Law Commission

Reforming the law

The Sentencing Code
Volume II: Draft Legislation

HC 1725

Law Com No 382

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(Law Com No 382)

The Sentencing Code

Volume 2: Draft Legislation

Presented to Parliament pursuant to section 3(2) of the Law Commissions Act 1965

Ordered by the House of Commons to be printed on 22 November 2018

HC 1725

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This publication is available at www.gov.uk/government/publications.

Print ISBN 978-1-5286-0882-4

CCS1118988628 11/18

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the APS Group on behalf of the Controller of Her Majesty's Stationery Office

The Law Commission

The Law Commission was set up by the Law Commissions Act 1965 for the purpose of promoting the reform of the law.

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The terms of this report were agreed on 17 October 2018.

The text of this report is available on the Law Commission's website at http://www.lawcom.gov.uk.

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Appendix 3: Draft Sentencing (Pre-Consolidation Amendments) Bill

The draft Sentencing (Pre-Consolidation Amendments) Bill can also be found on the project's page on the Law Commission Website:

https://www.lawcom.gov.uk/project/sentencing-code/.

Draft Sentencing (Pre-consolidation Amendments) Bill

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A

B I L L

TO

Make provision for amendments to give effect to Law Commission recommendations relating to commencement of enactments relating to sentencing law and to make other pre-consolidation amendments of sentencing law.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Consolidation of sentencing legislation: amendment of law for old offences

(1) In this section—

"repealed provision" means—

(a) an enactment, to the extent that it is to be repealed or revoked by the sentencing consolidation;

(b) a provision made under such an enactment;

"transition time", in relation to a repealed provision, means a time that is specified in, or determined in accordance with, an enactment relating to the coming into force of the repealed provision or any other enactment;

"trigger event", in relation to an offence, means the commission of the offence or any event related to the commission of the offence, including any event—

(a) connected with, or which constitutes any part of, the commission of the offence, or

(b) related to the investigation of, or proceedings related to, the offence.

(2) Subsection (3) applies if a person is convicted of an offence on or after the consolidation date.

(3) Where—

(a) the application to the offence of a repealed provision depends on the time at which a particular trigger event occurred in relation to a particular transition time, and

(b) the transition time fell after the trigger event occurred,

the repealed provision has effect as if the transition time had instead fallen before the trigger event occurred.

(4) Subsection (3) does not operate so far as it would increase—

(a) the maximum term of imprisonment or detention, or

(b) the maximum fine,

with which the offence is punishable.

(5) Subsection (3) is also subject to—

(a) Schedule 1 (exceptions);

(b) any provision made by regulations made by the Secretary of State for the purpose of securing that subsection (3) does not affect the application of particular repealed provisions.

(6) The following have effect subject to subsections (3) to (5)—

(a) a commencement or transitional provision relating to the coming into force of a repealed provision or any other enactment;

(b) a saving subject to which a repealed provision, or any other enactment, has previously been repealed or revoked.

(7) In this section—

"repealed provision" does not include a provision to the extent that it is not in force immediately before the consolidation date, except to the extent that it will come into force on or after that date by virtue of provision passed or made before that date;

a reference to the application of a repealed provision includes a reference to whether or not it applies (or applies for a particular purpose), and to the form in which it applies (or applies for a particular purpose);

references to a repealed provision or to any commencement or transitional provision or saving include references to such a provision passed or made after the passing of this Act.

2 Pre-consolidation amendments relating to sentencing

(1) Schedule 2 contains pre-consolidation amendments of sentencing legislation.

(2) The Secretary of State may by regulations make such further amendments of sentencing legislation as in the Secretary of State's opinion facilitate, or are otherwise desirable in connection with, the consolidation of the whole or a substantial part of the Acts relating to sentencing (with or without other sentencing legislation).

(3) In exercising the power under this section, the Secretary of State may have regard in particular to the desirability of removing differences between provisions relating to—

(a) forfeiture;

(b) powers of different courts to deal with offenders subject to particular sentences;

(c) powers of different courts to provide for when sentences or particular requirements of sentences are to take effect.

(4) Provision that may be made by regulations under this section includes, in particular, provision amending or modifying any provision of sentencing legislation which—

(a) confers power to make legislation, and

(b) is subject to a relevant restriction,

so as to amend, modify or remove that restriction.

A "relevant restriction" is one by virtue of which legislation made in exercise of the power is to come into force only for cases in which commission or conviction of an offence, or any other event, occurs after the time when the legislation is made or comes into force, or any other particular time.

3 Pre-consolidation amendments: interpretation

(1) In this Act—

"the Acts relating to sentencing" means—

(a) the Powers of Criminal Courts (Sentencing) Act 2000;

(b) Part 12 of the Criminal Justice Act 2003;

(c) the following Acts so far as relating to the sentencing of offenders in England and Wales—

(i) the Serious Organised Crime and Police Act 2005;

(ii) the Criminal Justice and Immigration Act 2008;

(iii) the Coroners and Justice Act 2009;

(iv) the Legal Aid, Sentencing and Punishment of Offenders Act 2012;

(v) the Offender Rehabilitation Act 2014;

(vi) the Criminal Justice and Courts Act 2015;

and any other enactment relating to the sentencing of offenders in England and Wales, whenever passed;

"the consolidation date" means the date on which the sentencing consolidation is to come into force (except so far as it restates legislation that is not in force immediately before that date);

"enactment" includes an enactment contained in subordinate legislation;

"the sentencing consolidation" means, if an Act or group of Acts of a kind mentioned in section 5(1) is passed, that Act or group of Acts;

"sentencing legislation" means any enactment relating to the sentencing of offenders, including—

(a) any power to make any such legislation;

(b) any provision amending, repealing or revoking another provision of sentencing legislation;

"the sentencing of offenders" includes anything done by a court when dealing with an offender for an offence.

