

SCHEDULES

SCHEDULE 4

YOUTH REHABILITATION ORDERS: CONSEQUENTIAL AND RELATED AMENDMENTS

PART 2

RELATED AMENDMENTS

Children and Young Persons Act 1933 (c. 12)

- 100 In section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children or young persons are concerned), in subsection (13) (g)(ii), for “the Powers of Criminal Courts (Sentencing) Act 2000” substitute “Part 1 or 2 of Schedule 15 to the Criminal Justice Act 2003”.

Children and Young Persons Act 1969 (c. 54)

- 101 (1) Section 32 of the Children and Young Persons Act 1969 (detention of absentees) is amended as follows.
- (2) In subsection (1A)—
- (a) in paragraph (a), after “under” insert “paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or”,
 - (b) in paragraph (b) (as substituted by paragraph 17(2)(b) of this Schedule), in sub-paragraph (ii), after “under” insert “paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or”.
- (3) In subsection (1C) (as substituted by paragraph 17(3) of this Schedule)—
- (a) in paragraph (a), after “under” insert “paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or”, and
 - (b) in paragraph (c), after “under” insert “paragraph 4(6) of Schedule 1 or paragraph 6(8) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or”.

Bail Act 1976 (c. 63)

- 102 In section 4(3) of the Bail Act 1976 (general right to bail of accused persons and others), before paragraph (a) (as substituted by paragraph 23(b) of this Schedule) insert—
- “(za) Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000 (referral orders: referral back to appropriate court),

Status: This is the original version (as it was originally enacted).

(zb) Schedule 8 to that Act (breach of reparation order).”.

Magistrates' Courts Act 1980 (c. 43)

103 In Schedule 6A to the Magistrates' Courts Act 1980 (fines that may be altered under section 143), at the end insert—

“In Schedule 8, paragraph 2(2)(a)(i) £1,000”.
 (failure to comply with reparation
 order)

Child Abduction Act 1984 (c. 37)

104 In paragraph 2(1) of the Schedule to the Child Abduction Act 1984 (modifications of section 1 for children in certain cases)—

- (a) in paragraph (a), after “under” insert “paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or”, and
- (b) in paragraph (b), before “or” (as inserted by paragraph 31(b) of this Schedule) insert “, paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000”.

Children Act 1989 (c. 41)

105 In section 21(2)(c) of the Children Act 1989 (provision of accommodation for children in police protection or detention or on remand, etc.), after sub-paragraph (i) insert—

“(ia) remanded to accommodation provided by or on behalf of a local authority by virtue of paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 (breach etc. of referral orders and reparation orders);”.

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

106 The Powers of Criminal Courts (Sentencing) Act 2000 has effect subject to the following amendments.

107 In Schedule 1 (youth offender panels: further court proceedings), after paragraph 9 insert—

“Power to adjourn hearing and remand offender

9ZA (1) This paragraph applies to any hearing relating to an offender held by a youth court or other magistrates' court in proceedings under this Part of this Schedule.

- (2) The court may adjourn the hearing, and, where it does so, may—
 - (a) direct that the offender be released forthwith, or
 - (b) remand the offender.

(3) Where the court remands the offender under sub-paragraph (2)—

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

- (a) it must fix the time and place at which the hearing is to be resumed, and
 - (b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.
 - (4) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
 - (a) it may fix the time and place at which the hearing is to be resumed, but
 - (b) if it does not do so, it must not resume the hearing unless it is satisfied that the persons mentioned in sub-paragraph (5) have had adequate notice of the time and place for the resumed hearing.
 - (5) The persons referred to in sub-paragraph (4)(b) are—
 - (a) the offender,
 - (b) if the offender is aged under 14, a parent or guardian of the offender, and
 - (c) a member of the youth offending team specified under section 18(1)(a) as responsible for implementing the order.
 - (6) If a local authority has parental responsibility for an offender who is in its care or provided with accommodation by it in the exercise of any social services functions, the reference in sub-paragraph (5)(b) to a parent or guardian of the offender is to be read as a reference to that authority.
 - (7) In sub-paragraph (6)—
 - “local authority” has the same meaning as it has in Part 1 of the Criminal Justice and Immigration Act 2008 by virtue of section 7 of that Act,
 - “parental responsibility” has the same meaning as it has in the Children Act 1989 by virtue of section 3 of that Act, and
 - “social services functions” has the same meaning as it has in the Local Authority Social Services Act 1970 by virtue of section 1A of that Act.
 - (8) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.
 - (9) This paragraph—
 - (a) applies to any hearing in proceedings under this Part of this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
 - (b) is not to be taken to affect the application of that section to hearings of any other description.”
- 108 (1) Schedule 8 (breach, revocation and amendment of action plan orders and reparation orders) is amended as follows.
- (2) Omit paragraph 1 and the heading before that paragraph.

