

## SCHEDULES

### SCHEDULE 12

Section 18

#### GANG-RELATED INJUNCTIONS: FURTHER AMENDMENTS

- 1 Part 4 of the Policing and Crime Act 2009 (injunctions to prevent gang-related violence) is amended as follows.
- 2 After section 46A insert—

#### *“Appeals*

#### **46B Appeals against decisions of youth courts**

- (1) An appeal lies to the Crown Court against a decision of a youth court made under this Part.
- (2) On an appeal under this section the Crown Court may make—
- (a) whatever orders are necessary to give effect to its determination of the appeal;
  - (b) whatever incidental or consequential orders appear to it to be just.
- (3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a youth court) is to be treated for the purposes of section 42 as an order of a youth court.”
- 3 In section 48 (rules of court in relation to injunctions under Part 4)—
- (a) in subsection (2) (rules of court may provide for appeal without notice) omit “of the High Court or county court”, and
  - (b) in subsection (3) (decisions to which subsection (2) applies) for “applies to a decision” substitute “applies—
    - (a) to a decision under section 39(4)(a) that an application without notice be dismissed, and
    - (b) to a decision”.
- 4 In section 49(1) (interpretation of Part 4) after the definition of “court” insert—
- ““judge”, in relation to a youth court, means a person qualified to sit as a member of that court;”.
- 5 In paragraph 1(2) of Schedule 5 (courts’ powers to remand person suspected of breaching injunction: meaning of “the court”)—
- (a) for “High Court or” substitute “High Court,”,
  - (b) before “and includes” insert “or a youth court”,
  - (c) omit the “and” following paragraph (a), and
  - (d) at the end of paragraph (b) insert “, and
    - (c) in relation to a youth court, a judge of that court.”

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*Status: This is the original version (as it was originally enacted).*

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- 6 Schedule 5A (breach of injunction: powers of court in respect of under-18s) is amended as follows.
- 7 (1) Paragraph 1 (power to make supervision order or detention order) is amended as follows.
- (2) In sub-paragraph (1) (pre-conditions for making of supervision order or detention order)—
- (a) in paragraph (a) for “is” substitute “has been”,
  - (b) before the “and” after paragraph (a) insert—
    - “(aa) the person is still under the age of 18,”,
  - (c) in paragraph (b) for “the court” substitute “a youth court”, and
  - (d) in the words following paragraph (b) for “the court” substitute “that court”.
- (3) Omit sub-paragraph (3) (power to grant supervision order or detention order is in addition to any other power of the court in relation to breach of injunction).
- (4) In sub-paragraph (9) (interpretation of Schedule 5A) omit the definition of “appropriate court”.
- 8 In paragraph 4(11) (appropriate court may amend activity requirement in supervision order) for “the appropriate” substitute “a youth”.
- 9 In paragraph 5(5) (appropriate court may amend curfew requirement in supervision order) for “the appropriate” substitute “a youth”.
- 10 In paragraph 6(7) (appropriate court may amend electronic monitoring requirement in supervision order) for “the appropriate” substitute “a youth”.
- 11 In paragraph 8 (amendment of operative period of supervision order)—
- (a) in sub-paragraph (1) (appropriate court may amend operative period) for “The appropriate” substitute “A youth”, and
  - (b) in sub-paragraph (2) (court may make other amendments when amending operative period) for “The court may,” substitute “A youth court may,”.
- 12 In paragraph 9(1) (change of area of residence of person subject to supervision order) for “the appropriate” substitute “a youth”.
- 13 In paragraph 10(1) and (4) (application for revocation of supervision order to be made to appropriate court, and any further such application requires that court’s consent) for “the appropriate” substitute “a youth”.
- 14 In paragraph 12 (non-compliance with supervision order)—
- (a) in sub-paragraph (2) (injunction applicant may apply to appropriate court on being informed of non-compliance) for “the appropriate” substitute “a youth”,
  - (b) omit sub-paragraph (5) (no power to make further order if defaulter is aged 18 or over), and
  - (c) omit sub-paragraph (6) (powers to revoke supervision order etc are in addition to any other powers of court in relation to breach of supervision order).
- 15 In paragraph 15(1) and (4) (application for revocation of detention order to be made to appropriate court, and any further such application requires that court’s consent) for “the appropriate” substitute “a youth”.