

SCHEDULES

SCHEDULE 16

DEALING NON-CUSTODIALLY WITH OFFENDERS

PART 5

COMMUNITY ORDERS: FURTHER PROVISION

Breaches of community orders

- 22 (1) Omit paragraph (a) in each of subsections (2) and (5) of section 67 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (amendments which would have turned duties to deal with breaches into powers to do so).
- (2) In paragraph 9(6) of Schedule 8 to the Criminal Justice Act 2003 (which refers to provision that would have been made by those amendments) for “have the power” substitute “be required”.

Community order not to be made in case of knife etc offence attracting minimum sentence

- 23 (1) In section 150 of the Criminal Justice Act 2003 (no power to make community order or youth rehabilitation order where sentence fixed by law)—
- (a) the existing provision becomes subsection (1) of that section, and
 - (b) after that subsection insert—
- “(2) The power to make a community order is not exercisable in respect of an offence for which the sentence—
- (a) falls to be imposed under section 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for offence of threatening with offensive weapon in public), or
 - (b) falls to be imposed under section 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for offence of threatening with article with blade or point in public or on school premises or with offensive weapon on school premises).”
- (2) In consequence of sub-paragraph (1), in Schedule 26 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 omit paragraph 19 (which would have made provision corresponding to the new section 150(2) of the 2003 Act but also preventing the making of youth rehabilitation orders).