(2) References in this Act to a person's being convicted include—

(a) a special verdict (within the meaning of section 1 of the Criminal Procedure (Insanity) Act 1964) being returned, and

(b) a finding mentioned in section 5(1)(b) of that Act being made of the person's having done the act or made the omission charged (following a finding of being under a disability).

4 Pre-consolidation amendments: regulations

(1) Any power to make regulations under section 1 or 2 is exercisable by statutory instrument.

(2) Any such regulations may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.

5 Commencement, extent and short title

(1) Sections 1 and 2 are not to come into force unless—

(a) a single Act, or

(b) a group of two or more Acts,

is passed consolidating the whole or a substantial part of the Acts relating to sentencing (with or without other sentencing legislation).

(2) If the sentencing consolidation is passed, those sections, and any regulations made under either of them—

(a) come into force immediately before the consolidation date, and

(b) have effect in relation only in relation to a person convicted of an offence on or after that date.

(3) Subject to the following, this Act extends to England and Wales only.

(4) The modification by section 1 of a repealed provision has the same extent as the repealed provision.

(5) Any modification of a provision by section 1(6) has the same extent as the provision modified.

(6) Any amendment, repeal or revocation made by Schedule 2, or by regulations under section 2, has the same extent as the provision amended, repealed or revoked.

(7) This Act may be cited as the Sentencing (Pre-consolidation Amendments) Act [2019].

SCHEDULES

SCHEDULE 1

Section 1

SECTION 1: EXCEPTIONS

Nothing in section 1 alters the effect of any of the following—

Surcharge and criminal courts charge

1 Paragraph 7 of Schedule 12 to the Domestic Violence, Crime and Victims Act 2004 (commencement of section 14 of that Act (surcharge)), which inserts sections 161A and 161B of the Criminal Justice Act 2003).

2 Section 54(4) of the Criminal Justice and Courts Act 2015 (commencement of section 21A of the Prosecution of Offences Act 1985 (criminal courts charge)).

3 Article 7(2) of the Criminal Justice Act 2003 (Surcharge) Order 2012 (S.I. 2012/1696).

4 Article 3 of the Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2014 (S.I. 2014/2120).

5 Article 3 of the Criminal Justice Act 2003 (Surcharge) (Amendment) Order 2016 (S.I. 2016/389).

Compensation orders

6 Paragraph 10 of Schedule 16 to the Crime and Courts Act 2013 (which relates to the commencement of amendments of section 131 of the Powers of Criminal Courts (Sentencing) Act 2000 (limit on amount payable under magistrates' court compensation order) etc).

7 Paragraph 6A of Schedule 12 to the Criminal Justice Act 1991 (saving relating to changes made by section 17 of that Act) so far as it relates to section 17(3) of the Criminal Justice Act 1991 (increases in certain maxima) so far as it relates to the entry in Part 1 of Schedule 4 to the Criminal Justice Act 1991 relating to section 40(1) of the Magistrates' Courts Act 1980 (compensation orders).

8 Article 1(2) of the Criminal Penalties etc. (Increase) Order 1984 (S.I. 1984/447), as it has effect by virtue of paragraph 2 of Schedule 11 to the Powers of Criminal Courts (Sentencing) Act 2000 (general saving for old transitional provisions and savings), so far as it relates to article 2(1) of that order, so far as it relates to the entry in Schedule 1 to that order relating to section 40(1) of the Magistrates' Courts Act 1980.

9 Paragraph 3(3) of Schedule 8 to the Magistrates' Courts Act 1980 (saving for changes in respect of compensation orders), as it has effect by virtue of

paragraph 2 of Schedule 11 to the Powers of Criminal Courts (Sentencing) Act 2000.

10 Article 2 of and Schedule 1 to the Criminal Law Act 1977 (Commencement No. 3) Order 1977 (S.I. 1977/1682), as it has effect by virtue of paragraph 3(3) of Schedule 8 to the Magistrates' Courts Act 1980 (saving for changes in respect of compensation orders) and paragraph 2 of Schedule 11 to the Powers of Criminal Courts (Sentencing) Act 2000, so far as relating to section 60(2) of the Criminal Law Act 1977 (increase in maximum amount of compensation which may be ordered by magistrates' court).

References to legal aid etc

11 Regulation 6(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013 (S.I. 2013/534) (savings), so far as it relates to paragraph (h) of article 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 6) Order 2013 (S.I. 2013/453), so far as that paragraph relates to the commencement of paragraphs 53 and 69 of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid: consequential amendments of provisions relating to legal representation in proceedings relating to imposition of custodial sentences or certain requirements of youth rehabilitation orders)).

Driving disqualification

12 Paragraph 8(b) of Schedule 11 to the Powers of Criminal Courts (Sentencing) Act 2000 (driving disqualification for certain offences involving assault committed by driving a motor vehicle).

13 The words "committed after 31st December 1997" in section 146(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (driving disqualification for any offence).

References to remands of children

14 Article 7(2)(h) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 4 and Saving Provisions) Order 2012 (S.I. 2012/2906), so far as it relates to paragraph 51 of Schedule 12 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (saving for reference in section 242 of the Criminal Justice Act 2003 to certain remands etc under section 23 of the Children and Young Persons Act 1969).

Detention and training orders

15 Section 106B(1)(c) of the Powers of Criminal Courts (Sentencing) Act 2000 (further supervision after end of term of detention and training order imposed in respect of offence committed on or after 1 February 2015).

Life sentences other than the mandatory life sentence for murder etc

16 Section 224A(1)(b) of the Criminal Justice Act 2003 (life sentence for second listed offence).

17 The words "committed after the commencement of this section" in section 225(1)(a) of the Criminal Justice Act 2003 (life sentence for serious offences).

18 The words "committed after the commencement of this section" in section 226(1)(a) of the Criminal Justice Act 2003 (detention for life for serious offences committed by those under 18).