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

- (3) In paragraph 2(1), for “the appropriate court,” substitute—
- “(a) a youth court acting in the local justice area in which the offender resides, or
 - (b) if it is not known where the offender resides, a youth court acting in the local justice area for the time being named in the order in pursuance of section 74(4) of this Act.”
- (4) In paragraph 5—
- (a) in sub-paragraphs (1) and (3), for “appropriate court” substitute “relevant court”, and
 - (b) at the end insert—
 - “(4) In this paragraph, “the relevant court” means—
 - (a) a youth court acting in the local justice area for the time being named in the order in pursuance of section 74(4) of this Act, or
 - (b) in the case of an application made both under this paragraph and under paragraph 2(1), the court mentioned in paragraph 2(1).”
- (5) In paragraph 6—
- (a) in sub-paragraph (1), for “the appropriate court” substitute “a court”,
 - (b) in sub-paragraph (4), for “the appropriate court” substitute “the court before which the warrant directs the offender to be brought (“the relevant court”)”,
 - (c) in sub-paragraph (5), for “the appropriate court” substitute “the relevant court”, and
 - (d) in sub-paragraph (7), for “the appropriate court”, in each place it occurs, substitute “the relevant court”.
- (6) After paragraph 6 insert—

“Power to adjourn hearing and remand offender

- 6A (1) This paragraph applies to any hearing relating to an offender held by a youth court in any proceedings under this Schedule.
- (2) The court may adjourn the hearing, and, where it does so, may—
- (a) direct that the offender be released forthwith, or
 - (b) remand the offender.
- (3) Where the court remands the offender under sub-paragraph (2)—
- (a) it must fix the time and place at which the hearing is to be resumed, and
 - (b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.
- (4) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
- (a) it may fix the time and place at which the hearing is to be resumed, but

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

- (b) if it does not do so, it must not resume the hearing unless it is satisfied that the persons mentioned in sub-paragraph (5) have had adequate notice of the time and place for the resumed hearing.
- (5) The persons referred to in sub-paragraph (4)(b) are—
- (a) the offender,
 - (b) if the offender is aged under 14, a parent or guardian of the offender, and
 - (c) the responsible officer.
- (6) If a local authority has parental responsibility for an offender who is in its care or provided with accommodation by it in the exercise of any social services functions, the reference in sub-paragraph (5)(b) to a parent or guardian of the offender is to be read as a reference to that authority.
- (7) In sub-paragraph (6)—
- “local authority” has the same meaning as it has in Part 1 of the Criminal Justice and Immigration Act 2008 by virtue of section 7 of that Act,
 - “parental responsibility” has the same meaning as it has in the Children Act 1989 by virtue of section 3 of that Act, and
 - “social services functions” has the same meaning as it has in the Local Authority Social Services Act 1970 by virtue of section 1A of that Act.
- (8) The powers of a youth court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.
- (9) This paragraph—
- (a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
 - (b) is not to be taken to affect the application of that section to hearings of any other description.”

Criminal Justice Act 2003 (c. 44)

109 In Schedule 8 to the Criminal Justice Act 2003 (breach, revocation or amendment of community order), after paragraph 25 insert—

- “25A (1) This paragraph applies to any hearing relating to an offender held by a magistrates' court in any proceedings under this Schedule.
- (2) The court may adjourn the hearing, and, where it does so, may—
- (a) direct that the offender be released forthwith, or
 - (b) remand the offender.
- (3) Where the court remands the offender under sub-paragraph (2)—
- (a) it must fix the time and place at which the hearing is to be resumed, and

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

- (b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.
- (4) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
 - (a) it may fix the time and place at which the hearing is to be resumed, but
 - (b) if it does not do so, it must not resume the hearing unless it is satisfied that the offender and the responsible officer have had adequate notice of the time and place for the resumed hearing.
- (5) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.
- (6) This paragraph—
 - (a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
 - (b) is not to be taken to affect the application of that section to hearings of any other description.”