

SCHEDULES

SCHEDULE 14

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

PART 1

AMENDMENTS TO THE SENTENCING CODE

Breach of suspended sentence order: power to commit to custody

- 13 (1) Schedule 16 (breach etc of suspended sentence order) is amended as follows.
- (2) In paragraph 4—
- (a) in sub-paragraph (1)(a), after “293(1)” insert “or 293A(1)”;
 - (b) in sub-paragraph (2)(a), after “293(4)” insert “or 293A(3)”.
- (3) After paragraph 9 insert—

“Issue of summons or warrant after review hearing in special procedure cases

- 9A (1) This paragraph applies where—
- (a) a suspended sentence order is subject to review in accordance with section 293A(1),
 - (b) on a review hearing under section 294(5) a magistrates’ court or the Crown Court (“the court”) is of the opinion that the offender has without reasonable excuse breached a community requirement of the order, and
 - (c) the court does not deal with the case forthwith under section 294(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.”
- (4) In paragraph 10, in sub-paragraph (1)(a)(i), after “8” insert “or 9A”.

Changes to legislation: *There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Paragraph 13. (See end of Document for details)*

- (5) In paragraph 12, in sub-paragraph (2)(a)(i), after “9” insert “or 9A”.
- (6) In paragraph 13, in sub-paragraph (1), after paragraph (d) insert—
“(da) in a case where the suspended sentence order qualifies for special procedures for the purposes of this paragraph, the court is dealing with the case by virtue of paragraph 10 or 12(2) and the offender is aged 18 or over, the court may order 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) In paragraph 14 (duty to make activation order where not unjust), in sub-paragraph (2)—
(a) in paragraph (a), omit the final “and”;
(b) after paragraph (b) insert “, and
(c) in a case where the suspended sentence order qualifies for special procedures for the purposes of paragraph 13(1)(da), the court is dealing with the case by virtue of paragraph 10 or 12(2) and the offender is aged 18 or over, the possibility of making an order under paragraph 13(1)(da).”
- (8) After paragraph 16 insert—

“Power under paragraph 13(1)(da) to commit to prison: further provision

- 16A (1) In the case of an offender under the age of 21—
(a) an order under paragraph 13(1)(da) 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 13(1)(da) is to be regarded as being in legal custody.
- (3) No more than three orders under paragraph 13(1)(da) may be made in relation to the same suspended sentence order.”

Commencement Information

II Sch. 14 para. 13 in force at 28.6.2022, see **s. 208(5)(r)**

Changes to legislation:

There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Paragraph 13.