

Changes to legislation: Sentencing Act 2020, SCHEDULE 7 is up to date with all changes known to be in force on or before 11 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 7

Section 195

BREACH, REVOCATION OR AMENDMENT OF YOUTH REHABILITATION ORDER

Modifications etc. (not altering text)

- C1** Sch. 7 applied (with modifications) by 2008 c. 4, s. 39(6)(c), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), 270 (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

PART 1

PRELIMINARY

Interpretation

- 1 (1) In this Schedule, a reference (however expressed) to an offender's breach of a requirement of a youth rehabilitation order is a reference to any failure of the offender to comply—
- (a) with a requirement imposed by the order, or
 - (b) if the order imposes an attendance centre requirement, with rules made under section 394(1)(d) or (e) (attendance centre rules).
- (2) For the purposes of this Schedule—
- (a) a requirement falling within any Part of Schedule 6 is of the same kind as any other requirement falling within that Part, and
 - (b) an [F1electronic monitoring requirement][F1electronic compliance monitoring requirement] is a requirement of the same kind as any other youth rehabilitation requirement to which it relates.

Textual Amendments

- F1** Words in Sch. 7 para. 1(2)(b) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by Police, Crime, Sentencing and Courts Act 2022 (c. 32), ss. 161, 208(4) (r), Sch. 17 para. 13(2); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

Commencement Information

- I1** Sch. 7 para. 1 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Youth rehabilitation order subject to magistrates' court supervision

- 2 For the purposes of this Schedule—

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- (a) “Crown Court youth rehabilitation order” means a youth rehabilitation order which—
 - (i) was made by the Crown Court, and
 - (ii) does not include a direction under section 189 (power for Crown Court to direct magistrates' court supervision);
- (b) a youth rehabilitation order is “subject to magistrates' court supervision” if it—
 - (i) was made by a magistrates' court, or
 - (ii) was made by the Crown Court and includes a direction under that section.

Commencement Information

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

Orders made on appeal

- 3 Where a youth rehabilitation order has been made on appeal, for the purposes of this Schedule it is treated—
- (a) if it was made on an appeal from a magistrates' court, as having been made by a magistrates' court;
 - (b) if it was made on an appeal—
 - (i) from the Crown Court, or
 - (ii) from the Court of Appeal,
 as having been made by the Crown Court.

Commencement Information

I3 Sch. 7 para. 3 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

PART 2

BREACH OF REQUIREMENT OF ORDER

Duty to give warning or lay information relating to breach of order

- 4 (1) This paragraph applies where the responsible officer is of the opinion that the offender has without reasonable excuse breached a requirement of a youth rehabilitation order.
- (2) Sub-paragraph (3) applies if—
- (a) the breach occurred during a warned period relating to an earlier breach of the order, and
 - (b) during that warned period the offender had been given a further warning in relation to the order.
- (3) The responsible officer must cause an information to be laid before a justice of the peace in respect of that breach unless of the opinion that there are exceptional circumstances which justify not doing so.

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- (4) If sub-paragraph (3) does not apply, the responsible officer must either—
- (a) give the offender a warning under this paragraph, or
 - (b) cause an information to be laid before a justice of the peace in respect of that breach.
- (5) 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 the offender will be liable to be brought before a court if the offender breaches a requirement of the order again—
 - (i) more than once during the warned period, or
 - (ii) if the warning is given during the warned period relating to an earlier breach of the order, during that warned period.
- (6) For the purposes of this paragraph, “warned period”, in relation to a breach of a requirement of the youth rehabilitation order, means the period of 12 months beginning with the date on which a warning is given under this paragraph in relation to the breach.
- (7) As soon as practicable after giving a warning under this paragraph, the responsible officer must record that fact.

Commencement Information

I4 Sch. 7 para. 4 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Issue of summons or warrant by justice of the peace

- 5 (1) This paragraph applies where—
- (a) a youth rehabilitation order 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 Crown Court youth rehabilitation order, before the Crown Court, and
 - (b) in any other case, before the appropriate court.
- (4) In sub-paragraph (3), “appropriate court” means—
- (a) if the offender is aged under 18, a youth court acting in the relevant local justice area, and
 - (b) if the offender is aged 18 or over, a magistrates' court (other than a youth court) acting in that local justice area.

