
Changes to legislation: Sentencing Act 2020, PART 3 is up to date with all changes known to be in force on or before 19 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

SCHEDULES

SCHEDULE 16

BREACH OR AMENDMENT OF SUSPENDED SENTENCE ORDER, AND EFFECT OF FURTHER CONVICTION

Modifications etc. (not altering text)

- C1** Sch. 16 applied (with modifications) by 2006 c. 52, s. 200, Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 25 paras. 19, 26 (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

PART 3

AMENDMENT OF ORDER

Application of Part

- 21 This Part of this Schedule applies during the supervision period of a suspended sentence order that imposes one or more community requirements.

Commencement Information

- II** Sch. 16 para. 21 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

Cancellation of community requirements of suspended sentence order

- 22 (1) This paragraph applies where an application is made to the appropriate court by—
- (a) the offender, or
 - (b) an officer of a provider of probation services,
- for the community requirements of the suspended sentence order to be cancelled.
- (2) If it appears to the court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the court may cancel the community requirements of the suspended sentence order.
- (3) The circumstances in which community requirements of the order may be cancelled under sub-paragraph (2) include the offender's—
- (a) making good progress, or
 - (b) responding satisfactorily to supervision.
- (4) No application may be made under this paragraph while an appeal against the suspended sentence is pending.

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Commencement Information

I2 Sch. 16 para. 22 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Amendment because of change of residence

- 23 (1) This paragraph applies where—
- (a) the offender is given permission under section 302 to change residence, and
 - (b) the local justice area in which the new residence is situated (“the new local justice area”) is different from the offender's home local justice area.
- (2) If the permission is given by a court, the court must amend the suspended sentence order to specify the new local justice area as the offender's home local justice area.
- [^{F1}(3) If the permission is given by the responsible officer—
- (a) the officer must give notice to the appropriate court of the permission, and
 - (b) the court must amend the order as set out in sub-paragraph (2).]

Textual Amendments

F1 Sch. 16 para. 23(3) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 151(5), 208(5)(q)**

Commencement Information

I3 Sch. 16 para. 23 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

- 24 (1) This paragraph applies where—
- (a) a court amends the suspended sentence order,
 - (b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and
 - (c) the local justice area in which that place is situated (“the new local justice area”) is different from the offender's home local justice area.
- (2) The court must amend the order to specify the new local justice area.

Commencement Information

I4 Sch. 16 para. 24 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

[^{F2}Amendment because of variation of curfew requirement by responsible officer

Textual Amendments

F2 Sch. 16 para. 24A and cross-heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), **ss. 151(6), 208(5)(q)**

- 24A (1) This paragraph applies where at any time the responsible officer gives—
- (a) a copy of a variation notice in relation to a suspended sentence order, and
 - (b) evidence of the offender's consent to the notice,

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to the appropriate court under paragraph 10A of Schedule 9.

- (2) The appropriate court must amend the order to reflect the effect of the variation notice.]

Amendment of community requirements of suspended sentence order

- 25 (1) The appropriate court may, on the application of the offender or an officer of a provider of probation services, amend any community requirement of the suspended sentence order—
- (a) by cancelling the requirement, or
 - (b) by replacing it with a requirement of the same kind, which the court could include if the offender had just been convicted by or before it of the offence in respect of which the order was made and it were then making the order.
- (2) For the purposes of sub-paragraph (1)—
- (a) a requirement falling within any entry in the table in section 287 is of the same kind as any other requirement falling within that entry, and
 - (b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.
- (3) Sub-paragraph (1)(b) is subject to any provision that applies to the court in making a suspended sentence order as if the court were making the order.
- (4) No application may be made under this paragraph while an appeal against the suspended sentence is pending, other than an application which—
- (a) relates to a treatment requirement, and
 - (b) is made by an officer of a provider of probation services with the offender's consent.
- (5) Before exercising its powers under this paragraph, the court must summon the offender to appear before the court, unless—
- (a) the application was made by the offender, or
 - (b) the order would cancel a community requirement of the suspended sentence order.
- (6) If the offender fails to appear in answer to a summons under sub-paragraph (5) the court may issue a warrant for the offender's arrest.
- (7) If the offender fails to express willingness to comply with a treatment requirement as proposed to be amended under this paragraph, the court may—
- (a) revoke—
 - (i) the suspended sentence order, and
 - (ii) the suspended sentence to which it relates, and
 - (b) re-sentence the offender for the offence in respect of which the suspended sentence was imposed.
- (8) In dealing with the offender under sub-paragraph (7)(b), the court must take into account the extent to which the offender has complied with the requirements of the order.
- (9) In this paragraph “treatment requirement” means—
- (a) a mental health treatment requirement,

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- (b) a drug rehabilitation requirement, or
- (c) an alcohol treatment requirement.

Commencement Information

I5 Sch. 16 para. 25 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Amendment of treatment requirement on report of practitioner

- 26 (1) This paragraph applies where the suspended sentence order contains a treatment requirement under which the offender is being treated and the treatment practitioner—
- (a) is of the opinion that—
 - (i) the treatment of the offender should be continued beyond the period specified in that behalf in the order,
 - (ii) the offender needs different treatment,
 - (iii) the offender is not susceptible to treatment, or
 - (iv) the offender does not require further treatment, or
 - (b) is for any reason unwilling to continue to treat or direct the treatment of the offender.
- (2) The treatment practitioner must make a report in writing to that effect to the responsible officer.
- (3) The responsible officer must cause an application to be made under paragraph 25 to the appropriate court for the requirement to be replaced or cancelled.
- (4) For the purposes of this paragraph—
- (a) “treatment requirement” means—
 - (i) a mental health treatment requirement,
 - (ii) a drug rehabilitation requirement, or
 - (iii) an alcohol treatment requirement;
 - (b) the treatment practitioner is—
 - (i) the person specified in the order as the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement, or
 - (ii) in the case of a mental health treatment requirement, if no such person is specified, the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement.

Commencement Information

I6 Sch. 16 para. 26 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Extension of unpaid work requirement

- 27 (1) This paragraph applies where the suspended sentence order imposes an unpaid work requirement.

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- (2) The appropriate court may, in relation to the order, extend the period of 12 months specified in paragraph 1(1) of Schedule 9.
- (3) The power in sub-paragraph (2) is exercisable only where—
- (a) an application is made by—
 - (i) the offender, or
 - (ii) an officer of a provider of probation services, and
 - (b) it appears to the appropriate court that it would be in the interests of justice to exercise it in the way proposed having regard to circumstances which have arisen since the order was made.
- (4) No application may be made under this paragraph while an appeal against the suspended sentence is pending.

Commencement Information

I7 Sch. 16 para. 27 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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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)