



# Sentencing Act 2020

## 2020 CHAPTER 17

### THIRD GROUP OF PARTS Disposals

#### PART 9

#### COMMUNITY SENTENCES

#### CHAPTER 1

#### YOUTH REHABILITATION ORDERS

*What a youth rehabilitation order is*

#### 173 Youth rehabilitation order

- (1) In this Code, “youth rehabilitation order” means an order imposing one or more youth rehabilitation requirements.
- (2) The youth rehabilitation requirements are listed in column 1 of the youth rehabilitation requirements table (see section 174).
- (3) Provision about each requirement is made by the Part of Schedule 6 mentioned in the corresponding entry in column 2 of that table.

#### Commencement Information

**II** S. 173 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

#### 174 Youth rehabilitation requirements table

[<sup>F1</sup>(1)] The youth existing rehabilitation requirements table referred to in sections 173, 184 and 186 is—

*Changes to legislation: Sentencing Act 2020, CHAPTER 1 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes*

<b>Requirement</b>	<b>Part of Schedule 6 relating to requirement</b>	<b>Restrictions on availability</b>
activity requirement	Part 1	
extended activity requirement	Part 1	section 185(1)
supervision requirement	Part 2	
unpaid work requirement	Part 3	section 185(2)
programme requirement	Part 4	
attendance centre requirement	Part 5	
prohibited activity requirement	Part 6	
curfew requirement	Part 7	
exclusion requirement	Part 8	
residence requirement	Part 9	
local authority residence requirement	Part 10	
fostering requirement	Part 11	section 175(2)(b), section 185(3)
mental health treatment requirement	Part 12	
drug treatment requirement	Part 13	
drug testing requirement	Part 14	
intoxicating substance treatment requirement	Part 15	
education requirement	Part 16	
[ <sup>F2</sup> electronic monitoring requirement][ <sup>F2</sup> electronic compliance monitoring requirement]	Part 17	section 185(4)
[ <sup>F3</sup> electronic whereabouts monitoring requirement]	Part 17	section 185(5)]

[<sup>F4</sup>(2) See section 198A for provision about an electronic monitoring requirement imposed by a youth rehabilitation order made in respect of an offence of which the offender was convicted before the day on which paragraph 4 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).]

#### Textual Amendments

- F1** S. 174 renumbered as s. 174(1) (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 4\(2\)](#)
- F2** Words in s. 174(1) table substituted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 4\(3\)\(a\)](#)
- F3** Words in s. 174(1) table inserted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 4\(3\)\(b\)](#)

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**F4** S. 174(2) inserted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 4\(4\)](#)

**Commencement Information**

**I2** S. 174 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**175 Youth rehabilitation order with intensive supervision and surveillance**

- (1) In this Code “youth rehabilitation order with intensive supervision and surveillance” means a youth rehabilitation order which imposes—
- (a) an extended activity requirement (see paragraph 2 of Schedule 6),
  - (b) a supervision requirement, <sup>[F5]</sup>and]
  - (c) a curfew requirement (and, accordingly, if so required by paragraph 19(3) of Schedule 6, an <sup>[F6]</sup>electronic monitoring requirement]<sup>[F6]</sup>electronic compliance monitoring requirement]<sup>[F7]</sup>, and
  - (d) in relation to an order made on or after the day on which paragraph 16 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent, an electronic whereabouts monitoring requirement, unless paragraph 48 of Schedule 6 prevents such a requirement from being imposed.]
- (2) A youth rehabilitation order with intensive supervision and surveillance—
- (a) may impose other youth rehabilitation requirements, but
  - (b) may not impose a fostering requirement.