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- (5) In sub-paragraph (4), “relevant local justice area” means—
- (a) the local justice area in which the offender resides, or
 - (b) if it is not known where the offender resides, the offender's home local justice area.
- (6) Sub-paragraphs (7) and (8) apply where—
- (a) a summons is issued under this paragraph, and
 - (b) the offender does not appear in answer to it.
- (7) If the summons required the offender to appear before the Crown Court, the Crown Court may—
- (a) if the summons was issued by a justice of the peace, issue a further summons requiring the offender to appear at the place and time specified in it, or
 - (b) in any case, issue a warrant for the arrest of the offender.
- (8) If the summons required the offender to appear before a magistrates' court, the magistrates' court may issue a warrant for the arrest of the offender.

Commencement Information

I5 Sch. 7 para. 5 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Powers of magistrates' court

- 6 (1) This paragraph applies where—
- (a) an offender appears or is brought before a youth court or other magistrates' court under paragraph 5, and
 - (b) it is proved to the satisfaction of the court that the offender has breached a requirement of the youth rehabilitation order without reasonable excuse, and must be read with paragraphs 8 to 11.
- (2) The court may deal with the case under sub-paragraph (5).
- (3) If the youth rehabilitation 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) Where a 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 breached the youth rehabilitation 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 may 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 youth rehabilitation order to add or substitute any requirement which it could include in a youth rehabilitation order if, applying the relevant assumptions, it were now making such an order in respect of the relevant offence;
 - (c) by re-sentencing the offender for the relevant offence.
- (6) In this paragraph—
- “relevant offence” means the offence in respect of which the youth rehabilitation order was made, and
 - the “relevant assumptions” are that—
 - (a) the court has just convicted the offender of the relevant offence, and
 - (b) the offender is the same age as when in fact convicted of that offence.
- (7) Sub-paragraph (5)(b) is subject to paragraph 10.
- (8) 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 youth rehabilitation order.
- (9) Where the court—
- (a) deals with the offender under sub-paragraph (5)(b), and
 - (b) does not act in the offender's home local justice area,
- it may exercise the power in paragraph 15 (amendment by reason of change of residence) as if it were the appropriate court for the purposes of that paragraph.
- (10) Where the court deals with the offender under sub-paragraph (5)(c), it must revoke the youth rehabilitation order if it is still in force.
- (11) An offender may appeal to the Crown Court against a sentence imposed under sub-paragraph (5)(c).

Commencement Information

I6 Sch. 7 para. 6 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Powers of Crown Court

- 7
- (1) This paragraph applies where—
 - (a) an offender appears or is brought before the Crown Court under paragraph 5 or by virtue of paragraph 6(3), and
 - (b) it is proved to the satisfaction of that court that the offender has breached a requirement of the youth rehabilitation order without reasonable excuse,and must be read with paragraphs 8 to 11.
 - (2) The Crown Court may deal with the offender in respect of that breach in any one of the following ways—
 - (a) by ordering the offender to pay a fine of an amount not exceeding £2,500;
 - (b) by amending the terms of the youth rehabilitation order to add or substitute any requirement which it could include in a youth rehabilitation order if, applying the relevant assumptions, it were now making such an order in respect of the relevant offence;
 - (c) by re-sentencing the offender for the relevant offence.

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- (3) In this paragraph—
 “relevant offence” means the offence in respect of which the youth rehabilitation order was made, and
 the “relevant assumptions” are that—
 (a) the offender has just been convicted of the relevant offence by or before the court dealing with the offender, and
 (b) the offender is the same age as when in fact convicted of that offence.
- (4) Sub-paragraph (2)(b) is subject to paragraph 10.
- (5) 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 youth rehabilitation order.
- (6) Where the Crown Court deals with an offender under sub-paragraph (2)(c), it must revoke the youth rehabilitation order if it is still in force.
- (7) In proceedings before the Crown Court under this paragraph any question whether the offender has breached a requirement of the youth rehabilitation order is to be determined by the court and not by the verdict of a jury.

Commencement Information

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

Restriction of powers in paragraphs 6 and 7 where treatment required

- 8 (1) Sub-paragraph (2) applies where the offender—
 (a) is required by a treatment requirement of the youth rehabilitation order to submit to treatment, and
 (b) has refused to undergo any surgical, electrical or other treatment.
- (2) The offender is not to be treated for the purposes of paragraph 6 or 7 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.
- (3) In this paragraph, “treatment requirement” means—
 (a) a mental health treatment requirement,
 (b) a drug treatment requirement, or
 (c) an intoxicating substance treatment requirement.

