

SCHEDULES

SCHEDULE 2

BREACH, REVOCATION OR AMENDMENT OF YOUTH REHABILITATION ORDERS

PART 5

POWERS OF COURT IN RELATION TO ORDER FOLLOWING SUBSEQUENT CONVICTION

Powers of magistrates' court following subsequent conviction

- 18 (1) This paragraph applies where—
- (a) a youth rehabilitation order is in force in respect of an offender, and
 - (b) the offender is convicted of an offence (the “further offence”) by a youth court or other magistrates' court (“the convicting court”).
- (2) Sub-paragraphs (3) and (4) apply where—
- (a) the youth rehabilitation order—
 - (i) was made by a youth court or other magistrates' court, or
 - (ii) was made by the Crown Court and contains a direction under paragraph 36 of Schedule 1, and
 - (b) the convicting court is dealing with the offender for the further offence.
- (3) The convicting court may revoke the order.
- (4) Where the convicting court revokes the order under sub-paragraph (3), it may deal with the offender, for the offence in respect of which the order was made, in any way in which it could have dealt with the offender for that offence (had the offender been before that court to be dealt with for the offence).
- (5) The convicting court may not exercise its powers under sub-paragraph (3) or (4) unless it considers that it would be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made.
- (6) In dealing with an offender under sub-paragraph (4), the sentencing court must take into account the extent to which the offender has complied with the order.
- (7) A person sentenced under sub-paragraph (4) for an offence may appeal to the Crown Court against the sentence.
- (8) Sub-paragraph (9) applies where—
- (a) the youth rehabilitation order was made by the Crown Court and contains a direction under paragraph 36 of Schedule 1, and
 - (b) the convicting court would, but for that sub-paragraph, deal with the offender for the further offence.
- (9) The convicting court may, instead of proceeding under sub-paragraph (3)—

Status: This is the original version (as it was originally enacted).

- (a) commit the offender in custody, or
 - (b) release the offender on bail,

until the offender can be brought before the Crown Court.
- (10) Sub-paragraph (11) applies if the youth rehabilitation order was made by the Crown court and does not contain a direction under paragraph 36 of Schedule 1.
- (11) The convicting court may—
 - (a) commit the offender in custody, or
 - (b) release the offender on bail,

until the offender can be brought or appear before the Crown Court.
- (12) Where the convicting court deals with an offender's case under sub-paragraph (9) or (11), it must send to the Crown Court such particulars of the case as may be desirable.

Powers of Crown Court following subsequent conviction

- 19 (1) This paragraph applies where—
- (a) a youth rehabilitation order is in force in respect of an offender, and
 - (b) the offender—
 - (i) is convicted by the Crown Court of an offence, or
 - (ii) is brought or appears before the Crown Court by virtue of paragraph 18(9) or (11) or having been committed by the magistrates' court to the Crown Court for sentence.
- (2) The Crown Court may revoke the order.
- (3) Where the Crown Court revokes the order under sub-paragraph (2), the Crown Court may deal with the offender, for the offence in respect of which the order was made, in any way in which the court which made the order could have dealt with the offender for that offence.
- (4) The Crown Court must not exercise its powers under sub-paragraph (2) or (3) unless it considers that it would be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made.
- (5) In dealing with an offender under sub-paragraph (3), the Crown Court must take into account the extent to which the offender has complied with the order.
- (6) If the offender is brought or appears before the Crown Court by virtue of paragraph 18(9) or (11), the Crown Court may deal with the offender for the further offence in any way which the convicting court could have dealt with the offender for that offence.
- (7) In sub-paragraph (6), “further offence” and “the convicting court” have the same meanings as in paragraph 18.