
 - (b) subsection (7) of section 202 (programme requirement),
 - (c) subsection (4) of section 206 (residence requirement),
 - (d) subsection (4) of section 218 (availability of arrangements in local area).
- (4) In section 207 (mental health treatment requirement), for subsection (2)(a) there is substituted—
- “(a) treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health, Social Services and Public Safety for the purposes of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));”.
- (5) In section 214 (attendance centre requirement), any reference to an attendance centre has effect as a reference to a day centre, as defined by paragraph 3(6) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).
- (6) In section 215 (electronic monitoring requirement), in subsection (3), the words from “and” onwards are omitted.

Commencement Information

- I9** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

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PART 3

GENERAL PROVISIONS: BREACH OR AMENDMENT

Modifications etc. (not altering text)

- C8** Sch. 13 Pt. 3 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(3\)](#), [383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

- 10 This Part of this Schedule applies at any time while a suspended sentence order made or amended in accordance with paragraph 1 or 6 is in force in respect of an offender.

Commencement Information

- I10** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 11 In this Part of this Schedule—
- “home court” means—
- if the offender resides in Scotland, or will be residing there at the relevant time, the sheriff court having jurisdiction in the locality in which the offender resides or proposes to reside, and
 - if he resides in Northern Ireland, or will be residing there at the relevant time, the court of summary jurisdiction acting for the petty sessions district in which he resides or proposes to reside;
- “local authority” and “local authority area” are to be read in accordance with paragraph 5;
- “original court” means the court in England and Wales which made or last amended the order;
- “the relevant officer” means—
- where the order specifies a local authority area in Scotland, the local authority officer appointed or assigned under paragraph 2(b), and
 - where the court specifies a petty sessions district in Northern Ireland, the probation officer appointed or assigned under paragraph 7(b);
- “the relevant time” means the time when the order or the amendment to it comes into force.

Commencement Information

- I11** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 12 (1) Where this Part of this Schedule applies, Schedule 12 has effect subject to the following modifications.
- (2) Any reference to the responsible officer has effect as a reference to the relevant officer.

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- (3) Any reference to a magistrates' court [^{F3}acting in the local justice area] concerned has effect as a reference to a magistrates' court [^{F4}acting in the same local justice area] as the original court; and any reference to a justice of the peace [^{F3}acting in the local justice area] concerned has effect as a reference to a justice of the peace [^{F4}acting in the same local justice area] as that court.
- (4) Any reference to the appropriate court has effect as a reference to the original court.
- (5) In paragraphs 4 and 5, any reference to causing an information to be laid before a justice of the peace has effect—
- (a) if the home court is in Scotland, as a reference to providing information to the home court with a view to it issuing a citation, and
 - (b) if the home court is in Northern Ireland, as a reference to making a complaint to a justice of the peace in Northern Ireland.
- [^{F5}(5A) In paragraph 6(3)(b), the words “before a magistrates' court acting for the petty sessions area in which the offender resides or, if it is not known where he resides,” are omitted.]
- (6) In paragraph 14—
- (a) if the home court is in Scotland—
 - (i) any reference to the [^{F6}local justice area] concerned has effect as a reference to the local authority area specified in the order, and
 - (ii) any other reference to a [^{F6}local justice area] has effect as a reference to a local authority area, and
 - (b) if the home court is in Northern Ireland—
 - (i) any reference to the [^{F6}local justice area] concerned has effect as a reference to the petty sessions district specified in the order, and
 - (ii) any other reference to a [^{F6}local justice area] has effect as a reference to a petty sessions district.
- (7) Paragraph 22 is omitted.
- (8) No court in England and Wales may—
- (a) exercise any power in relation to any failure by the offender to comply with any community requirement of the order unless the offender has been required in accordance with paragraph 14(1)(b) or (2)(a) of this Schedule to appear before that court;
 - (b) exercise any power under Part 3 of Schedule 12 unless the offender has been required in accordance with paragraph 15(2) or 16 of this Schedule to appear before that court.

Textual Amendments

- F3** Words in Sch. 13 para. 12(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 111\(b\)](#)
- F4** Words in Sch. 13 para. 12(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 111\(b\)](#)
- F5** Sch. 13 para. 12(5A) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 29, 60, Sch. 5 para. 9; S.I. 2005/579, art. 3\(d\)](#)

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F6 Words in Sch. 13 para. 12(6) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 111\(c\)](#)

Commencement Information

I12 Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 13 (1) Sub-paragraph (2) applies where it appears to the home court—
- (a) if that court is in Scotland, on information from the relevant officer, or
 - (b) if that court is in Northern Ireland, upon a complaint being made by the relevant officer,

that the offender has failed without reasonable excuse to comply with any of the community requirements of the suspended sentence order.