Commencement Information

18 Sch. 7 para. 8 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Fines imposed under paragraphs 6 and 7

- 9 (1) A fine imposed under paragraph 6(5)(a) or 7(2)(a) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.
- (2) Where—

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- (a) a court is dealing with an offender for breach of a requirement of a youth rehabilitation order,
 - (b) the offender is aged under 18, and
 - (c) but for this sub-paragraph, the court would impose a fine under paragraph 6(5)(a) or 7(2)(a),
- section 380 (order for payment by parent or guardian) applies to the fine.

Commencement Information

19 Sch. 7 para. 9 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Powers in paragraphs 6 and 7 to impose other requirements: further provisions

- 10 (1) This paragraph applies where—
- (a) the magistrates' court deals with the offender under paragraph 6(5)(b), or
 - (b) the Crown Court deals with the offender under paragraph 7(2)(b).
- (2) Paragraphs 6(5)(b) and 7(2)(b) have effect subject to any provision that applies to the court in making a youth rehabilitation order as if the court were imposing the requirements on making the order.
- That is subject to the following provisions of this paragraph and to paragraph 11.
- (3) Subject to sub-paragraph (4), any requirement imposed under paragraph 6(5)(b) or 7(2)(b) must be capable of being complied with before the end date.
- (4) In dealing with an offender under paragraph 6(5)(b) or 7(2)(b) the court may substitute a later date for the end date.
- (5) A date substituted under sub-paragraph (4)—
- (a) must not be more than 6 months after the existing end date;
 - (b) subject to that, may be more than 3 years after the date on which the order took effect.
- (6) Once the power in sub-paragraph (4) has been exercised in relation to the order, it may not be exercised again in relation to it by any court.
- (7) Where—
- (a) in dealing with the offender under paragraph 6(5)(b) or 7(2)(b), the court imposes an unpaid work requirement, and
 - (b) the youth rehabilitation order does not already contain an unpaid work requirement,
- the number of hours for which the offender may be required to work under the requirement (see paragraph 10(3) of Schedule 6) must not, in aggregate, be less than 20.
- (8) The court may not under paragraph 6(5)(b) or 7(2)(b) impose—
- (a) an extended activity requirement, or
 - (b) a fostering requirement,
- if the order does not already impose such a requirement.
- (9) Sub-paragraph (10) applies where—

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- (a) the order includes a fostering requirement (the “original requirement”), and
 - (b) under paragraph 6(5)(b) or 7(2)(b) the court proposes to substitute a new fostering requirement (“the substitute requirement”) for the original requirement.
- (10) The fostering period (see paragraph 26(3) of Schedule 6) for the substitute requirement must end—
- (a) within 18 months beginning with the day on which the original requirement first took effect, and
 - (b) before the offender reaches the age of 18.

Commencement Information

I10 Sch. 7 para. 10 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Powers in paragraphs 6 and 7 to re-sentence: further provisions relating to intensive supervision and surveillance

- 11 (1) This paragraph applies where—
- (a) the court is dealing with the offender under paragraph 6(5)(c) or 7(2)(c) for an offence, and
 - (b) the offender has wilfully and persistently failed to comply with the youth rehabilitation order.
- (2) The court may impose a youth rehabilitation order with intensive supervision and surveillance even if—
- (a) the offence is not an imprisonable offence, or
 - (b) the court is not of the opinion mentioned in section 180(2)(a) (custodial sentence otherwise appropriate).
- (3) If—
- (a) the order is a youth rehabilitation order with intensive supervision and surveillance, and
 - (b) the offence is an imprisonable offence,
- the court may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (threshold for imposing discretionary custodial sentence).
- (4) If—
- (a) the order is a youth rehabilitation order with intensive supervision and surveillance which was imposed by virtue of sub-paragraph (2), and
 - (b) the offence is not an offence punishable with imprisonment,
- the court's powers under paragraph 6(5)(c) or 7(2)(c) to deal with the offender for the offence include power to make a detention and training order for a term not exceeding 4 months.

