

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Street Offences Act 1959, Part 3. (See end of Document for details)

[^{F1}SCHEDULE

ORDERS UNDER SECTION 1(2A): BREACH, AMENDMENT ETC.

Textual Amendments

- F1** Sch. inserted (1.4.2010) by Policing and Crime Act 2009 (c. 26), ss. 17(4), 116(1), **Sch. 1**; S.I. 2010/507, art. 5(d) (with art. 6)

PART 3

AMENDMENT OF ORDER

Change of supervisor

- 5 (1) Where the supervisor is unable to continue acting in that capacity, the supervisor, a constable or the offender may apply to the relevant magistrates' court to amend the order by specifying a different person to act as supervisor.
- (2) Where the court is satisfied that the supervisor is unable to continue acting, the court must—
- (a) amend the order by specifying a different person to act as supervisor, or
 - (b) if no such person is available, revoke the order.
- (3) The person specified to act as supervisor must be a suitable person (within the meaning given by section 1A(3)).
- (4) In this paragraph “the relevant magistrates' court” means—
- (a) a youth court acting in the relevant local justice area, if the offender is under the age of 18, or
 - (b) a magistrates' court (other than a youth court) acting in the relevant local justice area, if the offender is aged 18 or over.
- (5) In sub-paragraph (4) “the relevant local justice area” means—
- (a) the local justice area for the time being specified in the order, or
 - (b) if the offender resides in another local justice area, that local justice area.
- 6 (1) Where a court revokes an order under paragraph 5(2)(b), it may deal with the offender, for the offence in respect of which the order was made, in any way in which the court could deal with the offender if the offender had just been convicted by it of the offence (other than by making an order under section 1(2A)).
- (2) In dealing with an offender under sub-paragraph (1), the court must take into account the extent to which the offender has complied with the order.
- (3) A person sentenced under sub-paragraph (1) may appeal to the Crown Court against the sentence.

Substitution of different local justice area

- 7 (1) The offender or the supervisor may apply to the relevant magistrates' court to amend the order by substituting another local justice area for the area specified in the order.

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- (2) An application under sub-paragraph (1) may only be made if the offender resides or will reside in the other local justice area.
- (3) If the application is made by the supervisor, the relevant magistrates' court must amend the order by substituting the other local justice area for the area specified in the order.
- (4) If the application is made by the offender, the relevant magistrates' court may amend the order by substituting the other local justice area for the area specified in the order.
- (5) Sub-paragraphs (4) and (5) of paragraph 5 apply for the purposes of this paragraph as they apply for the purposes of that paragraph.

Supplementary

- 8 (1) Where the relevant magistrates' court proposes to exercise its powers under paragraph 5, otherwise than on the application of the offender, it must summon the offender to appear before the court and, if the offender does not appear in answer to the summons, may issue a warrant for the arrest of the offender.
- (2) An order may not be amended under this Part of this Schedule while an appeal against the order is pending.]

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