
Changes to legislation: Sentencing Act 2020, PART 2 is up to date with all changes known to be in force on or before 12 May 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) View outstanding changes

SCHEDULES

SCHEDULE 10

BREACH, REVOCATION OR AMENDMENT OF COMMUNITY ORDER

Modifications etc. (not altering text)

- C1** Sch. 10 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 8](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C1** Sch. 10 applied (with modifications) by 2006 c. 52, Sch. 6A (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 12](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C1** Sch. 10 applied by 2006 c. 52, s. 178(2) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C1** Sch. 10 modified by 2006 c. 52, s. 181 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 6](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C1** Sch. 10 applied (with modifications) by 2006 c. 52, s. 182(3)(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 7\(5\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2)
- C1** Sch. 10 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 241\(5\)](#), [249](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2)

PART 2

BREACH OF REQUIREMENT OF ORDER

Duty to give warning or refer matter to enforcement officer

- 6 (1) This paragraph applies where the responsible officer is of the opinion that the offender has without reasonable excuse breached a requirement of a community order.
- (2) If the offender has been given a warning under this paragraph within the previous 12 months in relation to a breach of any requirement of the order, the officer must refer the matter to an enforcement officer.
- (3) Otherwise the officer must either—
- (a) give the offender a warning under this paragraph, or
 - (b) refer the matter to an enforcement officer.
- (4) A warning under this paragraph must—
- (a) describe the circumstances of the breach,
 - (b) state that the breach is unacceptable, and
 - (c) inform the offender that if the offender again breaches a requirement of the order within the period of 12 months beginning with the date on which the warning was given, the offender will be liable to be brought before a court.

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- (5) As soon as practicable after giving a warning under this paragraph, the responsible officer must record that fact.

Commencement Information

I1 Sch. 10 para. 6 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Role of enforcement officer

- 7 Where a matter is referred to an enforcement officer under paragraph 6, the enforcement officer must—
- (a) consider the case, and
 - (b) where appropriate, cause an information to be laid in respect of the offender's breach of requirement—
 - (i) in the case of a community order subject to magistrates' court supervision, before a justice of the peace;
 - (ii) in the case of a Crown Court community order, before the Crown Court.

Commencement Information

I2 Sch. 10 para. 7 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Issue of summons or warrant by justice of the peace

- 8 (1) This paragraph applies where—
- (a) a community order subject to magistrates' court supervision is in force, and
 - (b) it appears on information to a justice of the peace that the offender has breached a requirement of the order.
- (2) The justice may—
- (a) issue a summons requiring the offender to appear at the place and time specified in it, or
 - (b) if the information is in writing and on oath, 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—
- (a) in the case of a community order imposing a drug rehabilitation requirement which is subject to review, if a magistrates' court is responsible for the order, before that court, ^{F1}...
 - [^{F2}(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]
 - (b) in any other case, before a magistrates' court acting in—
 - (i) the local justice area in which the offender resides, or
 - (ii) if it is not known where the offender resides, the offender's home local justice area.
- (4) Where—

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- (a) a summons is issued under this paragraph requiring the offender to appear before a magistrates' court, and
 - (b) the offender does not appear in answer to the summons,
- the magistrates' court may issue a warrant for the arrest of the offender.

Textual Amendments

- F1** Word in Sch. 10 para. 8(3)(a) omitted (28.6.2022) by virtue of Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), Sch. 14 para. 12(3)(a)
- F2** Sch. 10 para. 8(3)(aa) inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), Sch. 14 para. 12(3)(b)

Commencement Information

- I3** Sch. 10 para. 8 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Issue of summons or warrant by Crown Court

- 9 (1) This paragraph applies where—
- (a) a Crown Court community order is in force, and
 - (b) it appears on information to the Crown Court that the offender has breached a requirement of the order.
- (2) The Crown Court may—
- (a) issue a summons requiring the offender to appear at the place and time specified in it, or
 - (b) if the information is in writing and on oath, 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 Crown Court.
- (4) Where—
- (a) a summons is issued under this paragraph, and
 - (b) the offender does not appear in answer to the summons,
- the Crown Court may issue a warrant for the arrest of the offender.

Commencement Information

- I4** Sch. 10 para. 9 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

[^{F3}Issue of summons or warrant after review hearing

Textual Amendments

- F3** Sch. 10 para. 9A and cross-heading inserted (28.6.2022) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), s. 208(5)(r), Sch. 14 para. 12(4)

- 9A (1) This paragraph applies where—
- (a) a community order is in force,

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- (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.]

Powers of magistrates' court

- 10 (1) This paragraph applies where—
- (a) an offender appears or is brought before a magistrates' court under paragraph 8 [^{F4} or 9A or by virtue of section 217B(5)], and
 - (b) it is proved to the satisfaction of the court that the offender has breached a requirement of the community order without reasonable excuse.
- (2) The court must deal with the case under sub-paragraph (5).
- (3) But if the community order was made by the Crown Court, the court may instead—
- (a) commit the offender to custody, or
 - (b) release the offender on bail,
- until the offender can be brought or appear before the Crown Court.
- (4) If the court deals with the offender's case under sub-paragraph (3), it must send the Crown Court—
- (a) a certificate signed by a justice of the peace certifying that the offender has failed to comply with the requirements of the community order in the respect specified in the certificate, and
 - (b) such other particulars of the case as may be desirable;
- and a certificate purporting to be so signed is admissible as evidence of the failure before the Crown Court.
- (5) Where the court deals with the case under this sub-paragraph, it must deal with the offender in respect of the breach in any one of the following ways—
- (a) by ordering the offender to pay a fine not exceeding £2,500;
 - (b) by amending the terms of the community order so as to impose more onerous requirements which the court could include if it had just convicted the offender of the offence in respect of which the order was made and were then making the order;
- [^{F5}(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