Commencement Information

I11 Sch. 7 para. 11 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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PART 3

REVOCATION OF ORDER WITH OR WITHOUT RE-SENTENCING

Youth rehabilitation order subject to magistrates' court supervision

- 12 (1) This paragraph applies where—
- (a) a youth rehabilitation order subject to magistrates' court supervision is in force in respect of an offender,
 - (b) the offender or the responsible officer makes an application to the appropriate court under this sub-paragraph.
- (2) In this paragraph, “the appropriate court” means—
- (a) if the offender is aged under 18 when the application under sub-paragraph (1) is made, a youth court acting in the offender's home local justice area, and
 - (b) if the offender is aged 18 or over at that time, a magistrates' court (other than a youth court) acting in that local justice area.
- (3) No application may be made under sub-paragraph (1) while an appeal against the youth rehabilitation order is pending.
- (4) Unless the application was made by the offender, the appropriate court—
- (a) must, before exercising its powers under sub-paragraph (5)(b), summon the offender to appear before it, and
 - (b) if the offender does not appear in answer to the summons, may issue a warrant for the offender's arrest.
- (5) If it appears to the appropriate court to be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made, the appropriate court may—
- (a) revoke the order, or
 - (b) both—
 - (i) revoke the order, and
 - (ii) re-sentence the offender for the offence in respect of which the order was made.
- (6) The circumstances in which a youth rehabilitation order may be revoked under sub-paragraph (5) include the offender's—
- (a) making good progress, or
 - (b) responding satisfactorily to supervision or treatment (as the case requires).
- (7) If the court deals with the offender under sub-paragraph (5)(b), it must take into account the extent to which the offender has complied with the requirements of the youth rehabilitation order.
- (8) A person sentenced under sub-paragraph (5)(b) for an offence may appeal to the Crown Court against the sentence.
- (9) If the application is dismissed, no-one may make a further application under sub-paragraph (1) during the 3 month period beginning with the date of the dismissal, except with the consent of the appropriate court.

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Commencement Information

I12 Sch. 7 para. 12 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Crown Court youth rehabilitation order

- 13 (1) This paragraph applies where a Crown Court youth rehabilitation order is in force and—
- (a) the offender, or
 - (b) the responsible officer,
- makes an application to the Crown Court under this sub-paragraph.
- (2) No application may be made under sub-paragraph (1) while an appeal against the youth rehabilitation order is pending.
- (3) Unless the application was made by the offender, the Crown Court—
- (a) must, before exercising its powers under sub-paragraph (4)(b), summon the offender to appear before the court, and
 - (b) if the offender does not appear in answer to the summons, may issue a warrant for the offender's arrest.
- (4) If it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made, the Crown Court may—
- (a) revoke the order, or
 - (b) both—
 - (i) revoke the order, and
 - (ii) re-sentence the offender for the offence in respect of which the order was made.
- (5) The circumstances in which a youth rehabilitation order may be revoked under sub-paragraph (4) include the offender's—
- (a) making good progress, or
 - (b) responding satisfactorily to supervision or treatment (as the case requires).
- (6) If the Crown Court deals with the offender under sub-paragraph (4)(b), it must take into account the extent to which the offender has complied with the requirements of the youth rehabilitation order.
- (7) If the application is dismissed, no-one may make a further application under sub-paragraph (1) during the 3 month period beginning with the date of the dismissal, except with the consent of the Crown Court.

Commencement Information

I13 Sch. 7 para. 13 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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PART 4

AMENDMENT OF ORDER

Appropriate court

- 14 In this Part of this Schedule, “the appropriate court”, in relation to an application relating to a youth rehabilitation order, means—
- (a) if the order is subject to magistrates' court supervision—
 - (i) if the offender is aged under 18 when the application is made, a youth court acting in the offender's home local justice area, and
 - (ii) if the offender is aged 18 or over at that time, a magistrates' court (other than a youth court) acting in that local justice area;
 - (b) if the order is a Crown Court youth rehabilitation order, the Crown Court.