19 Section 2(10) of the Criminal Justice and Courts Act 2015 (commencement of amendments of Schedule 15 to the Criminal Justice Act 2003) so far as it relates to sections 225(1)(a) and 226(1)(a) of the Criminal Justice Act 2003 (life sentences for serious offence).

20 Section 3(9) of the Criminal Justice and Courts Act 2015 (commencement of amendments of Schedule 15B to the Criminal Justice Act 2003), so far as it relates to section 224A of the Criminal Justice Act 2003 (life sentence for second listed offence).

21 In paragraph 5(2) of Schedule 2 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950) (saving provisions relating to Chapters 1 to 5 of Part 12 of the Criminal Justice Act 2003)—

(a) the paragraph (aa) treated as inserted by paragraph 119 of Schedule 2 to these regulations (saving on repeal of section 109 of the Powers of Criminal Courts (Sentencing) Act 2000);

(b) paragraph (c)(xii), so far as it relates to the repeal of section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 (required life sentence for second serious offence).

22 In section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 (as it has effect by virtue of the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950), in subsection (1)(a), the words "committed after 30th September 1997".

23 Paragraph 37 of Schedule 22 to the Coroners and Justice Act 2009 (which relates to the commencement of amendments to Schedule 15 to the Criminal Justice Act 2003 (specified offences)), except so far as it relates to Schedule 15 to the Criminal Justice Act 2003 as it applies for the purposes of sections 226A and 226B of that Act (extended sentences) and sections 3A and 3C of the Powers of Criminal Courts (Sentencing) Act 2000 (committal of dangerous offenders to the Crown Court for sentence).

Mandatory life sentence for murder etc

24 Section 27(4) of the Criminal Justice and Courts Act 2015 (term of imprisonment for murder of police or prison officer).

25 Article 3 of the Criminal Justice Act 2003 (Mandatory Life Sentence: Determination of Minimum Term) Order 2010 (S.I. 2010/197) (commencement of amendments relating to starting point where offender took knife or other weapon to scene).

26 Article 7(4) of the Coroners and Justice Act 2009 (Commencement No. 4, Transitional and Saving Provisions) Order 2010 (S.I. 2010/816) (commencement of amendments to Schedule 21 to the Criminal Justice Act 2003 (starting point for mandatory life sentence)).

27 Paragraph 9(b) of Schedule 22 to the Criminal Justice Act 2003 (restriction on powers of court where it passes mandatory life sentence for murder committed before 18 December 2003).

28 Article 3(1)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 4 and Saving Provisions) Order 2012 (S.I. 2012/2906) so far as it relates to the commencement of section 65(9) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (amendments of aggravating factors for purposes of determining minimum term of mandatory life sentence).

Mandatory minimum sentences

29 In section 51A of the Firearms Act 1968 (minimum sentence for certain offences under s. 5), in subsection (1)(b), the words "after the commencement of this section and".

30 Section 30(5) of the Violent Crime Reduction Act 2006 (application of minimum sentences for certain firearms offences).

31 Paragraph 41(1) of Schedule 22 to the Coroners and Justice Act 2009 so far as it relates to amendments made by paragraph 10 of Schedule 17 to that Act to sections 110 and 111 of the Powers of Criminal Courts (Sentencing) Act 2000 (mandatory minimum sentences for certain repeat offences).

32 In section 110 of the Powers of Criminal Courts (Sentencing) Act 2000 (minimum of 7 years for third class A drug trafficking offence)—

(a) in subsection (1)(a), the words "committed after 30th September 1997";

(b) in subsection (2A)(a)(ii), the words "was committed after the relevant date.

33 In section 111 of the Powers of Criminal Courts (Sentencing) Act 2000 (minimum of 3 years for third domestic burglary offence)—

(a) in subsection (1)(a), the words "committed after 30th November 1999";

(b) in subsection (1)(c), "and both of them were committed after the relevant date".

34 Section 1(2A)(a) of the Prevention of Crime Act 1953 (application of minimum sentence for offence under section 1 of that Act).

35 Section 139(6A)(b) of the Criminal Justice Act 1988 (application of minimum sentence for offence under section 139 of that Act).

36 Section 139A(5A)(b) of the Criminal Justice Act 1988 (application of minimum sentence for offence under section 139A of that Act).

SCHEDULE 2

Section 2

SENTENCING CONSOLIDATION: PRE-CONSOLIDATION AMENDMENTS

PART 1

AMENDMENTS OF THE POWERS OF CRIMINAL COURTS (SENTENCING) ACT 2000

1 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

2 In section 1ZA (undertakings to participate in restorative justice activities), in subsection (6), after "issued" insert "from time to time".

3 In section 1D (deferment of sentence: supplementary), at the end insert—

"(7) Where a magistrates' court has deferred passing sentence on an offender under section 1, any reference in sections 1 to 1C or this section to the court which deferred passing sentence on the offender includes a reference to any magistrates' court acting in the same local justice area."

4 In section 3 (committal for sentence on summary trial of offence triable either way), in subsection (2)(a), omit ", in the court's opinion,".

5 (1) Section 3A (committal for sentence of dangerous adult offenders) is amended as follows.

(2) In subsection (2), for "it appears to the court" substitute "the court is of the opinion".

(3) In subsection (4)—
(a) omit "and" at the end of paragraph (a);
(b) paragraph (b) becomes subsection (4A).

(4) In subsection (5), after "section 3 above" insert "or section 4 below".

6 In section 3B (committal for sentence of young offenders on summary trial of certain serious offences), in subsection (2), omit ", in the court's opinion,".

7 (1) Section 3C (committal for sentence of dangerous young offenders) is amended as follows.

(2) In subsection (2), for "it appears to the court" substitute "the court is of the opinion".

(3) In subsection (4)—
(a) for "a specified offence" substitute "a person convicted of a specified offence";
(b) after "section 3B" insert "or 4A".

8 (1) Section 4 (committal for sentence on indication of guilty plea to offence triable either way) is amended as follows.

