

*Status: Point in time view as at 15/10/2013.*

*Changes to legislation: Criminal Justice Act 2003, Cross Heading: Amendment by reason of change of residence is up to date with all changes known to be in force on or before 18 June 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 8

#### BREACH, REVOCATION OR AMENDMENT OF COMMUNITY ORDER

##### Modifications etc. (not altering text)

- C1** Sch. 8 modified (4.4.2010) by [Criminal Procedure \(Scotland\) Act 1995 \(c. 46\)](#), s. 234(6) (as substituted by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336, **Sch. 32 para. 70(8)**; S.I. 2005/950, **art. 2**, Sch. 1 para. 42(29) (subject to **art. 2(2)**, **Sch. 2** (as amended by S.I. 2005/2122, **art. 2**))) (as amended by S.I. 2007/391, **art. 2** (which S.I. was revoked by S.I. 2009/616, **art. 3**) (which S.I. was revoked by S.I. 2009/3111, **art. 2**)) (as amended (3.4.2009) by S.I. 2009/616, **arts. 1, 2**) (as amended (30.11.2009) by S.I. 2009/3111, **arts. 1, 2**))

#### PART 4

##### AMENDMENT OF ORDER

##### Modifications etc. (not altering text)

- C1** Sch. 8 Pt. 4 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, **Sch. 5 paras. 5, 16**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

##### *Amendment by reason of change of residence*

- 16 (1) This paragraph applies where, at any time while a community order is in force in respect of an offender, the appropriate court is satisfied that the offender proposes to change, or has changed, his residence from the [F1local justice area] concerned to another [F1local justice area] .
- (2) Subject to sub-paragraphs (3) and (4), the appropriate court may, and on the application of the responsible officer must, amend the community order by substituting the other [F1local justice area] for the area specified in the order.
- (3) The court may not under this paragraph amend a community order which contains requirements which, in the opinion of the court, cannot be complied with unless the offender continues to reside in the [F1local justice area] concerned unless, in accordance with paragraph 17, it either—
- cancels those requirements, or
  - substitutes for those requirements other requirements which can be complied with if the offender ceases to reside in that area.

*Status: Point in time view as at 15/10/2013.*

*Changes to legislation: Criminal Justice Act 2003, Cross Heading: Amendment by reason of change of residence is up to date with all changes known to be in force on or before 18 June 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)*

- (4) The court may not amend under this paragraph a community order imposing a programme requirement unless it appears to the court that the accredited programme specified in the requirement is available in the other [F1]local justice area] .
- (5) In this paragraph “the appropriate court” means—
- (a) in relation to any community order imposing a drug rehabilitation requirement which is subject to review, the court responsible for the order,
  - (b) in relation to any community order which was made by the Crown Court and does not include any direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, the Crown Court, and
  - (c) in relation to any other community order, a magistrates' court [F2]acting in the local justice area] concerned.

#### Textual Amendments

- F1** Words in Sch. 8 para. 16(1)-(4) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 106\(d\)](#)
- F2** Words in Sch. 8 para. 16(5)(c) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\), art. 2, Sch. para. 106\(d\)](#)

#### Commencement Information

- I1** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950, art. 2, Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391, art. 2](#))

**Status:**

Point in time view as at 15/10/2013.

**Changes to legislation:**

Criminal Justice Act 2003, Cross Heading: Amendment by reason of change of residence is up to date with all changes known to be in force on or before 18 June 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.