Commencement Information

I14 Sch. 7 para. 14 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Amendment by appropriate court

- 15 (1) This paragraph applies where—
- (a) a youth rehabilitation order is in force, and
 - (b) an application for the amendment of the order is made to the appropriate court by—
 - (i) the offender, or
 - (ii) the responsible officer.
- (2) If the appropriate court is satisfied that the offender proposes to reside, or is residing, in a local justice area (a “new local justice area”) other than the offender's home local justice area for the time being specified in the order, the court—
- (a) must, if the responsible officer made the application under sub-paragraph (1) (b), or
 - (b) may, in any other case,
- amend the youth rehabilitation order to specify the new local justice area as the offender's home local justice area.
- This is subject to paragraph 16.
- (3) The appropriate court may by order amend the youth rehabilitation order—
- (a) by cancelling any of the youth rehabilitation requirements of the order, or
 - (b) by replacing any of those requirements with a youth rehabilitation requirement of the same kind which it could include in a youth rehabilitation order if, applying the relevant assumptions, it were now making such an order in respect of the relevant offence.
- This is subject to paragraph 17.
- (4) In this paragraph—
- “relevant offence” means the offence in respect of which the youth rehabilitation order was made, and

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- the “relevant assumptions” are that—
- (a) the offender has just been convicted by or before the appropriate court of the relevant offence, and
 - (b) the offender is the same age as when in fact convicted of that offence.

Commencement Information

I15 Sch. 7 para. 15 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Exercise of powers under paragraph 15(2): further provision

- 16 (1) This paragraph applies where—
- (a) an application has been made under paragraph 15(1)(b) in respect of a youth rehabilitation order, and
 - (b) the court proposes to exercise its powers under paragraph 15(2) to specify a new local justice area in the order.
- (2) Sub-paragraphs (3) and (4) apply if the youth rehabilitation order contains one or more requirements which, in the opinion of the court, cannot be complied with unless the offender continues to reside in the area then specified as the offender's home local justice area (each, a “specific area requirement”).
- (3) The court may not amend the order under paragraph 15(2) to specify a new local justice area unless it also exercises the power in paragraph 15(3) (by cancelling or substituting each specific area requirement) so that the order can be complied with if the offender resides in the new local justice area.
- (4) If the application was made by the responsible officer, the court must exercise the power in paragraph 15(3) in that way unless it considers it inappropriate to do so.
- (5) Sub-paragraph (6) applies if the youth rehabilitation order imposes a programme requirement.
- (6) The court may not amend the order under paragraph 15(2) unless it is satisfied that a programme which—
- (a) corresponds as nearly as practicable to the programme specified in the order for the purposes of the programme requirement, and
 - (b) is suitable for the offender,
- is available in the new local justice area.

Commencement Information

I16 Sch. 7 para. 16 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Exercise of powers under paragraph 15(3)(b): further provision

- 17 (1) Before exercising its powers under paragraph 15(3)(b) (replacing requirements of a youth rehabilitation order), the court must summon the offender to appear before it, unless—
- (a) the application under paragraph 15(1)(b) was made by the offender, or
 - (b) the court would exercise the powers only to—

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- (i) replace any requirement of the youth rehabilitation order with one of a shorter duration, or
 - (ii) substitute a new local justice area or place for one specified in the order.
- (2) If the offender fails to appear in answer to a summons under sub-paragraph (1) the court may issue a warrant for the offender's arrest.
- (3) Any requirement imposed under paragraph 15(3)(b) must be capable of being complied with before the end date.
This is subject to paragraph 18.
- (4) Any provision that applies to a court where it imposes a requirement on making a youth rehabilitation order applies also to the court where it imposes such a requirement under paragraph 15(3)(b).
That is subject to the following provisions of this paragraph and paragraphs 18 and 19.
- (5) Sub-paragraph (6) applies where—
 - (a) the order includes a fostering requirement (the “original requirement”), and
 - (b) under paragraph 15(3)(b) the court proposes to substitute a new fostering requirement (“the substitute requirement”) for the original requirement.
- (6) The fostering period (see paragraph 26(3) of Schedule 6) for the substitute requirement must end—
 - (a) within 18 months beginning with the day on which the original requirement first took effect, and
 - (b) before the offender reaches the age of 18.
- (7) The court may not under paragraph 15(3)(b) impose—
 - (a) a mental health treatment requirement,
 - (b) a drug treatment requirement, or
 - (c) a drug testing requirement,unless the offender has expressed willingness to comply with the requirement.
- (8) If the offender fails to express willingness to comply with a mental health treatment requirement, a drug treatment requirement or a drug testing requirement which the court proposes to impose under paragraph 15(3)(b), the court may—
 - (a) revoke the youth rehabilitation order, and
 - (b) re-sentence the offender for the offence in respect of which the order was made.
- (9) If the court deals with the offender under sub-paragraph (8)(b), it must take into account the extent to which the offender has complied with the requirements of the order.

