

Status: Point in time view as at 01/10/2012.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Powers of Crown Court following subsequent conviction 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2\(2\), Sch. 2](#) (as amended by [S.I. 2005/2122, art. 2](#)))) (as amended by [S.I. 2007/391, art. 2](#) (which S.I. was revoked by [S.I. 2009/616, art. 3](#)) (which S.I. was revoked by [S.I. 2009/3111, art. 2](#))) (as amended (3.4.2009) by [S.I. 2009/616, arts. 1, 2](#)) (as amended (30.11.2009) by [S.I. 2009/3111, arts. 1, 2](#)))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 5

POWERS OF COURT IN RELATION TO ORDER FOLLOWING SUBSEQUENT CONVICTION

Powers of Crown Court following subsequent conviction

- 23 (1) This paragraph applies where—
- (a) an offender in respect of whom a community order is in force—
 - (i) is convicted of an offence by the Crown Court, or
 - (ii) is brought or appears before the Crown Court by virtue of paragraph 22 or having been committed by the magistrates' court to the Crown Court for sentence, and
 - (b) it appears to the Crown Court that it would be in the interests of justice to exercise its powers under this paragraph, having regard to circumstances which have arisen since the community order was made.
- (2) The Crown Court may—
- (a) revoke the order, or
 - (b) both—
 - (i) revoke the order, and
 - (ii) 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.
- (3) In dealing with an offender under sub-paragraph (2)(b), the Crown Court must take into account the extent to which the offender has complied with the requirements of the community order.

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Modifications etc. (not altering text)

- C1** Sch. 8 para. 23 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 184, 383, [Sch. 5 para. 19](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- C2** Sch. 8 para. 23(2)(b)(ii) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 8\(1\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

- II** 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](#))

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