(2) In subsection (5), for the words following "could" substitute "have dealt with him in respect of it".

(3) In subsection (8)—
(a) omit "and" at the end of paragraph (a);
(b) paragraph (b) becomes subsection (9).

9 (1) Section 4A (committal for sentence on indication of guilty plea by child or young person with related offences) is amended as follows.

(2) In subsection (1)(a), after "appears or" insert "is".

(3) In subsection (5), for the words following "could" substitute "have dealt with him in respect of it".

10 In section 5 (power of Crown Court on committal for sentence under sections 3, 3A and 4), in subsection (1) omit "just".

11 In section 5A (power of Crown Court on committal for sentence under sections 3B, 3C and 4A), in subsection (1) omit "just".

12 In section 6 (committal for sentence in certain cases where offender committed in respect of another offence), in subsection (4)—

(a) after paragraph (a) insert—

"(aa) section 6(6) or 9(3) of the Bail Act 1976 (committal to Crown Court for offences of absconding by person released on bail or agreeing to indemnify sureties in criminal proceedings);

(ab) section 43 of the Mental Health Act 1983 (power of magistrates' courts to commit for restriction order);";

(b) before paragraph (e) insert—

"(da) paragraph 22(1) of Schedule 8 to the Criminal Justice Act 2003 (commission of further offence while community order is in force);";

(c) in paragraph (e), for "the Criminal Justice Act 2003" substitute "that Act".

13 (1) Section 7 (power of Crown Court on committal for sentence under section 6) is amended as follows.

(2) In subsection (1)—

(a) for "deal", in the second place it occurs, substitute "have dealt";

(b) omit "just".

(3) Omit subsection (4).

14 (1) Section 8 (power and duty to remit young offenders to youth courts for sentence) is amended as follows.

(2) In subsection (2)—

(a) for "remit the case" substitute "remit the offender";

(b) in paragraph (a), for "where he was sent" substitute "where the magistrates' court sat which sent the offender".

(3) In subsection (3)—

(a) for "a case" substitute "an offender";

(b) for "the offender shall be brought before a youth court accordingly, and that court" substitute "the youth court before which the offender appears or is brought".

(4) In subsection (4)—

(a) for "remitting a case" substitute "remitting an offender";

(b) in paragraph (a), after "may" insert "in the case of the Crown Court" and after "he can" insert "appear or";

(c) in paragraph (b), for "cause to be transmitted" substitute "provide";

(d) in paragraph (b)(ii), for "the case" substitute "the offender".

(5) After subsection (4) insert—

"(4A) A magistrates' court which remits an offender to a youth court under subsection (2) above must adjourn proceedings in relation to the offence; and section 128 of the Magistrates' Courts Act 1980 (remand in custody or on bail) and all other enactments, whenever passed, relating to remand or the granting of bail in criminal proceedings are

to have effect, in relation to the magistrates' court's power or duty to remand the offender on that adjournment, as if any reference to the court to or before which the person remanded is to be brought or appear after remand were a reference to the youth court to which the offender is being remitted.

(4B) For the purposes of subsection (4A) "enactment" and "bail in criminal proceedings" have the meanings given by section 10(8)."

(6) In subsection (5)—

(a) for "a case" substitute "an offender";

(b) after "but" insert "(if the offender is remitted by the Crown Court)";

(c) for "the case" substitute "the offender";

(d) at the end insert—

" (This is without prejudice to any right of appeal which the offender may have against any order made in respect of the offence by that court, where the offender is remitted to it by a magistrates' court.)"

(7) In subsection (6)—

(a) for "case", in the first place it occurs, substitute "offender";

(b) at the end, insert "(in which event the court may, but need not, so remit the offender)".

(8) In subsection (7) for "case", in the second place it occurs, substitute "offender".

15 In section 9 (power of youth court to remit offender who attains age of 18 to magistrates' court other than youth court for sentence), in subsection (2)(b)—

(a) for "case" substitute "offender";

(b) for "deal with it" substitute "deal with the offender".

16 (1) Section 10 (power of magistrates' court to remit case to another magistrates' court for sentence) is amended as follows.

(2) In subsection (2)—

(a) in paragraph (a), at the end insert "by the court by which the offender was convicted";

(b) in paragraph (b), for "convicting court", substitute "court by which the offender was convicted".

(3) In subsection (3)—

(a) in the opening words, for "the trial of the information charging him with" substitute "proceedings in relation to";

(b) in paragraph (b) for "case" substitute "offender" and for "deal with it" substitute "deal with the offender".

(4) In subsection (6), for "any other" substitute "an".

17 In section 12 (absolute and conditional discharge), in subsection (1)(b), for "from" substitute "beginning with".

18 (1) Section 13 (commission of further offence by person conditionally discharged) is amended as follows.

(2) In subsection (5), for paragraph (a) substitute—

"(a) may commit him in custody or on bail to the Crown Court; and".

(3) In subsection (6), at the end insert "(but as if the offender were the same age as when in fact convicted, if the offender had been under 18 then).

(4) After subsection (6) insert—

"(6A) But if the order for conditional discharge was made by the Crown Court otherwise than on appeal from a magistrates' court but in circumstances where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence, the power of the Crown Court under subsection (6) is power to deal with the offender in any way in which a magistrates' court could deal with the offender if it had just convicted the offender of the offence (but as if the offender were the same age as when in fact convicted, if the offender had been under 18 then)."

(5) In subsection (7), at the end insert "(but as if the offender were the same age as when in fact convicted, if the offender had been under 18 then)".

(6) In subsection (8), at the end insert "(but as if the offender were the same age as when in fact convicted, if the offender had been under 18 then)".

(7) Omit subsection (9).

19 (1) Section 15 (discharge: supplementary) is amended as follows.

(2) After subsection (1) insert—

"(1A) Provision that may be made by an order under subsection (1) includes provision that has effect in relation to an offence (whenever committed) of which a person is convicted after the order comes into force."

