

**Changes to legislation:** Sentencing Act 2020, PART 6 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 17

#### TRANSFER OF SUSPENDED SENTENCE ORDERS TO SCOTLAND OR NORTHERN IRELAND

##### Modifications etc. (not altering text)

- C1** Sch. 17 applied (with modifications) by 2006 c. 52, ss. 200, 204 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 25 paras. 19, 22 (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

### PART 6

#### AMENDMENT OF SSSO OR NISSO: OFFENDER REMAINING IN SCOTLAND OR NORTHERN IRELAND

##### *Application*

- 24 This Part of this Schedule—
- (a) applies where an SSSO or an NISSO is in force in respect of an offender, and
  - (b) includes provisions that modify, or apply in place of, certain provisions of Part 3 of Schedule 16 (amendment of suspended sentence order).

##### Commencement Information

- II** Sch. 17 para. 24 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

##### *Modifications of Part 3 of Schedule 16*

- 25 Part 3 of Schedule 16 (amendment of suspended sentence order) applies as if—
- (a) any reference to the responsible officer were to the relevant officer;
  - (b) any reference a magistrates' court acting in the offender's home local justice area were to a magistrates' court acting in the same local justice area as the original court;
  - (c) any reference to a justice of the peace acting in the offender's home local justice area were to a justice of the peace acting in the same local justice area as the original court;
  - (d) any reference to the appropriate court were to the original court;
  - (e) in the case of an SSSO, in paragraphs 23 and 24 of that Schedule (amendment by reason of change of residence), any reference to the offender's home local justice area were to the local authority area specified in the order, and any other reference to a local justice area were to a local authority area;

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(f) in the case of an NISSO, those paragraphs were omitted.

**Commencement Information**

**I2** Sch. 17 para. 25 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

*Powers to amend suspended sentence order exercisable by home court*

26 (1) The home court may exercise any power conferred by Part 3 of Schedule 16 (amendment of suspended sentence order) as if it were the original court.

This is subject to sub-paragraph (2).

(2) Where paragraph 25(7) of Schedule 16 (power to deal with offender who fails to express willingness to comply with amended treatment requirement) applies, the home court—

- (a) may not exercise the power conferred by that provision, and
- (b) must require the offender to appear before the original court.

(3) See paragraph 27 and Part 7 of this Schedule for provisions that apply to the home court where it exercises a power by virtue of sub-paragraph (1).

**Commencement Information**

**I3** Sch. 17 para. 26 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

*Cases in which offender is to be required to appear before home court*

27 (1) This paragraph applies in place of sub-paragraphs (5) and (6) of paragraph 25 of Schedule 16 (amendment of community requirements of suspended sentence order) in relation to any exercise by the home court of the power conferred by sub-paragraph (1) of that paragraph.

(2) Before exercising the power, the home court must issue—

- (a) a citation, if it is Scotland, or
- (b) a summons, if it is in Northern Ireland,

requiring the offender to appear before it.

(3) If the offender does not appear in answer to a citation or summons under sub-paragraph (2), the court may issue a warrant for the offender's arrest.

(4) Sub-paragraph (2) does not apply where the home court exercises the power—

- (a) on the application of the offender, or
- (b) to cancel a community requirement of the suspended sentence order.

**Commencement Information**

**I4** Sch. 17 para. 27 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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*Modification of sections 300 to 302 and Schedule 9*

- 28 (1) This paragraph applies where the home court is considering amending an SSSO or an NISSO under Part 3 of Schedule 16 by virtue of this Part of this Schedule.
- (2) Sections 300 to 302 (functions of responsible officer) and Schedule 9 (requirements) apply as if any reference to a provider of probation services were—
- (a) in the case of an SSSO, to a local authority in Scotland;
  - (b) in the case of an NISSO, to the Probation Board for Northern Ireland.

**Commencement Information**

**I5** Sch. 17 para. 28 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

*Power for home court to refer application to original court*

- 29 (1) This paragraph applies where an application is made to the home court under Part 3 of Schedule 16 by virtue of paragraph 26 of this Schedule (powers to amend order exercisable by home court).
- (2) The home court may (instead of dealing with the application) require the offender to appear before the original court.

**Commencement Information**

**I6** Sch. 17 para. 29 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

*Powers exercisable by court in England and Wales only after home court consideration*

- 30 (1) No court in England and Wales may exercise any power conferred by Part 3 of Schedule 16 (amendment of suspended sentence order) unless the offender has been required to appear before that court in accordance with—
- (a) paragraph 26(2)(b) of this Schedule (refusal of offender to express willingness to comply with amended treatment requirement), or
  - (b) paragraph 29(2) of this Schedule (power of home court to refer application to original court).
- (2) See Part 7 of this Schedule for provisions that apply to the original court where it exercises a power in the circumstances mentioned in sub-paragraph (1)(a) or (b).

**Commencement Information**

**I7** Sch. 17 para. 30 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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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)