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## SCHEDULES

### SCHEDULE 13

#### COMMUNITY SERVICE ORDERS—RECIPROCAL ARRANGEMENTS

##### PART III

##### RECIPROCAL ARRANGEMENTS (NORTHERN IRELAND)— PERSONS RESIDING IN ENGLAND AND WALES OR SCOTLAND

##### *Community service orders relating to persons residing in England and Wales or Scotland—General*

- 9 (1) Where a community service order is made or amended in the circumstances specified in paragraph 7 or 8 above, the court which makes or amends the order shall send three copies of the order as made or amended to the home court, together with such documents and information relating to the case as it considers likely to be of assistance to that court.
- (2) In this paragraph—  
“home court” means—
- (a) if the offender resides in England or Wales, or will be residing in England or Wales at the relevant time, the magistrates’ court [<sup>F1</sup>acting in the local justice area] in which he resides or proposes to reside; and
- (b) if he resides in Scotland, or will be residing in Scotland at the relevant time, the sheriff court having jurisdiction in the locality in which he resides or proposes to reside;  
“the relevant time” means the time when the order or the amendment to it comes into force.
- [<sup>F2</sup>(3) Subject to the following provisions of this paragraph—
- (a) [<sup>F3</sup>an adult community service order] made or amended in the circumstances specified in paragraph 7 above shall be treated as if it were a community order made in England and Wales [<sup>F4</sup>... and the provisions of [<sup>F5</sup>Chapter 2 of Part 9 of the Sentencing Code] shall apply accordingly
- [<sup>F6</sup>(aa) a youth community service order made or amended in the circumstances specified in paragraph 7 above shall be treated as if it were a youth rehabilitation order made in England and Wales and the provisions of [<sup>F7</sup>Chapter 1 of that Part] shall apply accordingly;]; and
- (b) a community service order made or amended in the circumstances specified in paragraph 8 above shall be treated as if it were a [<sup>F8</sup>community payback order] made in Scotland and the legislation relating to [<sup>F9</sup>community payback orders] in Scotland shall apply accordingly.]

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- (4) Before making or amending a community service order in the circumstances specified in paragraph 7 or 8 above the court shall explain to the offender in ordinary language—
- (a) the requirements of the legislation relating to [F<sup>10</sup>community orders or youth rehabilitation orders (in England and Wales) or community payback orders (in Scotland)]<sup>F11</sup>... which has effect in the part of the United Kingdom in which he resides or will be residing at the relevant time;
  - (b) the powers of the home court under that legislation, as modified by this Part of this Schedule; and
  - (c) its own powers under this Part of this Schedule,
- and an explanation given in accordance with this sub-paragraph shall be sufficient without the addition of an explanation under [F<sup>12</sup>Article 13(7) of the Criminal Justice (Northern Ireland) Order 1996].
- (5) The home court may exercise in relation to the community service order any power which it could exercise in relation to a [F<sup>13</sup>community order or youth rehabilitation order (in England and Wales) or a community payback order (in Scotland)]<sup>F14</sup>... made by a court in the part of the United Kingdom in which the home court exercises jurisdiction, by virtue of the legislation relating to such orders which has effect in the part of the United Kingdom in which it has jurisdiction except—
- (a) a power to vary the order by substituting for the number of hours' work specified in it any greater number than the court which made the order could have specified;
  - (b) a power to revoke the order; and
  - (c) a power to revoke the order and deal with the offender for the offence in respect of which it was made in any manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (6) If at any time whilst legislation relating to [F<sup>15</sup>community orders or youth rehabilitation orders (in England and Wales) or community payback orders (in Scotland)]<sup>F16</sup>... which has effect in one part of the United Kingdom applies by virtue of sub-paragraph (3) above to a community service order made in another part—
- (a) it appears to the home court—
    - (i) if that court is in England or Wales, on information to a justice of the peace [F<sup>17</sup>acting in the local justice area] for the time being specified in the order;
    - (ii) if it is in Scotland, on evidence [F<sup>18</sup>from an officer appointed or assigned under paragraph 8(3)(b)],

that the offender has failed to comply with any of the requirements of the legislation applicable to the order; or
  - (b) it appears to the home court on the application of the offender or—
    - (i) if it is in England and Wales, of the [F<sup>19</sup>responsible officer under [F<sup>20</sup>Chapter 2 of Part 9 of the Sentencing Code]]<sup>F21</sup>or, as the case may be, [F<sup>22</sup>Chapter 1 of Part 9 of the Sentencing Code]]; and
    - (ii) if it is in Scotland, of [F<sup>23</sup>an officer appointed or assigned under paragraph 8(3)(b)],

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that it would be in the interests of justice to exercise a power mentioned in sub-paragraph (5)(b) or (c) above,

the home court may require the offender to appear before the court by which the order was made.