(3) In subsection (2)(b), omit "the criminal division of".

20 In section 16 (duty and power to refer certain young offenders to youth offender panels), in subsection (1), for "aged under 18 for an offence" substitute "for an offence where the person was aged under 18 at the time of conviction of the offence".

21 In section 17 (the referral conditions), after subsection (4) insert—

"(4A) Provision that may be made by regulations under this section includes provision that has effect in relation to an offence (whenever committed) of which an offender is convicted after the regulations come into force."

22 In section 24 (first meeting: duration of contract), in subsection (5), for "9ZD, 11 or 12" substitute "6A, 9ZD or 10".

23 In section 30 (regulations under Part 3), in subsection (4), after "such" insert "consequential".

24 (1) Section 73 (reparation orders) is amended as follows.

(2) In subsection (3), for "an offender" substitute "an offence".

(3) In subsection (4)—

(a) in the opening words, for "the offender" substitute "the offence";

(b) in paragraph (a), for "him" substitute "the offender";

(c) in paragraph (b), for "him" substitute "the offence".

(4) In subsection (4B), for "under" substitute "as mentioned in".

(5) In subsection (5), omit "an officer of a local probation board,".

25 (1) Section 74 (requirements and provisions of reparation order, and obligations of person subject to it) is amended as follows.

(2) In subsection (3), for paragraph (a) (but not including the "and" at the end) substitute—

"(a) any conflict with the offender's religious beliefs or with any other court order to which the offender may be subject;";

(3) In subsection (5)(a), omit—

(a) "an officer of a local probation board or";

(b) "(as the case may be)".

(4) Omit subsection (6).

(5) In subsection (8), in paragraph (b), for "from" substitute "beginning with".

26 (1) Section 83 (restriction on imposing custodial sentences on persons not legally represented) is amended as follows.

(2) In subsection (2), after paragraph (a) insert—

"(aa) pass an extended sentence of detention under section 226B of the Criminal Justice Act 2003;".

(3) In subsection (5), after "119 below" insert ", under paragraph 8 to Schedule 12 the Criminal Justice Act 2003".

(4) In subsection (6), at the end insert "and a reference to a person being sentenced to imprisonment is to be read accordingly".

27 In section 91 (offenders under 18 convicted of certain serious offences: power to detain for specified period), at the end insert—

"(6) Until the coming into force of section 61 of the Criminal Justice and Court Services Act 2000, the reference in subsection (5) to a person aged 18 or over is to be read as a reference to a person aged 21 or over."

28 In section 96 (detention in a young offender institution for other cases where offender at least 18 but under 21), in paragraph (b), for the words following "opinion" substitute "mentioned in subsection (2) of section 152 of the Criminal Justice Act 2003 or the case falls within subsection (3) of that section".

29 In section 97 (term of detention in a young offender institution, and consecutive sentences), in subsection (5), for "section 84 above" substitute "section 265 of the Criminal Justice Act 2003 (restriction on consecutive sentences for released prisoners)".

30 In section 100 (offenders under 18: detention and training orders), in subsection (1)(b), omit "or the case falls within subsection (3) of that section".

31 (1) Section 101 (term of detention and training order, consecutive terms and taking account of remands) is amended as follows.

(2) After subsection (1) insert—

"(1A) In the case of a summary offence, the maximum term of a detention and training order may not exceed the maximum term of imprisonment that may be imposed (in the case of an offender aged 18 or over) for the offence."

(3) In subsection (2), at the beginning insert "In any other case,"

(4) Before subsection (3) insert—

"(2B) Unless the court provides otherwise under subsection (3) below, a detention and training order takes effect at the beginning of the day on which it is made."

(5) At the end insert—

"(14) Until the coming into force of section 61 of the Criminal Justice and Court Services Act 2000, the reference in subsection (1A) above to an offender aged 18 or over is to be read as a reference to an offender aged 21 or over."

32 (1) Section 103 (detention and training orders: the period of supervision) is amended as follows.

(2) In subsection (2A), after paragraph (b) (but not as part of that paragraph), insert—

" but subject to that, the provision that may be made by an order under subsection (2) includes provision about detention and training orders imposed in respect of an offence (whenever committed) of which a person is convicted after the order comes into force."

(3) In subsection (3)(a), omit "an officer of a local probation board or".

(4) Omit subsection (4) (provision applicable where supervision provided by officer of local probation board).

33 (1) Section 104 (breach of supervision requirements) is amended as follows.

(2) In subsection (3A)(b), "beginning with" substitute "between" and omit "ending with".

(3) In subsection (3B), after "days" in the first place it occurs, insert ", or at some time during a period of two or more days,"

(4) In subsection (3D)(a) for "on the date" substitute "with the day on which".

34 In section 104B (interaction of orders under section 104(3)(a) with other sentences), in subsection (7)(b), after "incidental," insert "consequential,".

35 In section 105 (offences during currency of detention and training order), in subsection (2), for the words before "the new offence" substitute "The court which deals with a person to whom this section applies for".

36 (1) Section 106 (interaction with sentences of detention in a young offender institution) is amended as follows.

(2) In subsection (4), for "the one of them that was imposed on the later occasion" substitute "the sentence of detention in a young offender institution".

(3) In subsection (6), after "on a previous occasion could have dealt with him," insert "or could deal with the person for an offence if the person were the same age as when in fact convicted of it,".

37 In section 106B (further supervision after end of term of detention and training order), in subsection (4)(b), for "the youth offending team" substitute "a youth offending team".

38 In section 110 (minimum of 7 years for third class A drug trafficking offence), in subsection (6)(b), after "institution" insert "(and includes, in relation to an offence for which a person aged 21 or over would be liable to imprisonment for life, custody for life under section 94 above)".

39 (1) Section 130 (compensation orders against convicted persons) is amended as follows.

(2) In subsection (1), omit ", instead of or in addition to dealing with him in any other way,".

