

SCHEDULES

SCHEDULE 14

COMMUNITY AND SUSPENDED SENTENCE ORDERS: SPECIAL PROCEDURES RELATING TO REVIEW AND BREACH

PART 1

AMENDMENTS TO THE SENTENCING CODE

Breach of community order: power to commit to custody

- 12 (1) Schedule 10 (breach etc of community order) is amended as follows.
- (2) In paragraph 1 (interpretation), in the definition of “appropriate court” in subparagraph (1)—
- (a) after paragraph (a) insert—
- “(aa) if the community order qualifies for special procedures for the purposes of section 217A, the court that made the order;”;
- (b) in paragraph (b), after the second “order” insert “and does not fall within paragraph (aa)”.
- (3) In paragraph 8 (issue of summons or warrant by justice of the peace), in subparagraph (3)—
- (a) in paragraph (a), omit the final “or”;
- (b) after paragraph (a) insert—
- “(aa) in the case of a community order that qualifies for special procedures for the purposes of section 217A, before the court that made the order, or”.
- (4) After paragraph 9 insert—

“Issue of summons or warrant after review hearing

- 9A (1) This paragraph applies where—
- (a) a community order is in force,
- (b) on a review hearing under section 217B a magistrates’ court or the Crown Court (“the court”) is of the opinion that the offender has without reasonable excuse breached a community order requirement of the order, and
- (c) the court does not deal with the case forthwith by virtue of section 217B(5).
- (2) The court may at any time—

- (a) issue a summons requiring the offender to appear at the place and time specified in it, or
 - (b) issue a warrant for the offender’s arrest.
- (3) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the court which issued it.
- (4) Where—
- (a) a summons is issued under this paragraph, and
 - (b) the offender does not appear in answer to the summons, the court may issue a warrant for the arrest of the offender.”
- (5) In paragraph 10—
- (a) in sub-paragraph (1), after “paragraph 8” insert “or 9A or by virtue of section 217B(5)”;
 - (b) in sub-paragraph (5), after paragraph (b) insert—
 - “(ba) if the community order qualifies for special procedures for the purposes of this paragraph, by ordering the offender to be committed to prison for such period not exceeding 28 days as the court considers appropriate (but see also paragraph 13A);”.
- (6) In paragraph 11—
- (a) in sub-paragraph (1)(a)—
 - (i) after “paragraph 9” insert “or 9A”;
 - (ii) after “10(3)” insert “or section 217B(5)”;
 - (b) in sub-paragraph (2), after paragraph (b) insert—
 - “(ba) if the community order qualifies for special procedures for the purposes of this paragraph, by ordering the offender to be committed to prison for such period not exceeding 28 days as the court considers appropriate (but see also paragraph 13A);”.
- (7) After paragraph 13 insert—

“Power under paragraphs 10 and 11 to commit to prison: further provision

- 13A (1) In the case of a person under the age of 21—
- (a) an order under paragraph 10(5)(ba) or 11(2)(ba) must be for committal to a young offender institution instead of to prison, but
 - (b) the Secretary of State may from time to time direct that a person committed to a young offender institution by such an order is to be detained in a prison or remand centre instead.
- (2) A person committed to prison or a young offender institution by an order under paragraph 10(5)(ba) or 11(2)(ba) is to be regarded as being in legal custody.
- (3) No more than three orders under paragraph 10(5)(ba) or 11(2)(ba) may be made in relation to the same community order.”

- (8) In paragraph 14 (revocation etc of community order subject to magistrates’ court supervision), in sub-paragraph (2)—
- (a) in paragraph (a), omit the final “and”;
 - (b) after paragraph (a) insert—
 - “(aa) if the community order qualifies for special procedures for the purposes of section 217A, the court that made the order, and”.