Commencement Information

I17 Sch. 7 para. 17 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Changes to legislation: Sentencing Act 2020, SCHEDULE 7 is up to date with all changes known to be in force on or before 11 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

Extension of order

- 18 (1) The appropriate court may, on the application of—
- (a) the offender, or
 - (b) the responsible officer,
- amend a youth rehabilitation order by substituting a later date for the end date.
- (2) Unless the application was made by the offender, the court—
- (a) must, before exercising its powers under this paragraph, summon the offender to appear before the court, and
 - (b) if the offender fails to appear in answer to the summons, may issue a warrant for the offender's arrest.
- (3) A date substituted under sub-paragraph (1)—
- (a) must not be more than 6 months after the existing end date;
 - (b) subject to that, may be more than 3 years after the date on which the order took effect.
- (4) Once the power in sub-paragraph (1) has been exercised in relation to the order, it may not be exercised again in relation to it by any court.

Commencement Information

I18 Sch. 7 para. 18 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Extension of unpaid work requirement

- 19 (1) This paragraph applies where a youth rehabilitation order imposing an unpaid work requirement is in force in respect of an offender.
- (2) The appropriate court may, on the application of—
- (a) the offender, or
 - (b) the responsible officer,
- extend the period of 12 months specified in paragraph 10(1)(b) of Schedule 6, if it appears to the appropriate court to be in the interests of justice to do so having regard to circumstances which have arisen since the order was made.
- (3) Unless the application was made by the offender, the court—
- (a) must, before exercising its powers under this paragraph, summon the offender to appear before the court, and
 - (b) if the offender fails to appear in answer to the summons, may issue a warrant for the offender's arrest.

Commencement Information

I19 Sch. 7 para. 19 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Changes to legislation: Sentencing Act 2020, SCHEDULE 7 is up to date with all changes known to be in force on or before 11 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

PART 5

CONVICTION OF FURTHER OFFENCE

Powers of magistrates' court following subsequent conviction

- 20 Paragraphs 21 and 22 apply where—
- (a) a youth rehabilitation order (“the existing youth rehabilitation order”) is in force in respect of an offender, and
 - (b) the offender is convicted of an offence (the “further offence”) by a youth court or other magistrates' court (“the convicting court”).

Commencement Information

I20 Sch. 7 para. 20 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

- 21 (1) This paragraph applies if—
- (a) the existing youth rehabilitation order is subject to magistrates' court supervision, and
 - (b) the convicting court is dealing with the offender for the further offence.
- (2) If it appears to the convicting court to be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made, the convicting court may—
- (a) revoke the youth rehabilitation order, or
 - (b) both—
 - (i) revoke the youth rehabilitation order, and
 - (ii) re-sentence the offender for the offence in respect of which the order was made.
- (3) Unless the offender is before it, the convicting court may not deal with the offender under sub-paragraph (2)(b) unless it has summoned the offender to appear before it.
- (4) If the offender fails to appear in answer to a summons under sub-paragraph (3) the court may issue a warrant for the offender's arrest.
- (5) If the convicting court deals with the offender under sub-paragraph (2)(b), it must take into account the extent to which the offender has complied with the requirements of the order.
- (6) A person sentenced under sub-paragraph (2)(b) for an offence may appeal to the Crown Court against the sentence.

Commencement Information

I21 Sch. 7 para. 21 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

- 22 (1) Sub-paragraph (2) applies if—
- (a) the existing youth rehabilitation order was made by the Crown Court but is subject to magistrates' court supervision, and
 - (b) the convicting court would, but for this paragraph, deal with the offender for the further offence.

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- (2) The convicting court may, instead of proceeding under paragraph 21—
 - (a) commit the offender to custody, or
 - (b) release the offender on bail,
 until the offender can be brought before the Crown Court.
- (3) Sub-paragraph (4) applies if the youth rehabilitation order is a Crown Court youth rehabilitation order.
- (4) The convicting court may—
 - (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.
- (5) Where the convicting court deals with an offender's case under sub-paragraph (2) or (4), it must send the Crown Court such particulars of the case as may be desirable.
- (6) Unless the offender is before it, the convicting court may not deal with the offender under this paragraph unless it has summoned the offender to appear before it.
- (7) If the offender fails to appear in answer to a summons under sub-paragraph (6) the court may issue a warrant for the offender's arrest.

