

SCHEDULES

SCHEDULE 16

DEALING NON-CUSTODIALLY WITH OFFENDERS

PART 2

DEFERRING THE PASSING OF SENTENCE TO ALLOW FOR RESTORATIVE JUSTICE

- 5 After section 1 of the Powers of Criminal Courts (Sentencing) Act 2000 (court’s power to defer passing of sentence) insert—

“1ZA Undertakings to participate in restorative justice activities

- (1) Without prejudice to the generality of paragraph (b) of section 1(3), the requirements that may be imposed under that paragraph include restorative justice requirements.
- (2) Any reference in this section to a restorative justice requirement is to a requirement to participate in an activity—
 - (a) where the participants consist of, or include, the offender and one or more of the victims,
 - (b) which aims to maximise the offender’s awareness of the impact of the offending concerned on the victims, and
 - (c) which gives an opportunity to a victim or victims to talk about, or by other means express experience of, the offending and its impact.
- (3) Imposition under section 1(3)(b) of a restorative justice requirement requires, in addition to the offender’s consent and undertaking under section 1(3), the consent of every other person who would be a participant in the activity concerned.
- (4) For the purposes of subsection (3), a supervisor appointed under section 1A(2) does not count as a proposed participant.
- (5) Where a restorative justice requirement is imposed under section 1(3)(b), the duty under section 1(5) (to give copies of order) extends to every person who would be a participant in the activity concerned.
- (6) In a case where there is such a restorative justice requirement, a person running the activity concerned must in doing that have regard to any guidance that is issued, with a view to encouraging good practice in connection with such an activity, by the Secretary of State.
- (7) In this section “victim” means a victim of, or other person affected by, the offending concerned.”

Status: This is the original version (as it was originally enacted).

- 6 In section 1(8) of that Act (effect of sections 1 and 1A to 1D) for “1A” substitute “1ZA”.
- 7 The amendment made by paragraph 5 does not apply in respect of offences committed before the amendment comes into force.