(3) After that subsection insert—

"(1A) The power in subsection (1) is exercisable whether or not the court also deals with the offender for the offence in any other way."

(4) Omit subsections (2) to (2A).

40 (1) Section 132 (compensation orders: appeals etc) is amended as follows.

(2) In subsection (1), for "an appeal on which the order could be varied or set aside" substitute "the order being varied or set aside on appeal".

(3) In subsection (2), at the end insert "under subsection (1)".

41 (1) Section 133 (review of compensation orders) is amended as follows.

(2) In subsection (2)(a), for "an appeal on which the compensation order could be varied or set aside" substitute "the compensation order being varied or set aside on appeal".

(3) In subsection (5)(b), omit "the criminal division of".

42 In section 134 (effect of compensation order on subsequent award of damages in civil proceedings), in subsection (2), for "plaintiff" substitute "claimant".

43 In section 137 (power to order parent or guardian to pay fine, costs, compensation or surcharge), in subsection (1A)—

(a) after "Where" insert "a child or young person is convicted of an offence and";

(b) for "a child" substitute "the child".

44 In section 139 (powers and duties of Crown Court in relation to fines and forfeited recognizances), in subsection (2), at the end insert "(but this subsection does not apply where the court imposes a fine on an offender who was aged under 18 at the time of conviction)".

45 In section 140 (enforcement of fines imposed and recognizances forfeited by Crown Court), in subsection (6), for "the Justices of the Peace Act 1997 and, in particular, section 60 of that Act (application of fines and fees)" substitute "section 38 of the Courts Act 2003 (application of receipts of designated officers)".

46 (1) Section 144 (forfeited property which is in police possession) is amended as follows.

(2) In subsection (1), in paragraph (a), for "from" substitute "beginning with".

(3) In subsection (3), for "relevant authority" substitute "relevant body".

(4) In subsection (5), for ""relevant authority"" substitute ""relevant body"".

47 In section 147 (driving disqualification where vehicle used for purposes of crime), in subsection (1), omit paragraph (b) and the word "or" immediately before it.

48 (1) Section 149 (restitution orders: supplementary) is amended as follows.

(2) Omit subsection (2).

(3) In subsection (3)—

(a) for "his sentence" substitute "the sentence of an offender for an offence";

(b) in paragraph (a), for "he", in the first place it occurs, substitute "the offender";

(c) omit paragraph (b).

(4) In subsection (4), for paragraphs (a) and (b) substitute "until there is no further possibility of the order being varied or set aside on appeal (disregarding any power of a court to grant leave to appeal out of time)".

49 (1) Section 150 (binding over of parent or guardian) is amended as follows.

(2) In subsection (7), for "among other things" substitute ", in particular,".

(3) In subsection (10), for "revoke" substitute "discharge".

50 In section 154 (commencement of Crown Court sentence), in subsection (1), for "the Crown Court" substitute "a court".

51 (1) Schedule 1 (youth offender panels: further court proceedings) is amended as follows.

(2) In paragraph 5 (power of court where it upholds panel's decision)—

(a) in sub-paragraph (3), after "paragraphs" insert "6A,";

(b) in sub-paragraph (5)—

(i) in paragraph (a), for the words following "applied)" (but not including the "and" at the end of the paragraph), substitute "it could deal with the offender if it had just convicted the offender of that offence (but as if the offender were the same age as when in fact convicted)";

(ii) in paragraph (b), for "have regard to" substitute "take into account".

(3) In paragraph 6A (power of court to impose fine or extend period for which

contract has effect), at the end insert—

"(8) Provision that may be made by an order under sub-paragraph (7) ("an amending order") includes provision that has effect in relation to a referral order made in respect of an offence (whenever committed) of which an offender was convicted after the amending order comes into force."

(4) In paragraph 9 (discharge of extension orders), after "paragraphs" insert "6A,".

(5) In paragraph 9ZD (power of court on referral back to court for extension of period for which contract has effect), in sub-paragraph (3), for "have regard to" substitute "take into account".

(6) In paragraph 9D (power of court to make parenting order: application of supplemental provisions), in sub-paragraph (7)—
(a) for "18(3)" substitute "18(3A)";
(b) for "any other parenting order" substitute "a parenting order made by virtue of section 8(1)(c) of that Act".

(7) In paragraph 13 (provisions supplementary to paragraph 10), in sub-paragraph (8)—
(a) for "subsection (4)" substitute "subsections (4) and (4A)";
(b) for "it applies" substitute "they apply".

(8) In paragraph 14 (further convictions: power to revoke referral orders)—
(a) in sub-paragraph (2A), after "under paragraph" insert "6A,";
(b) in sub-paragraph (3), for the words following "applied)", substitute "a magistrates' court could deal with the offender if it had just convicted the offender of that offence (but as if the offender were the same age as when in fact convicted)";
(c) in sub-paragraph (4), for "have regard to" substitute "take into account".

52 (1) Schedule 8 (breach, revocation and amendment of reparation orders) is amended as follows.

(2) In paragraph 2 (breach of requirement of reparation order)—
(a) in sub-paragraph (1), in paragraphs (a) and (b) after "youth court" (in each place where it occurs), insert ", or, if the offender is aged 18 or over, a magistrates' court other than a youth court,";
(b) in sub-paragraph (2)—
(i) in paragraph (b) (resentencing powers of appropriate court), for "he could have been dealt with for that offence by the court which made the order if the order had not been made" substitute "the appropriate court could deal with the offender if it had just convicted him of that offence (but the offender were the same age as when in fact convicted)";
(ii) in paragraph (c), for "in" substitute "to";
(c) in sub-paragraph (3), for "an offender" substitute "an offender's case";
(d) in sub-paragraph (4), for "have dealt with him for that offence if it had not made the order" substitute "deal with the offender if the offender had just been convicted before it of that offence (but were the same age as when in fact convicted)";

(e) after that sub-paragraph insert—

"(4A) But if the reparation order was made by the Crown Court where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence, the power of the Crown Court under sub-paragraph (4) is power to deal with the offender in any way in which a magistrates' court could deal with the offender if it had just convicted the offender of the offence (but as if the offender were the same age as when in fact convicted).";

(f) in sub-paragraph (8)—

(i) in paragraph (b), omit "the criminal division of";

(ii) omit the words after paragraph (b);

(g) after sub-paragraph (8) insert—

"(8A) In proceedings before the Crown Court under this paragraph any question whether offender has breached a requirement of the order is to be determined by the court and not by the verdict of a jury."