Commencement Information

I22 Sch. 7 para. 22 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Powers of Crown Court following subsequent conviction

- 23 (1) This paragraph applies where a youth rehabilitation order is in force in respect of an offender, and the offender—
 - (a) is convicted by the Crown Court of an offence, or
 - (b) is brought or appears before the Crown Court—
 - (i) by virtue of paragraph 22(2) or (4), or
 - (ii) having been committed by a magistrates' court to the Crown Court for sentence.
- (2) If it appears to the Crown Court that it would be in the interests of justice to do so, having regard to circumstances which have arisen since the youth rehabilitation order was made, the Crown Court may—
 - (a) revoke the order, or
 - (b) both—
 - (i) revoke the order, and
 - (ii) re-sentence the offender for the offence in respect of which the order was made.
- (3) Unless the offender is before it, the Crown Court may not deal with the offender under sub-paragraph (2)(b) unless it has summoned the offender to appear before it.
- (4) If the offender fails to appear in answer to a summons under sub-paragraph (3) the Crown Court may issue a warrant for the offender's arrest.

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- (5) If the Crown Court deals with the offender under sub-paragraph (2)(b), it must take into account the extent to which the offender has complied with the requirements of the order.
- (6) If the offender is brought or appears before the Crown Court by virtue of paragraph 22(2) or (4), the Crown Court may deal with the offender for the further offence in any way which the convicting court could have dealt with the offender for that offence.
- (7) In sub-paragraph (6), “further offence” and “the convicting court” have the meanings given by paragraph 20.

Commencement Information

I23 Sch. 7 para. 23 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

PART 6

SUPPLEMENTARY

Warrants

- 24 (1) Sub-paragraph (2) applies where an offender—
- (a) is arrested under a warrant issued by virtue of this Schedule, and
 - (b) cannot immediately be brought before the court before which the warrant directs the offender to be brought (“the relevant court”).
- (2) The person in whose custody the offender is—
- (a) may arrange for the offender to be detained in a place of safety for a period of not more than 72 hours from the time of the arrest, and
 - (b) must, within that period, bring the offender before a youth court or, if the offender is aged 18 or over, a magistrates' court other than a youth court.
- (3) In the case of a warrant issued by the Crown Court, section 81(5) of the Senior Courts Act 1981 (duty to bring person before magistrates' court) does not apply.
- (4) A person detained in accordance with arrangements under sub-paragraph (2)(a) is deemed to be lawfully detained.

Commencement Information

I24 Sch. 7 para. 24 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

- 25 (1) This paragraph applies where the court before which the offender is brought under paragraph 24(2) (“the alternative court”) is not the relevant court.
- (2) If the relevant court is a magistrates' court—
- (a) the alternative court may—
 - (i) direct that the offender be released forthwith, or
 - (ii) remand the offender, and

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- (b) section 128 of the Magistrates' Courts Act 1980 (remand in custody or on bail) applies as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the relevant court.
- (3) If the relevant court is the Crown Court, section 43A of the Magistrates' Courts Act 1980 (functions of magistrates' court where a person in custody is brought before it with a view to appearance before the Crown Court) applies as if, in subsection (1)—
 - (a) the words “issued by the Crown Court” were omitted, and
 - (b) the reference to section 81(5) of the Senior Courts Act 1981 were a reference to paragraph 24(2)(b).
- (4) If the offender is aged under 18, any power conferred by section 43A or 128 of the Magistrates' Courts Act 1980 to remand the offender in custody is to be taken to be a power to remand the offender to accommodation provided by or on behalf of a local authority.
- (5) If the court remands the offender to accommodation provided by or on behalf of a local authority, it must designate, as the authority which is to receive the offender, the local authority for the area in which it appears to the court that the offender resides.
- (6) In this paragraph “relevant court” has the same meaning as in paragraph 24.

Commencement Information

I25 Sch. 7 para. 25 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Adjournment of proceedings

- 26 (1) This paragraph applies to any hearing relating to an offender held by a youth court or other magistrates' court in any proceedings under this Schedule.
- (2) The court may adjourn the hearing.
 - (3) Where the court adjourns the hearing under sub-paragraph (2), it may—
 - (a) direct that the offender be released forthwith, or
 - (b) remand the offender.
 - (4) Where the court remands the offender under sub-paragraph (3)—
 - (a) it must fix the time and place at which the hearing is to be resumed, and
 - (b) the remand must require the offender to be brought before the court at that time and place.
 - (5) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
 - (a) it may fix the time and place at which the hearing is to be resumed, but
 - (b) if it does not do so, must not resume the hearing unless it is satisfied that the following persons have had adequate notice of the time and place of the resumed hearing—
 - (i) the offender,
 - (ii) if the offender is aged under 14, a parent or guardian of the offender, and
 - (iii) the responsible officer.