**Textual Amendments**

- F5** Word in s. 175(1)(b) omitted (3.7.2023 in relation to specified areas until 3.1.2025) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(1)(u), [Sch. 17 para. 16\(a\)](#); [S.I. 2023/705](#), regs. 2, 3, 4(1), [Sch. \(with reg. 4\(2\)\)](#)
- F6** Words in s. 175(1)(c) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 5](#); [S.I. 2023/705](#), regs. 2, 3, 4(1), [Sch. \(with reg. 4\(2\)\)](#)
- F7** S. 175(1)(d) and word inserted (3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(1), [Sch. 17 para. 16\(b\)](#); [S.I. 2023/705](#), regs. 2, 3, 4(1), [Sch. \(with reg. 4\(2\)\)](#)

**Commencement Information**

**I3** S. 175 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**176 Youth rehabilitation order with fostering**

- (1) In this Code “youth rehabilitation order with fostering” means a youth rehabilitation order which imposes—
- (a) a fostering requirement (see Part 11 of Schedule 6), and
  - (b) a supervision requirement.
- (2) A youth rehabilitation order with fostering may also impose other requirements.
- But this is subject to section 175(2) (fostering requirement not available with intensive supervision and surveillance).

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**Commencement Information**

**I4** S. 176 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Availability*

**177 Youth rehabilitation order: availability**

- (1) A youth rehabilitation order is available to a court by or before which an offender is convicted of an offence if the offender is aged under 18 at the time of the conviction.
- (2) Subsection (1) is subject to—
  - (a) subsection (3), and
  - (b) section 37(8) of the Mental Health Act 1983 (youth rehabilitation order not to be made in combination with hospital order or guardianship order in respect of same offence).
- (3) A youth rehabilitation order is not available if a mandatory sentence requirement applies in relation to the offence (see section 399)—
  - (a) because the sentence is fixed by law, or
  - (b) by virtue of—
    - (i) section 258 [<sup>F8</sup>or 258A] (required sentence of detention for life), or
    - (ii) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).

But this is subject to section 74 and Chapter 4 of Part 12 (reduction of sentence for assistance to prosecution).

**Textual Amendments**

**F8** Words in s. 177(3)(b)(i) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\), ss. 3\(2\), 208\(5\)\(b\)](#)

**Commencement Information**

**I5** S. 177 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**178 Youth rehabilitation order with intensive supervision and surveillance or fostering: availability**

- (1) A youth rehabilitation order which is—
  - (a) a youth rehabilitation order with intensive supervision and surveillance, or
  - (b) a youth rehabilitation order with fostering,
 is available only in respect of an imprisonable offence.
- (2) This is subject to paragraph 11(2) of Schedule 7 (powers of court in case of wilful and persistent failure to comply with youth rehabilitation order).

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**Commencement Information**

**I6** S. 178 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Exercise of power to make youth rehabilitation order*

**179 Exercise of power to make youth rehabilitation order: general considerations**

- (1) This section applies where a court is dealing with an offender for an offence and a youth rehabilitation order is available.
- (2) The court must not make a youth rehabilitation order unless it is of the opinion that—
  - (a) the offence, or
  - (b) the combination of the offence and one or more offences associated with it, was serious enough to warrant the making of such an order.
- (3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and any associated offence or offences, including any aggravating or mitigating factors.
- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.
- (5) The fact that, by virtue of subsection (2), the court may make a youth rehabilitation order does not require it to do so.
- (6) Before making a youth rehabilitation order, the court must obtain and consider information about—
  - (a) the offender's family circumstances, and
  - (b) the likely effect of a youth rehabilitation order on those circumstances.

**Commencement Information**

**I7** S. 179 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**180 Making youth rehabilitation order with intensive supervision and surveillance or fostering**

- (1) This section applies where either of the following orders is available to a court dealing with an offender for an offence—
  - (a) a youth rehabilitation order with intensive supervision and surveillance;
  - (b) a youth rehabilitation order with fostering.
- (2) The court must not make an order of either of those kinds unless it is of the opinion—
  - (a) that the offence, or the combination of the offence and one or more offences associated with it, was so serious that, if such an order were not available, a custodial sentence—
    - (i) would be appropriate, or