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- period not exceeding 28 days as the court considers appropriate (but see also paragraph 13A);]
- (c) if the community order was made by a magistrates' court, by re-sentencing the offender for the offence in respect of which the order was made.
- (6) Where the court deals with the case under sub-paragraph (5), the criminal courts charge duty (see section 46) applies to the court.
- (7) In dealing with the offender under sub-paragraph (5), the court must take into account the extent to which the offender has complied with the requirements of the community order.
- (8) A fine imposed under sub-paragraph (5)(a) is to be treated for the purposes of any enactment as being a sum adjudged to be paid by a conviction.
- (9) Where—
- (a) the offender has wilfully and persistently breached the requirements of the community order, and
- (b) the court is dealing with the offender under sub-paragraph (5)(c),
- the court may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (general restriction on imposing discretionary custodial sentences).
- (10) Where the court deals with the offender under sub-paragraph (5)(c), it must revoke the community order if it is still in force.
- (11) A person sentenced under sub-paragraph (5)(c) for an offence may appeal to the Crown Court against—
- (a) the sentence, and
- (b) a criminal courts charge order made when imposing that sentence.

Textual Amendments

- F4** Words in [Sch. 10 para. 10\(1\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 12\(5\)\(a\)](#)
- F5** [Sch. 10 para. 10\(5\)\(ba\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 12\(5\)\(b\)](#)

Commencement Information

- I5** [Sch. 10 para. 10](#) in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Powers of Crown Court

- 11 (1) This paragraph applies where—
- (a) an offender appears or is brought before the Crown Court under paragraph 9 [^{F6}or 9A] or by virtue of paragraph 10(3) [^{F7}or section 217B(5)], and
- (b) it is proved to the satisfaction of that court that the offender has breached a requirement of the community order without reasonable excuse.
- (2) The Crown Court must deal with the offender in respect of the breach in any one of the following ways—
- (a) by ordering the offender to pay a fine of an amount not exceeding £2,500;

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- (b) by amending the terms of the community order so as to impose more onerous requirements which the Crown Court could include if the offender had just been convicted of the offence in respect of which the order was made and it were then making the order;
 - [^{F8}(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);]
 - (c) by re-sentencing the offender for the offence in respect of which the order was made.
- (3) Where the court deals with the case under sub-paragraph (2), the criminal courts charge duty (see section 46) applies to the court.
- (4) In dealing with the offender under sub-paragraph (2), the Crown Court must take into account the extent to which the offender has complied with the requirements of the community order.
- (5) A fine imposed under sub-paragraph (2)(a) is to be treated for the purposes of any enactment as being a sum adjudged to be paid by a conviction.
- (6) Where—
- (a) the offender has wilfully and persistently breached the requirements of the community order, and
 - (b) the court is dealing with the offender under sub-paragraph (2)(c),
- the court may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (general restriction on imposing discretionary custodial sentences).
- (7) Where the Crown Court deals with the offender under sub-paragraph (2)(c), it must revoke the community order if it is still in force.
- (8) In proceedings before the Crown Court under this paragraph any question whether the offender has breached a requirement of the community order is to be determined by the court and not by the verdict of a jury.

Textual Amendments

- F6** Words in Sch. 10 para. 11(1)(a) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 12\(6\)\(a\)\(i\)](#)
- F7** Words in Sch. 10 para. 11(1)(a) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 12\(6\)\(a\)\(ii\)](#)
- F8** Sch. 10 para. 11(2)(ba) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 12\(6\)\(b\)](#)

Commencement Information

- I6** Sch. 10 para. 11 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Treatment requirement: reasonable refusal to undergo treatment

- 12 (1) Sub-paragraph (2) applies where the offender—
- (a) is required by a treatment requirement of the community order to submit to treatment, and

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(b) has refused to undergo any surgical, electrical or other treatment.

(2) The offender is not to be treated for the purposes of paragraph 10 or 11 as having breached the requirement on the ground only of that refusal if, in the opinion of the court, the refusal was reasonable having regard to all the circumstances.

Commencement Information

I7 Sch. 10 para. 12 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Powers in paragraphs 10 and 11 to impose more onerous requirements: further provision

- 13 (1) In dealing with an offender under paragraph 10(5)(b) or 11(2)(b), the court may—
- (a) extend the duration of particular requirements, subject to any limit imposed by Schedule 9;
 - (b) substitute a later date for the end date.
- (2) A date substituted under sub-paragraph (1)(b)—
- (a) must not be more than 6 months after the end date;
 - (b) subject to that, may be more than 3 years after the date of the order.
- (3) Once the power in sub-paragraph (1)(b) has been exercised in relation to the order, it may not be exercised again in relation to it by any court.
- (4) Where—
- (a) a community order does not contain an unpaid work requirement, and
 - (b) in dealing with the offender under paragraph 10(5)(b) or 11(2)(b), the court imposes an unpaid work requirement,
- the number of hours for which the offender may be required to work under the requirement (see paragraph 2(1) of Schedule 9) must not, in aggregate, be less than 20.
- (5) Paragraphs 10(5)(b) and 11(2)(b) (power to impose more onerous requirements) have effect subject to any provision that applies to the court in making a community order as if the court were imposing the requirements on making the order.

Commencement Information

I8 Sch. 10 para. 13 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

F⁹ Power under paragraphs 10 and 11 to commit to prison: further provision

Textual Amendments

F9 Sch. 10 para. 13A and cross-heading inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 12\(7\)](#)

- 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

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- (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.]

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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. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)
- Sch. 19 para. 22A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 84](#)

- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)