(7) Where an offender is required to appear before a court by virtue of sub-paragraph (6) above, that court—

- (a) may issue a warrant for his arrest; and
- (b) may exercise any power which it could exercise in respect of the community service order if the offender resided in the part of the United Kingdom where the court has jurisdiction,

and any enactment relating to the exercise of such powers shall have effect accordingly.

[<sup>F24</sup>(8) In this paragraph “community payback order” means a community payback order imposed under section 227A of the Criminal Procedure (Scotland) Act 1995.]

#### Textual Amendments

- F1** Words in Sch. 13 para. 9(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, **Sch. para. 42(b)**
- F2** Sch. 13 para. 9(3) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 36(3)**; [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(17\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))
- F3** Words in Sch. 13 para. 9(3)(a) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 4 para. 28(2)(a)(i)** (with [Sch. 27 paras. 1, 5](#); [S.I. 2009/3074](#), art. 2(p)(v))
- F4** Words in Sch. 13 para. 9(3)(a) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 4 para. 28\(2\)\(a\)\(ii\)](#), **Sch. 28 Pt. 1** (with [Sch. 27 paras. 1, 5](#); [S.I. 2009/3074](#), art. 2(p)(u)(v))
- F5** Words in Sch. 13 para. 9(3)(a) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 72(3)(a)** (with [Sch. 27](#); [S.I. 2020/1236](#), reg. 2)
- F6** Sch. 13 para. 9(3)(aa) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 4 para. 28(2)(b)** (with [Sch. 27 paras. 1, 5](#); [S.I. 2009/3074](#), art. 2(p)(v))
- F7** Words in Sch. 13 para. 9(3)(aa) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 72(3)(b)** (with [Sch. 27](#); [S.I. 2020/1236](#), reg. 2)
- F8** Words in Sch. 13 para. 9(3)(b) substituted (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, **Sch. para. 11(3)(a)(i)** (with art. 4(4))
- F9** Words in Sch. 13 para. 9(3)(b) substituted (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, **Sch. para. 11(3)(a)(ii)** (with art. 4(4))
- F10** Words in Sch. 13 para. 9(4)(a) substituted (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, **Sch. para. 11(3)(b)** (with art. 4(4))
- F11** Words in Sch. 13 para. 9(4)(a) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 4 para. 28\(3\)\(b\)](#), **Sch. 28 Pt. 1** (with [Sch. 27 paras. 1, 5](#); [S.I. 2009/3074](#), art. 2(p)(u)(v))
- F12** Words in Sch. 13 para. 9(4) substituted (1.1.1998) for the words “Article 7(7) of the Treatment of Offenders (Northern Ireland) Order” by virtue of [S.I. 1996/3160 \(N.I. 24\)](#), art. 58(1), **Sch. 5 para. 12(c)**; [S.R. 1997/523](#), art. 2(i)

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- F13** Words in Sch. 13 para. 9(5) substituted (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, **Sch. para. 11(3)(c)** (with art. 4(4))
- F14** Words in Sch. 13 para. 9(5) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), Sch. 4 para. 28(4)(b), **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(u)(v)
- F15** Words in Sch. 13 para. 9(6) substituted (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, **Sch. para. 11(3)(d)(i)** (with art. 4(4))
- F16** Words in Sch. 13 para. 9(6) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), Sch. 4 para. 28(5)(b), **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(u)(v)
- F17** Words in Sch. 13 para. 9(6)(a) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 1, **Sch. para. 42(b)**
- F18** Words in Sch. 13 para. 9(6)(a)(ii) substituted (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, **Sch. para. 11(3)(d)(ii)** (with art. 4(4))
- F19** Words in Sch. 13 para. 9(6)(b) substituted (25.8.2000) by [2000 c. 6](#), ss. 165(1), 168(1), **Sch. 9 para. 89(3)**
- F20** Words in Sch. 13 para. 9(6)(b)(i) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 72(3)(c)(i)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F21** Words in Sch. 13 para. 9(6)(b)(i) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), **Sch. 4 para. 28(5)(c)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, art. 2(p)(v)
- F22** Words in Sch. 13 para. 9(6)(b)(i) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 72(3)(c)(ii)** (with Sch. 27); S.I. 2020/1236, reg. 2
- F23** Words in Sch. 13 para. 9(6)(b)(ii) substituted (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, **Sch. para. 11(3)(d)(iii)** (with art. 4(4))
- F24** Sch. 13 para. 9(8) inserted (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, **Sch. para. 11(3)(e)** (with art. 4(4))

**Changes to legislation:**

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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. 32(1A)(ca) words inserted by [2021 c. 11 Sch. 13 para. 36](#)