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- (ii) where the offender is aged under 12 when convicted, would be appropriate if the offender were aged 12, and
  - (b) if the offender is aged under 15 when convicted, that the offender is a persistent offender.
- (3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.
- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

#### Commencement Information

**I8** S. 180 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

## 181 Making youth rehabilitation order where offender subject to other order

### *Offender subject to detention and training order*

- (1) Where a court makes a youth rehabilitation order in respect of an offender who is subject to a detention and training order, the court may order that the youth rehabilitation order is to take effect—
- (a) when the period of supervision in respect of the detention and training order begins in accordance with section 242 (the period of supervision), or
  - (b) on the expiry of the detention and training order.
- (2) For the purposes of subsection (1)—
- (a) the references to a detention and training order include an order made under section 211 of the Armed Forces Act 2006 (detention and training orders made by service courts), and
  - (b) the reference to section 242 includes that provision as applied by section 213 of that Act.
- (3) For those purposes, the references in subsections (1) and (2) to a detention and training order include an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (and references to section 242 include references to section 103 of that Act).

### *Offender subject to youth rehabilitation order or reparation order*

- (4) A court must not make a youth rehabilitation order in respect of an offender when—
- (a) another youth rehabilitation order, or
  - (b) a reparation order,
- is in force in respect of the offender, unless when it makes the order it revokes the earlier order.
- (5) For the purposes of subsection (4)—
- (a) the reference in paragraph (a) to another youth rehabilitation order includes an order under section 1 of the Criminal Justice and Immigration Act 2008, and

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- (b) the reference in paragraph (b) to a reparation order includes an order under section 73 of the Powers of Criminal Courts (Sentencing) Act 2000.

*Court dealing with offender for offences including one of which the offender is convicted when aged 18*

- (6) A court may not make a youth rehabilitation order in respect of an offence if it makes a suspended sentence order for any other offence for which it deals with the offender.

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**Commencement Information**

**I9** S. 181 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**182 Youth rehabilitation order: effect of remand in custody**

- (1) In determining the restrictions on liberty to be imposed by a youth rehabilitation order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with—
- (a) the offence, or
  - (b) any other offence the charge for which was founded on the same facts or evidence.
- (2) For this purpose a person is remanded in custody if—
- (a) remanded in or committed to custody by order of a court,
  - (b) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail), or
  - (c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.

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**Commencement Information**

**I10** S. 182 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**183 Concurrent and consecutive orders**

- (1) This section applies where a court is dealing with an offender for two or more offences.
- (2) If the court makes an order of any of the following kinds in respect of one of the offences—
- (a) a youth rehabilitation order with intensive supervision and surveillance,
  - (b) a youth rehabilitation order with fostering, or
  - (c) any other youth rehabilitation order,
- it may not make a youth rehabilitation order of another of those kinds in respect of the other offence, or any of the other offences.
- (3) If the court makes—
- (a) two or more youth rehabilitation orders with intensive supervision and surveillance, or
  - (b) two or more youth rehabilitation orders with fostering,

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those orders must take effect at the same time (in accordance with section 198).

- (4) Subsections (5) to (7) apply where the court includes requirements of the same kind in two or more youth rehabilitation orders.
- (5) The court must direct, for each kind of requirement—
  - (a) whether the requirements are to be concurrent or consecutive, or
  - (b) if more than two requirements of that kind are imposed, which are to be concurrent and which consecutive.
- (6) But the court may not direct that two or more fostering requirements are to be consecutive.
- (7) Where the court directs that two or more requirements of the same kind are to be consecutive, the numbers of hours, days or months specified in relation to each of them—
  - (a) are to be aggregated, but
  - (b) in aggregate, must not exceed the maximum number which may be specified in relation to any one of them.
- (8) For the purposes of subsections (4) to (7), requirements are of the same kind if they fall within the same Part of Schedule 6.

