

Status: Point in time view as at 30/11/2009.

Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Criminal Justice Act 1991 (c. 53) is up to date with all changes known to be in force on or before 22 May 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 4

YOUTH REHABILITATION ORDERS: CONSEQUENTIAL AND RELATED AMENDMENTS

PART 1

CONSEQUENTIAL AMENDMENTS

Criminal Justice Act 1991 (c. 53)

- 39 Part 3 of Schedule 3 to the Criminal Justice Act 1991 (transfer of probation orders from Northern Ireland to England and Wales) has effect subject to the following amendments.

Commencement Information

II Sch. 4 para. 39 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

- 40 (1) Paragraph 10 is amended as follows.
- (2) In sub-paragraph (2)(b), for the words from “the local probation board” to the end substitute “—
- (i) the local probation board for the area which contains the local justice area in which he resides or will reside or (as the case may be) a provider of probation services operating in the local justice area in which he resides or will reside, or
 - (ii) a youth offending team established by a local authority for the area in which he resides or will reside,” and
- (3) In sub-paragraph (3)(a), for the words from “an officer of a local probation board” to the end substitute “—
- (i) an officer of a local probation board assigned to the local justice area in England and Wales in which the offender resides or will be residing when the order or amendment comes into force or (as the case may be) an officer of a provider of probation services acting in the local justice area in which the offender resides or will then be residing, or
 - (ii) a member of a youth offending team established by a local authority for the area in England and Wales in which the offender resides or will then be residing;”.

Commencement Information

I2 Sch. 4 para. 40 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

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- 41 (1) Paragraph 11 is amended as follows.
- (2) In sub-paragraph (2)—
- (a) for “a probation order” substitute “ an adult probation order ”,
 - (b) in paragraph (a), omit “under section 177 of the Criminal Justice Act 2003”, and
 - (c) in paragraph (b), for “of that Act” substitute “ of the Criminal Justice Act 2003 ”.
- (3) After that sub-paragraph insert—
- “(2A) Where a youth probation order is made or amended in any of the circumstances specified in paragraph 10 above then, subject to the following provisions of this paragraph—
- (a) the order shall be treated as if it were a youth rehabilitation order made in England and Wales, and
 - (b) the provisions of Part 1 of the Criminal Justice and Immigration Act 2008 shall apply accordingly.”
- (4) In sub-paragraph (3)—
- (a) for paragraph (a) substitute—
 - “(a) the requirements of the legislation relating to community orders or, as the case may be, youth rehabilitation orders;”;
 - (b) in paragraph (b), for “Schedule 8 to that Act” substitute “ that legislation ”.
- (5) In sub-paragraph (4)—
- (a) after “a community order” insert “ or, as the case may be, a youth rehabilitation order ”,
 - (b) omit “under section 177 of the Criminal Justice Act 2003”, and
 - (c) for “to that Act” substitute “ to the Criminal Justice Act 2003 or by paragraph 6(2)(c) or 11(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008 ”.
- (6) In sub-paragraph (5)—
- (a) after “2003” insert “ or, as the case may be, Part 1 of the Criminal Justice and Immigration Act 2008 ”,
 - (b) for “(2) above” substitute “ (2) or (2A) (as the case may be) ”, and
 - (c) in paragraph (b) for the words from “of the” to “board” substitute “of—
 - (i) the offender, or
 - (ii) the officer of a local probation board, officer of a provider of probation services or member of a youth offending team (as the case may be),”.
- (7) In sub-paragraph (8)—
- (a) after “In this paragraph” insert—

““adult probation order” means a probation order made in respect of an offender who was aged at least 18 when convicted of the offence in respect of which the order is made;

“community order” means an order made under section 177 of the Criminal Justice Act 2003;”;
 - (b) at the end insert—

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““youth probation order” means a probation order made in respect of an offender who was aged under 18 when convicted of the offence in respect of which the order is made;

“youth rehabilitation order” means an order made under section 1 of the Criminal Justice and Immigration Act 2008.”

Commencement Information

I3 Sch. 4 para. 41 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

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