- (2) The home court may—
- (a) if it is in Scotland—
 - (i) issue a citation requiring the offender to appear before it at the time specified in the citation, or
 - (ii) issue a warrant for the offender’s arrest;
 - (b) if it is in Northern Ireland—
 - (i) issue a summons requiring the offender to appear before it at the time specified in the summons, or
 - (ii) issue a warrant for the offender’s arrest.

Commencement Information

I13 Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 14 (1) The court before which an offender appears or is brought by virtue of paragraph 13 must—
- (a) determine whether the offender has failed without reasonable excuse to comply with any of the community requirements of the suspended sentence order, or
 - (b) require the offender to appear before the original court.
- (2) If the home court determines that the offender has failed without reasonable excuse to comply with any of the community requirements of the order—
- (a) the home court must require the offender to appear before the original court, and
 - (b) when the offender appears before the original court, paragraph 8 of Schedule 12 applies as if it had already been proved to the satisfaction of the original court that the offender failed without reasonable excuse to comply with such of the community requirements of the order as may have been determined.
- (3) An offender who is required by any of the following community requirements of a suspended sentence order—
- (a) a mental health treatment requirement,
 - (b) a drug rehabilitation requirement, or
 - (c) an alcohol treatment requirement,

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to submit to treatment for his mental condition, or his dependency on or propensity to misuse drugs or alcohol, is not to be treated for the purposes of sub-paragraph (2) as having failed to comply with that requirement on the ground only that he had refused to undergo any surgical, electrical or other treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances.

- (4) The evidence of one witness shall, for the purposes of sub-paragraph (2), be sufficient.
- (5) Where the home court is in Scotland and the order contains an electronic monitoring requirement, section 245H of the Criminal Procedure (Scotland) Act 1995 (c. 46) (documentary evidence) applies to proceedings under this paragraph as it applies to proceedings under section 245F of that Act (breach of restriction of liberty order).
- (6) Where an offender is required by virtue of sub-paragraph (2) to appear before the original court—
 - (a) the home court must send to the original court a certificate certifying that the offender has failed without reasonable excuse to comply with the requirements of the order in the respect specified, and
 - (b) such a certificate signed by the clerk of the home court is admissible before the original court as conclusive evidence of the matters specified in it.

Commencement Information

I14 Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, **Sch. 1 para. 35** (subject to **art. 2(2)**, **Sch. 2**)

- 15 (1) The home court may exercise any power under Part 3 of Schedule 12 (amendment of suspended sentence order) as if it were the original court, except that the home court may not exercise the power conferred by paragraph 15(4) of that Schedule.
- (2) Where paragraph 15(4) of Schedule 12 applies the home court must require the offender to appear before the original court.
- (3) Subject to sub-paragraph (4), where the home court proposes to exercise the power conferred by paragraph 15(1) of Schedule 12, otherwise than on the application of the offender, the court—
 - (a) if it is in Scotland—
 - (i) must issue a citation requiring the offender to appear before it, and
 - (ii) if he does not appear in answer to the citation, may issue a warrant for the offender's arrest;
 - (b) if it is in Northern Ireland—
 - (i) must issue a summons requiring the offender to appear before it, and
 - (ii) if he does not appear in answer to the summons, may issue a warrant for the offender's arrest;

and paragraph 20 of Schedule 12 does not apply to the home court.
- (4) Sub-paragraph (3) does not apply to an order cancelling any community requirement of a suspended sentence order.
- (5) Where the home court is considering amending a suspended sentence order, any reference in Chapter 4 of Part 12 of this Act to a [F7]provider of probation services]

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has effect as a reference to a local authority in Scotland or, as the case may be, the Probation Board for Northern Ireland.

Textual Amendments

F7 Words in Sch. 13 para. 15(5) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 3, [Sch. 1 para. 19\(21\)\(a\)](#)

Commencement Information

I15 Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

16 Where by virtue of paragraph 15 any application is made to the home court under Part 3 of Schedule 12, the home court may (instead of dealing with the application) require the offender to appear before the original court.