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**Commencement Information**

**I11** S. 183 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Available requirements*

**184 Youth rehabilitation order: available requirements**

- (1) Any youth rehabilitation requirement imposed by a youth rehabilitation order must be a requirement that is available to the court which makes the order.
- (2) A youth rehabilitation requirement is available unless a provision mentioned in column 3 of the entry for that requirement in the youth rehabilitation requirements table (see section 174) provides otherwise.

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**Commencement Information**

**I12** S. 184 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**185 Youth rehabilitation order: availability of particular requirements**

*Extended activity requirement*

- (1) An extended activity requirement is not available for a youth rehabilitation order other than a youth rehabilitation order with intensive supervision and surveillance.

*Unpaid work requirement*



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- (2) An unpaid work requirement is not available for a youth rehabilitation order in respect of an offence unless the offender is aged 16 or 17 when convicted of the offence.

*Fostering requirement*

- (3) A fostering requirement is not available for a youth rehabilitation order other than a youth rehabilitation order with fostering.

*Electronic monitoring <sup>F9</sup>requirement][<sup>F9</sup>requirements]*

- (4) An [<sup>F10</sup>electronic monitoring requirement][<sup>F10</sup>electronic compliance monitoring requirement] is not available for a youth rehabilitation order unless the order imposes at least one other youth rehabilitation requirement.

- [<sup>F11</sup>(5) An electronic whereabouts monitoring requirement is not available for a youth rehabilitation order in respect of an offence unless the offender was convicted of the offence on or after the day on which paragraph 6 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).]

**Textual Amendments**

- F9** Word in s. 185(4) heading substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 6\(2\)](#); S.I. 2023/705, regs. 2, 3, 4(1), [Sch.](#) (with reg. 4(2))
- F10** Words in s. 185(4) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 6\(3\)](#); S.I. 2023/705, regs. 2, 3, 4(1), [Sch.](#) (with reg. 4(2))
- F11** S. 185(5) inserted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 6\(4\)](#)

**Commencement Information**

- I13** S. 185 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

*Exercise of power to impose particular requirements*

**186 Youth rehabilitation order: exercise of power to impose particular requirements**

- (1) This section applies where a court makes a youth rehabilitation order in respect of an offence.

*Restrictions and obligations relating to imposing particular requirements*

- (2) The power to impose a particular youth rehabilitation requirement is subject to the provisions of the Part of Schedule 6 relating to requirements of that kind (see column 2 of the table in section 174).

*Suitability*

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- (3) The particular youth rehabilitation requirement or combination of youth rehabilitation requirements imposed by the order must, in the opinion of the court, be the most suitable for the offender.

In the case of a youth rehabilitation order with intensive supervision and surveillance, this is subject to section 175 (by virtue of which the order must impose certain requirements).

- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming any opinion on whether a particular youth rehabilitation requirement or combination of youth rehabilitation requirements is suitable for the offender.
- (5) In forming its opinion for the purposes of subsection (3) on which requirement or combination of requirements is the most suitable for the offender, the court may take into account any information about the offender which is before it.

*Restrictions on liberty to be commensurate with seriousness*

- (6) The restrictions on liberty imposed by the order must be such as are in the opinion of the court commensurate with the seriousness of—
- (a) the offence, or
  - (b) the combination of the offence and one or more offences associated with it.

In the case of a youth rehabilitation order with intensive supervision and surveillance, this is subject to section 175 (by virtue of which the order must impose certain requirements).

- (7) In forming its opinion for the purposes of subsection (6), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.
- (8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.
- (9) The fact that, by virtue of subsection (6), particular restrictions on liberty may be imposed by a youth rehabilitation order does not require the court to impose those restrictions.

*Compatibility with other requirements and other matters*

- (10) If the order imposes two or more requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.

This is subject to sections 175 and 176 and paragraphs 19(3) and 21 of Schedule 6 (certain types of youth rehabilitation order to contain certain requirements).

- (11) The court must ensure, as far as practicable, that any requirement imposed by the order is such as to avoid—
- (a) any conflict with the offender's religious beliefs,
  - (b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and
  - (c) any conflict with the requirements of any other court order to which the offender may be subject,

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and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(12) Regulations under subsection (11) are subject to the negative resolution procedure.