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- (6) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.
- (7) This paragraph—
- (a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
 - (b) is not to be taken to affect the application of that section to hearings of any other description.

Commencement Information

I26 Sch. 7 para. 26 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Provision of copies of orders etc

- 27 (1) This paragraph applies on the making of an order by a court under this Schedule revoking or amending a youth rehabilitation order.
- (2) The court must forthwith provide copies of the revoking or amending order to—
- (a) the offender,
 - (b) if the offender is aged under 14, to the offender's parent or guardian, and
 - (c) the responsible officer.
- (3) In the case of an amending order which substitutes a new local justice area as the offender's home local justice area, the court must also forthwith provide a copy of the amending order to—
- (a) a provider of probation services operating in that area, and
 - (b) the magistrates' court acting in that area.
- (4) If the court amends the youth rehabilitation order by imposing or cancelling a requirement specified in column 1 of the table in sub-paragraph (6), it must also forthwith provide the person specified for that requirement in column 2 with a copy of so much of the amending order as relates to that requirement.
- (5) If the court revokes the youth rehabilitation order, for each requirement specified in column 1 of that table that the order imposed, the court must forthwith provide the person specified for that requirement in column 2 of that table with a copy of the revoking order.
- (6) That table is—

Requirement

Person to whom copy of requirement is to be given

An activity requirement which comprises or includes a specified place obligation. The person in charge of each place specified under paragraph 3(1)(b) of Schedule 6

An activity requirement which comprises or includes a specified activities obligation. The person in charge of each activity specified under paragraph 4(1)(b) of Schedule 6

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An activity requirement which comprises or includes a specified residential exercise obligation.	The person in charge of each place or activity specified under paragraph 5(1)(b) of Schedule 6
An attendance centre requirement.	The officer in charge of the attendance centre specified under paragraph 14(2)(a) of Schedule 6
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender.	The person intended to be protected
A residence requirement requiring residence with an individual.	The individual specified under paragraph 22(2)(b) of Schedule 6
A place of residence requirement (within the meaning of paragraph 22 of Schedule 6) relating to residence in an institution.	The person in charge of the institution
A local authority residence requirement.	The local authority specified under paragraph 24(3)(b) of Schedule 6
A mental health treatment requirement.	The person in charge of the institution or place specified under sub-paragraph (3)(b)(i) or (ii) of paragraph 28 of Schedule 6, or the person specified under sub-paragraph (3)(b)(iii) of that paragraph
A drug treatment requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
A drug testing requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
An intoxicating substance treatment requirement.	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
An education requirement.	The relevant authority specified under paragraph 39(2)(a) of Schedule 6
[^{F2} An electronic monitoring requirement][^{F2} An electronic compliance monitoring requirement].	Any person who by virtue of paragraph 42(1) of Schedule 6 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.
[^{F3} An electronic whereabouts monitoring requirement	Any person who by virtue of paragraph 46 of Schedule 6 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.]

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- (7) If the youth rehabilitation order is revoked by a magistrates' court acting in a local justice area other than the offender's home local justice area, the court must forthwith provide a copy of the revoking order to a magistrates' court acting in the offender's home local justice area.
- (8) Where under sub-paragraph (3) the court provides a copy of an amending order to a magistrates' court acting in a different area, it must also provide that court with such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

Textual Amendments

- F2** Words in [Sch. 7 para. 27\(6\)](#) Table substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4) (r), [Sch. 17 para. 13\(3\)\(a\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))
- F3** Words in [Sch. 7 para. 27\(6\)](#) Table inserted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4) (r), [Sch. 17 para. 13\(3\)\(b\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

Commencement Information

- I27** Sch. 7 para. 27 in force at 1.12.2020 by S.I. 2020/1236, [reg. 2](#)

Changes to legislation:

Sentencing Act 2020, SCHEDULE 7 is up to date with all changes known to be in force on or before 11 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.

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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)