(3) In paragraph 5 (revocation and amendment of reparation order), in sub-paragraph (1)(b)(ii), for the words following "any provision which" substitute "it could include in a reparation order if it were now making such an order in respect of the offence for which the order was made, if the offender had just been convicted by it of that offence (but were the same age as when in fact convicted)".

(4) In paragraph 6 (presence of offender in court, remands etc)—

(a) in sub-paragraph (5)(b), omit "to local authority accommodation";

(b) omit sub-paragraph (6);

(c) after that sub-paragraph insert—

"(6A) If the offender is aged under 18, any remand under sub-paragraph (5) is to be to local authority accommodation.";

(d) omit sub-paragraph (7).

PART 2

AMENDMENTS OF THE CRIMINAL JUSTICE ACT 2003

53 The Criminal Justice Act 2003 is amended as follows.

54 (1) Section 143 (determining the seriousness of an offence) is amended as follows.

(2) After subsection (2) insert—

"(2A) Where under subsection (2) the court treats a previous conviction as an aggravating factor, it must state in open court that the offence was so aggravated."

(3) In subsection (3), at the end insert "and must state in open court that the offence was so aggravated."

(4) In subsection (6)—

(a) in paragraph (a), for "defendant" substitute "offender";
(b) in paragraph (b)(ii), for "defendant" substitute "offender".

55 In section 146 (increase in sentences for aggravation related to disability, sexual orientation or transgender identity), at the end insert—

"(7) In this section "presumed" means presumed by the offender."

56 In section 150 (community sentence not available where sentence fixed by law etc), at the end insert—

"(3) This section is subject to section 73(5) of the Serious Organised Crime and Police Act 2005 (assistance by defendant: reduction in sentence)."

57 (1) Section 154 (general limit on magistrates' court's power to impose imprisonment) is amended as follows.

(2) In subsection (6), for "goods" substitute "distress".

(3) For subsection (8) substitute—

"(8) In subsection (4), the reference to want of sufficient goods to satisfy a fine is a reference to circumstances where—
(a) there is power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to recover the fine from a person, but
(b) it appears, after an attempt has been made to exercise the power, that the person's goods are insufficient to pay the amount outstanding (as defined by paragraph 50(3) of that Schedule)."

58 In section 163 (general power of Crown Court to fine offender convicted on indictment) omit "110(2) or".

59 In section 164 (fixing of fines), in subsection (3), for "among other things," substitute "in particular,".

60 (1) Section 177 (community orders) is amended as follows.

(2) In subsection (1)(l), after "25" insert "when convicted".

(3) In subsection (5B) for "on" substitute "at the end of".

(4) After subsection (6) insert—

"(7) In any case in which the amendments made by paragraph 12 of Schedule 16 to the Crime and Courts Act 2013 (electronic monitoring) do not have effect, the references in subsections (5A) and (6) to requirements falling within subsection (1) include an electronic monitoring requirement."

61 (1) Section 190 (imposition of requirements by suspended sentence order) is amended as follows.

(2) In subsection (1)(l), after "25" insert "when convicted".

(3) After subsection (5) insert—

"(6) In any case in which the amendments made by paragraph 13 of Schedule 16 to the Crime and Courts Act 2013 (electronic

monitoring) do not have effect, the references in subsection (5) to requirements falling within subsection (1) include an electronic monitoring requirement."

62 (1) Section 191 (power to provide for review of suspended sentence order) is amended as follows.

(2) In subsection (2), for "Subsection (1) does not apply in the case of an order imposing" substitute "But provision may not be made under subsection (1) in relation to the review of".

(3) In subsection (4)—

(a) for "area for which" substitute "area in which";

(b) for ", if it thinks fit, include in the order provision specifying" substitute "specify";

(c) for "for the area" substitute "in the area".

(4) In subsection (5), omit "the criminal division of".

63 In section 196 (meaning of "relevant order" etc), after subsection (1A) insert—

"(1B) For the purposes of this Chapter a suspended sentence order is in force during the supervision period (within the meaning given in section 189(1A))."

64 In section 198 (duties of responsible officer), in subsection (1), for "has effect" substitute "is in force".

65 In section 199 (unpaid work requirement), in subsection (3) omit "an officer of a local probation board or".

66 In section 200A (rehabilitation activity requirement), in subsection (2), for "for" substitute "on".

67 In section 203 (prohibited activity requirement), in subsection (2), omit "an officer of a local probation board or".

68 In section 204 (curfew requirement), in subsection (3), for "it is made" substitute "the requirement first takes effect".

69 In section 205 (exclusion requirement), in subsection (2), at the end insert "beginning with the day on which the requirement first takes effect."

70 In section 206 (residence requirement), in subsection (4), omit "an officer of a local probation board or".

71 In section 206A (foreign travel prohibition requirement) in subsections (2) and (3) for "the relevant order is made" substitute "the requirement takes effect".

72 (1) Section 207 (mental health treatment requirement) is amended as follows.

(2) In subsection (2)—

(a) in the opening words, after "required" insert "during a period specified under subsection (1)";

(b) in paragraph (a), after "patient in" insert "a hospital or care home specified in the order which is".

(3) In subsection (3)(c) for "such a" substitute "the".

73 (1) Section 208 (mental health treatment at place other than that specified in order) is amended as follows.