Commencement Information

I16 Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

17 No court may amend or further amend a suspended sentence order unless it appears to the court that the conditions in paragraph 1(1)(a) and (b) or, as the case may be, paragraph 6(1)(a) and (b) are satisfied in relation to any requirement to be imposed; but this paragraph does not apply to any amendment by virtue of paragraph 20(2).

Commencement Information

I17 Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

18 The preceding paragraphs of this Schedule have effect in relation to any amendment of a suspended order by any court as they have effect in relation to the amendment of such an order by virtue of paragraph 1(3) or 6(3).

Commencement Information

I18 Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

19 On the making of an order amending a suspended sentence order—
(a) the court must provide copies of the amending order to the offender and the relevant officer, and
(b) in the case of an amending order which substitutes a new local authority area or petty sessions district, paragraphs 2 and 3 or, as the case may be, 7 and 8 have effect in relation to the order as they have effect in relation to an order made or amended in accordance with paragraph 1 or 6.

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

Changes to legislation: Criminal Justice Act 2003, SCHEDULE 13 is up to date with all changes known to be in force on or before 25 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)

Commencement Information

I19 Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 20 (1) This paragraph applies where the home court is satisfied that the offender is residing or proposes to reside in England and Wales.
- (2) Subject to sub-paragraphs (3) and (4), the home court may, and on the application of the relevant officer must, amend the suspended sentence order by requiring it to be complied with in England and Wales.
- (3) The court may not amend under this paragraph a suspended sentence order which contains requirements which, in the opinion of the court, cannot be complied with in the [F8]local justice area] in which the offender is residing or proposes to reside unless, in accordance with paragraph 15 of Schedule 12 it either—
- (a) cancels those requirements, or
 - (b) substitutes for those requirements other requirements which can be complied with if the offender resides in that area.
- (4) The court may not amend under this paragraph any suspended sentence order imposing a programme requirement unless it appears to the court that the accredited programme specified in the requirement is available in the [F8]local justice area] in England and Wales in which the offender is residing or proposes to reside.
- (5) The suspended sentence order as amended must specify the petty sessions area in which the offender resides or proposes to reside.
- (6) On the making under this paragraph of an order amending a suspended sentence order, the home court must—
- (a) provide copies of the amending order to the offender, the relevant officer and the local probation board [F9]acting in the new local justice area][F10], or (as the case may be) a provider of probation services operating in the new local justice area] , and
 - (b) provide the magistrates' court [F11]acting in that area] with a copy of the amending order and such other documents and information relating to the case as the home court considers likely to be of assistance to a court [F11]acting in that area] in the exercise of its functions in relation to the order.
- (7) Where an order has been amended under this paragraph, the preceding paragraphs of this Schedule shall cease to apply to the order as amended.

Textual Amendments

- F8** Words in Sch. 13 para. 20(3)(4) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 111\(d\)](#)
- F9** Words in Sch. 13 para. 20(6) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 111\(e\)](#)
- F10** Words in Sch. 13 para. 20(6)(a) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), [art. 3](#), [Sch. 1 para. 19\(21\)\(b\)](#)
- F11** Words in Sch. 13 para. 20(6) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 111\(e\)](#)

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

Changes to legislation: Criminal Justice Act 2003, SCHEDULE 13 is up to date with all changes known to be in force on or before 25 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)

Modifications etc. (not altering text)

- C9** Sch. 13 para. 20(6)(b) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 204\(4\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

- I20** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

PART 4

SUPPLEMENTARY

- 21 Subsections (1) and (3) of section 245C of the Criminal Procedure (Scotland) Act 1995 (c. 46) (provision of remote monitoring) have effect as if they included a reference to the electronic monitoring of the community requirements of a suspended sentence order made or amended in accordance with paragraph 1 of this Schedule.

Commencement Information

- I21** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

- 22 (1) Section 4 of the Summary Jurisdiction (Process) Act 1881 (c. 24) (which provides, among other things, for service in England and Wales of Scottish citations or warrants) applies to any citation or warrant issued under paragraph 13(2)(a) or 15(3)(a) as it applies to a citation or warrant granted under section 134 of the Criminal Procedure (Scotland) Act 1995.
- (2) A summons issued by a court in Northern Ireland under paragraph 13(2)(b) or 15(3)(b) may, in such circumstances as may be prescribed by rules of court, be served in England and Wales or Scotland.

Commencement Information

- I22** Sch. 13 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 35](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Status:

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

Changes to legislation:

Criminal Justice Act 2003, SCHEDULE 13 is up to date with all changes known to be in force on or before 25 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.