**Modifications etc. (not altering text)**

**C1** S. 186(2)(10)(11) applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

**I14** S. 186 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

*Making a youth rehabilitation order: contents*

**187 Youth rehabilitation order to specify end date**

- (1) A youth rehabilitation order must specify a date (the “end date”) by which all the requirements in it must have been complied with.
- (2) The end date must be—
  - (a) not more than 3 years, and
  - (b) in the case of a youth rehabilitation order with intensive supervision and surveillance, not less than 6 months, after the date on which the order takes effect.
- (3) If a youth rehabilitation order imposes two or more different youth rehabilitation requirements—
  - (a) the order may also specify, for each of the requirements, a date by which the requirement must have been complied with;
  - (b) if it does so, the last of those dates must be the same as the end date.

**Commencement Information**

**I15** S. 187 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

**188 Youth rehabilitation order to specify offender's home local justice area**

- (1) A youth rehabilitation order must specify which local justice area is the offender's home local justice area.
- (2) The area specified must be the local justice area in which the offender resides or will reside.

**Modifications etc. (not altering text)**

**C2** S. 188 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

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#### Commencement Information

**I16** S. 188 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 189 Power for Crown Court to direct magistrates' court supervision

- (1) This section applies where the Crown Court makes a youth rehabilitation order otherwise than on appeal from a magistrates' court.
- (2) The Crown Court may include a direction that the order is to be subject to magistrates' court supervision.

For the effect of such a direction, see Schedule 7 (breach, revocation or amendment of youth rehabilitation order).

#### Commencement Information

**I17** S. 189 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 190 Provision of copies of youth rehabilitation order and related documents

- (1) This section applies when a court makes a youth rehabilitation order.
- (2) The court must forthwith provide copies of the order—
  - (a) to the offender,
  - (b) if the offender is aged under 14, to the offender's parent or guardian,
  - (c) to a member of a youth offending team assigned to the court or to an officer who is acting at the court and is an officer of a provider of probation services, and
  - (d) if the court does not act in the offender's home local justice area, to a provider of probation services operating in that area.
- (3) If the order imposes a requirement specified in column 1 of the following table, the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

<b>Requirement</b>	<b>Person to whom copy of requirement is to be given</b>
An activity requirement which comprises or includes a specified place obligation	The person in charge of each place specified under paragraph 3(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified activities obligation	The person in charge of each activity specified under paragraph 4(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified residential exercise obligation	The person in charge of each place or activity specified under paragraph 5(1)(b) of Schedule 6
An attendance centre requirement	The officer in charge of the attendance centre specified under paragraph 14(2)(a) of Schedule 6
An exclusion requirement imposed for the purpose (or partly for the purpose)	The person intended to be protected

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of protecting a person from being approached by the offender	
A residence requirement requiring residence with an individual	The individual specified under paragraph 22(2)(b) of Schedule 6
A place of residence requirement (within the meaning of paragraph 22 of Schedule 6) relating to residence in an institution	The person in charge of the institution
A local authority residence requirement	The local authority specified under paragraph 24(3)(b) of Schedule 6
A mental health treatment requirement	The person in charge of the institution or place specified under sub-paragraph (3)(b)(i) or (ii) of paragraph 28 of Schedule 6, or the person specified under sub-paragraph (3)(b)(iii) of that paragraph
A drug treatment requirement	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
A drug testing requirement	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
An intoxicating substance treatment requirement	The treatment director specified under paragraph 36(3)(b)(i) of Schedule 6
An education requirement	The relevant authority specified under paragraph 39(2)(a) of Schedule 6
[ <sup>F12</sup> An electronic monitoring requirement][ <sup>F12</sup> An electronic compliance monitoring requirement]	Any person who by virtue of paragraph 42(1) of Schedule 6 will be responsible for the electronic monitoring
	Any person without whose consent the requirement could not be included in the order.
[ <sup>F13</sup> An electronic whereabouts monitoring requirement]	Any person who by virtue of paragraph 46 of Schedule 6 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.]

