

SCHEDULES

SCHEDULE 1

FURTHER PROVISIONS ABOUT YOUTH REHABILITATION ORDERS

PART 1

PROVISIONS TO BE INCLUDED IN YOUTH REHABILITATION ORDERS

Imposition of requirements

- 1 Subsection (1) of section 1 has effect subject to the following provisions of Part 2 of this Schedule which relate to particular requirements—
- (a) paragraph 8(3) and (4) (activity requirement),
 - (b) paragraph 10(3) (unpaid work requirement),
 - (c) paragraph 11(3) and (4) (programme requirement),
 - (d) paragraph 12(3) (attendance centre requirement),
 - (e) paragraph 13(2) (prohibited activity requirement),
 - (f) paragraph 16(2), (4) and (7) (residence requirement),
 - (g) paragraphs 17(3) and (4) and 19 (local authority residence requirement),
 - (h) paragraph 20(3) (mental health treatment requirement),
 - (i) paragraph 22(2) and (4) (drug treatment requirement),
 - (j) paragraph 23(3) (drug testing requirement),
 - (k) paragraph 24(2) and (4) (intoxicating substance treatment requirement),
and
 - (l) paragraph 25(4) (education requirement).

Electronic monitoring requirement

- 2 (1) Sub-paragraph (2) applies to a youth rehabilitation order which—
- (a) imposes a curfew requirement (whether by virtue of paragraph 3(4)(b) or otherwise), or
 - (b) imposes an exclusion requirement.
- (2) The order must also impose an electronic monitoring requirement unless—
- (a) in the particular circumstances of the case, the court considers it inappropriate for the order to do so, or
 - (b) the court is prevented by paragraph 26(3) or (6) from including such a requirement in the order.
- (3) Subsection (2)(a) of section 1 has effect subject to paragraph 26(3) and (6).

Status: This is the original version (as it was originally enacted).

Youth rehabilitation order with intensive supervision and surveillance

- 3 (1) This paragraph applies where paragraphs (a) to (c) of section 1(4) are satisfied.
- (2) The court, if it makes a youth rehabilitation order which imposes an activity requirement, may specify in relation to that requirement a number of days which is more than 90 but not more than 180.
- (3) Such an activity requirement is referred to in this Part of this Act as “an extended activity requirement”.
- (4) A youth rehabilitation order which imposes an extended activity requirement must also impose—
- (a) a supervision requirement, and
- (b) a curfew requirement (and, accordingly, if so required by paragraph 2, an electronic monitoring requirement).
- (5) A youth rehabilitation order which imposes an extended activity requirement (and other requirements in accordance with sub-paragraph (4)) is referred to in this Part of this Act as “a youth rehabilitation order with intensive supervision and surveillance” (whether or not it also imposes any other requirement mentioned in section 1(1)).

Youth rehabilitation order with fostering

- 4 (1) This paragraph applies where paragraphs (a) to (c) of section 1(4) are satisfied.
- (2) If the court is satisfied—
- (a) that the behaviour which constituted the offence was due to a significant extent to the circumstances in which the offender was living, and
- (b) that the imposition of a fostering requirement (see paragraph 18) would assist in the offender’s rehabilitation,
- it may make a youth rehabilitation order in accordance with section 1 which imposes a fostering requirement.
- (3) But a court may not impose a fostering requirement unless—
- (a) it has consulted the offender’s parents or guardians (unless it is impracticable to do so), and
- (b) it has consulted the local authority which is to place the offender with a local authority foster parent.
- (4) A youth rehabilitation order which imposes a fostering requirement must also impose a supervision requirement.
- (5) This paragraph has effect subject to paragraphs 18(7) and 19 (pre-conditions to imposing fostering requirement).
- (6) A youth rehabilitation order which imposes a fostering requirement is referred to in this Part of this Act as “a youth rehabilitation order with fostering” (whatever other requirements mentioned in section 1(1) or (2) it imposes).

Intensive supervision and surveillance and fostering: further provisions

- 5 (1) A youth rehabilitation order with intensive supervision and surveillance may not impose a fostering requirement.

(2) Nothing in—

- (a) section 1(4)(b), or
- (b) section 148(1) or (2)(b) of the Criminal Justice Act 2003 (c. 44) (restrictions on imposing community sentences),

prevents a court from making a youth rehabilitation order with intensive supervision and surveillance in respect of an offender if the offender fails to comply with an order under section 161(2) of the Criminal Justice Act 2003 (pre-sentence drug testing).