

Status: Point in time view as at 01/12/2020.

Changes to legislation: Sentencing Act 2020, Cross Heading: Power of home court to require offender to appear before court in England and Wales is up to date with all changes known to be in force on or before 20 June 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)

SCHEDULES

SCHEDULE 11

TRANSFER OF COMMUNITY ORDERS TO SCOTLAND OR NORTHERN IRELAND

Modifications etc. (not altering text)

- C1** Sch. 11 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 241\(5\)](#), **249** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 11 modified by 2006 c. 52, s. 180 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 5** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 11 applied (with modifications) by 2006 c. 52, s. 178(2)(3) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

PART 4

EFFECT OF ORDER MADE OR AMENDED IN ACCORDANCE WITH PART 1 OR 2 OF THIS SCHEDULE

Power of home court to require offender to appear before court in England and Wales

- 22 (1) Where the home court is of the opinion that—
- (a) the offender has breached any of the requirements of the order, or
 - (b) it would be in the interests of justice for a power conferred by Part 3 of Schedule 10 (revocation of order with or without re-sentencing) to be exercised,
- the home court may require the offender to appear before the court which made the order or which last amended the order in England and Wales.
- (2) The court may form an opinion within sub-paragraph (1)(a) for the purposes of this paragraph only—
- (a) on information from the local authority officer concerned, if the home court is in Scotland, or
 - (b) upon a complaint being made to a lay magistrate, if the home court is in Northern Ireland.
- (3) The court may form an opinion within sub-paragraph (1)(b) for the purposes of this paragraph only on the application—
- (a) of the offender, or
 - (b) of—
 - (i) the local authority officer concerned, if the home court is in Scotland;

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(ii) the probation officer concerned, if the home court is in Northern Ireland.

Commencement Information

I1 Sch. 11 para. 22 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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