- (4) If the court does not act in the offender's home local justice area, it must provide the magistrates' court acting in the offender's home local justice area with—
- a copy of the order, and
  - such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

#### Textual Amendments

- F12** Words in s. 190(3) Table substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 7\(a\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))
- F13** Words in s. 190(3) Table inserted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 7\(b\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

*Changes to legislation: Sentencing Act 2020, CHAPTER 1 is up to date with all changes known to be in force on or before 21 April 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) View outstanding changes*

**Modifications etc. (not altering text)**

**C3** Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

**I18** S. 190 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

*Obligations of responsible officer and offender*

**191 The responsible officer**

(1) For the purposes of this Chapter, “the responsible officer”, in relation to an offender to whom a youth rehabilitation order relates, means the person identified in subsection <sup>F14</sup>... (3) or (4).

<sup>F15</sup>(2) .....

(3) If the only youth rehabilitation requirement imposed by the order is an attendance centre requirement, the responsible officer is the officer in charge of the attendance centre specified in the order.

(4) In any other case the responsible officer is the qualifying officer who, as respects the offender, is for the time being responsible for discharging the functions conferred by this Chapter on the responsible officer.

(5) In subsection (4) “qualifying officer”, means—

- (a) a member of a youth offending team established by a local authority specified in the order for the purposes of this section, or
- (b) an officer of a provider of probation services acting in the offender's home local justice area.

**Textual Amendments**

**F14** Word in s. 191(1) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(u), **Sch. 17 para. 23(2)(a)**

**F15** S. 191(2) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(u), **Sch. 17 para. 23(2)(b)**

**Modifications etc. (not altering text)**

**C3** Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

**I19** S. 191 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

**192 Obligations of responsible officer**

(1) This section applies where a youth rehabilitation order is in force.

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### *Functions of the responsible officer*

- (2) The responsible officer must—
- (a) make any arrangements that are necessary in connection with the requirements imposed by the order,
  - (b) promote the offender's compliance with those requirements, and
  - (c) where appropriate, take steps to enforce those requirements.

<sup>F16</sup>(3) . . . . .

### *Exercise of functions by responsible officer*

- (4) In giving instructions to the offender in pursuance of the order, the responsible officer must ensure, as far as practicable, that any instruction is such as to avoid—
- (a) any conflict with the offender's religious beliefs,
  - (b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and
  - (c) any conflict with the requirements of any other court order to which the offender may be subject,
- and satisfies any additional restrictions that the Secretary of State may specify in regulations.
- (5) Regulations under subsection (4) are subject to the negative resolution procedure.

#### **Textual Amendments**

**F16** S. 192(3) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(u), [Sch. 17 para. 23\(3\)](#)

#### **Modifications etc. (not altering text)**

**C3** Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 266\(5\)](#), [270](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

#### **Commencement Information**

**I20** S. 192 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

## **193 Duty of offender to keep in touch with responsible officer etc**

- (1) This section applies where a youth rehabilitation order is in force.
- (2) The offender—
- (a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time, and
  - (b) must notify the responsible officer of any change of address.
- (3) This obligation is enforceable as if it were a youth rehabilitation requirement of the youth rehabilitation order.

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**Commencement Information**

**I21** S. 193 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Review*

**194 Power to provide for court review of youth rehabilitation orders**

- (1) The Secretary of State may by regulations—
- (a) enable or require a court making a youth rehabilitation order to provide for the order to be reviewed periodically by that or another court,
  - (b) enable a court to amend a youth rehabilitation order so as to include or remove a provision for review by a court, and
  - (c) make provision as to the timing and conduct of reviews and as to the powers of the court on a review.
- (2) Regulations under this section may, in particular, make provision in relation to youth rehabilitation orders corresponding to any provision made by sections 293 to 295 in relation to suspended sentence orders.
- (3) Regulations under this section may repeal or amend any provision of this Chapter.
- (4) Regulations under this section are subject to the affirmative resolution procedure.

