

Status: Point in time view as at 01/12/2020.

Changes to legislation: Sentencing Act 2020, PART 10 is up to date with all changes known to be in force on or before 19 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 6

YOUTH REHABILITATION ORDERS: REQUIREMENTS

PART 10

LOCAL AUTHORITY RESIDENCE REQUIREMENT

Requirement

- 24 (1) In this Code “local authority residence requirement”, in relation to a youth rehabilitation order, means a requirement that, for a particular period (“the required period”), the offender must reside in accommodation provided by or on behalf of a particular local authority.
- (2) A youth rehabilitation order which imposes a local authority residence requirement may also stipulate that the offender is not to reside with a particular person.
- (3) A youth rehabilitation order which imposes a local authority residence requirement must specify—
- (a) the required period,
 - (b) the local authority which is to receive the offender, and
 - (c) any person with whom the offender is not to reside by virtue of subparagraph (2).
- (4) The required period must—
- (a) not be longer than 6 months, and
 - (b) end before the offender reaches the age of 18.
- (5) The authority specified must be the local authority in whose area the offender resides or is to reside.

Commencement Information

II Sch. 6 para. 24 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restrictions on imposing local authority residence requirement

- 25 A court may not include a local authority residence requirement in a youth rehabilitation order made in respect of an offence unless the requirements in A to C are met.
- (1) The court is satisfied that—

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- (a) the behaviour which constituted the offence was due to a significant extent to the circumstances in which the offender was living, and
 - (b) imposing that requirement would assist in the offender's rehabilitation.
- (2) The court has consulted—
- (a) a parent or guardian of the offender (unless it is impracticable to do so), and
 - (b) the local authority which is to receive the offender.
- (3) The offender was legally represented in court when the court was considering whether to impose the local authority residence requirement, but this does not apply if—
- (a) representation was made available to the offender for the purposes of the proceedings under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 but was withdrawn because of the offender's conduct, or
 - (b) the offender has been informed of the right to apply for such representation for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.

For this purpose, “the proceedings” means—
the whole proceedings, or
the part of the proceedings relating to the imposition of the local authority residence requirement.

Commencement Information

I2 Sch. 6 para. 25 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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