**Commencement Information**

**I22** S. 194 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Breach, revocation or amendment of order*

**195 Breach, revocation or amendment of youth rehabilitation order**

Schedule 7 makes provision about—

- (a) failures to comply with the requirements of youth rehabilitation orders, and
- (b) revocation and amendment of youth rehabilitation orders.

**Commencement Information**

**I23** S. 195 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Transferring order to Northern Ireland*

**196 Transfer of youth rehabilitation orders to Northern Ireland**

Schedule 8 makes provision about the transfer of youth rehabilitation orders to Northern Ireland.



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**Commencement Information**

**I24** S. 196 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Youth rehabilitation orders: supplementary*

**197 Youth rehabilitation orders: interpretation**

In this Chapter, except where the contrary intention appears—

“end date”, in relation to a youth rehabilitation order, means the date for the time being specified in the order under—

- (a) section 187 (youth rehabilitation order to specify end date),
- (b) paragraph 10(4) of Schedule 7 (power to substitute later end date on breach), or
- (c) paragraph 18(1) of that Schedule (extension of order);

“home local justice area”, in relation to a youth rehabilitation order, means the local justice area for the time being specified in the order under—

- (a) section 188, or
- (b) paragraph 15(2) of Schedule 7;

“the responsible officer”, in relation to an offender to whom a youth rehabilitation order relates, has the meaning given by section 191;

“youth rehabilitation requirement” has the meaning given by section 173.

**Modifications etc. (not altering text)**

**C4** S. 197 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 paras. 266\(5\), 270](#) (with [Sch. 24 para. 447, Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

**Commencement Information**

**I25** S. 197 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**198 When a youth rehabilitation order is in force**

- (1) A youth rehabilitation order takes effect at the beginning of the day on which it is made.
- (2) But a court making a youth rehabilitation order may order that it is to take effect instead on a later date (and see, in particular, section 181(1)).
- (3) A youth rehabilitation order is in force for the period—
  - (a) beginning when it takes effect, and
  - (b) ending—
    - (i) with the end date, or
    - (ii) if later, when the offender has completed any unpaid work requirement imposed by the order.
- (4) But a youth rehabilitation order ceases to be in force when it is revoked.

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- (5) An unpaid work requirement is completed when the offender has worked under it for the number of hours specified in the order.

**Modifications etc. (not altering text)**

**C5** S. 198(3)-(5) applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

**I26** S. 198 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

**[<sup>F17</sup>198A Electronic monitoring requirement previously imposed**

- (1) This section applies where an electronic monitoring requirement was imposed by a youth rehabilitation order in respect of an offence of which the offender was convicted before the day on which paragraph 4 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent (ignoring, for these purposes, the coming into force of Part 2 of that Schedule for the purposes of making regulations).
- (2) In this section “electronic monitoring requirement” has the meaning given by paragraph 41 of Schedule 6 as it had effect before the day mentioned in subsection (1).
- (3) The electronic monitoring requirement is not affected by the renaming of electronic monitoring requirements as electronic compliance monitoring requirements by that Act.
- (4) This Chapter applies in relation to the youth rehabilitation order as if any reference to an electronic compliance monitoring requirement were to an electronic monitoring requirement.]

**Textual Amendments**

**F17** S. 198A inserted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), **Sch. 17 para. 8**; S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

**199 Youth rehabilitation orders: Isles of Scilly**

- (1) This Chapter has effect in relation to the Isles of Scilly with such exceptions, adaptations and modifications as the Secretary of State may by regulations specify.
- (2) Regulations under this section are subject to the negative resolution procedure.

**Commencement Information**

**I27** S. 199 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

**Changes to legislation:**

Sentencing Act 2020, CHAPTER 1 is up to date with all changes known to be in force on or before 21 April 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.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)–(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)
- Sch. 19 para. 22A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 84](#)

- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)