(2) In subsection (1), in the words after paragraph (b), omit ", with the consent of the offender,".

(3) After that subsection insert—

"(1A) Such arrangements as are mentioned in subsection (1) may only be made if the offender has expressed willingness for the treatment to be given as mentioned in that subsection."

74 (1) Section 209 (drug rehabilitation requirement) is amended as follows.

(2) In subsection (1)(b), for the words following "description" substitute "as may be determined by the responsible officer or by the person specified as the person by or under whose direction the treatment is to be provided, at such times or in such circumstances as may (subject to the provisions of the order) be so determined".

(3) In subsection (2)(c), omit "an officer of a local probation board or".

(4) In subsection (4), after "period" insert "during the treatment and testing period".

75 In section 210 (drug rehabilitation requirement: provision for review by court), in subsection (4), omit "the criminal division of".

76 (1) Section 211 (periodic review of drug rehabilitation requirement) is amended as follows.

(2) In subsection (3)(b), for the words following "in which" substitute "the court could deal with the offender if the offender had just been convicted by or before it".

(3) After subsection (3) insert—

"(3A) If the relevant order was made by the Crown Court where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence, the power of the Crown Court under subsection (3)(b) is power to deal with the offender in any way in which the magistrates court could deal with the offender if it had just convicted the offender of the offence."

77 In section 212 (alcohol treatment requirement), in subsection (5)—

(a) in the opening words, after "period" insert "during the period specified under subsection (1)";

(b) in paragraph (c), for the words following "direction of" substitute "the person specified under subsection (1)".

78 In section 212A (alcohol abstinence and monitoring requirement), in subsection (12), at the end insert "(and the notice has not been withdrawn)".

79 (1) Section 217 (requirement to avoid conflict with other orders etc) is amended as follows.

(2) In subsection (1)(a), for "relevant order" substitute "court order".

(3) In subsection (2), omit "or requirement imposed".

80 (1) Section 218 (availability of arrangements in local area) is amended as follows.

(2) In subsection (3), at the end insert "(and the notice has not been withdrawn)".

(3) In subsection (4)—

(a) in the opening words, omit "the court";

(b) in paragraph (a)—

(i) at the beginning, insert "the court";

(ii) at the end (but before the "and") insert "(and the notice has not been withdrawn)";

(c) in paragraph (b), at the beginning, insert "the court".

(4) In subsection (9)—

(a) in the opening words, omit "the court";

(b) in paragraph (a)—

(i) at the beginning, insert "the court";

(ii) at the end, insert "(and the notice has not been withdrawn)";

(c) in each of paragraphs (b) and (c), at the beginning, insert "the court".

81 In section 219 (provision of copies of relevant orders), in subsection (1)(d), for "acting" substitute "operating".

82 In section 220A (duty to obtain permission before changing residence), after subsection (4) insert—

"(4A) The responsible officer must refuse an application for permission if—

(a) the offender's present residence is in England or Wales, and

(b) the offender's proposed residence is outside England and Wales."

83 In section 222 (rules), in subsection (1)(c), omit "local probation boards or".

84 In section 223 (power to amend limits), at the end insert—

""(4) Provision that may be made by an order under this section includes provision that has effect in relation to any offence of which a person is convicted after the order comes into force."

85 In section 236A (special custodial sentence for certain offenders of particular concern), in subsection (7), for "an offence committed before" substitute "any offence of which the person was convicted after".

86 (1) Section 238 (power of court to recommend licence conditions for certain prisoners) is amended as follows.

(2) In subsection (1), at the end insert "or detention".

(3) Omit subsection (4).

87 In section 269 (determination of minimum term in relation to mandatory life sentence), after subsection (6) insert—

"(6A) Amendments made by an order under subsection (6) may not have effect in relation to an offence committed before the order comes into force."

88 In section 298 (term of detention and training order), in subsection (3), in the inserted subsection (2A) of section 101 of the Powers of Criminal Courts (Sentencing) Act 2000, at the end of paragraph (a) insert "and".

89 (1) Schedule 8 (breach, revocation or amendment of community order) is amended as follows.

(2) In paragraph 5 (duty to give warning), in sub-paragraph (2)(c), for "the next twelve months" substitute "the period of 12 months beginning with the date on which the warning was given".

(3) In paragraph 7 (issue of summons or warrant by justice of the peace), in sub-paragraph (3)(a), for "before the magistrates' court responsible for the order" substitute "if the court responsible for the order is a magistrates' court, before that court".

(4) In paragraph 9 (powers of magistrates' court), in sub-paragraph (1)(a), after "include if" insert "the court had just convicted the offender of the offence in respect of which the order was made and".

(5) In paragraph 10 (powers of Crown Court to deal with offender on breach)—

(a) in sub-paragraph (1)(a), for "impose if" substitute "include if the offender had just been convicted before it of the offence in respect of which the order was made and";

(b) in sub-paragraph (1)(b), for the words following "made" substitute "—

(i) in any way in which it could deal with the offender for the offence if the offender had just been convicted before it of the offence, unless sub-paragraph (3C) applies;

(ii) if sub-paragraph (3C) applies, in any way in which a magistrates' court could deal with the offender for the offence if it had just convicted the offender of the offence.";

(c) after sub-paragraph (3B) insert—

"(3C) This sub-paragraph applies where the community order was made by the Crown Court where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence."

(6) In paragraph 11 (restriction of powers in paragraphs 9 and 10 where treatment required), omit sub-paragraph (2).

(7) In paragraph 11A (power to amend amount of fine on breach of community order), for sub-paragraph (4) (amendment not to have effect in relation to offence committed before commencement of amendment), substitute—

"(4) Provision that may be made by an order under sub-paragraph (1) (a "fine amendment order") includes provision that has effect in relation to a community order made in respect of an offence (whenever committed) of which the offender was convicted before the fine amendment order comes into force."

(8) In paragraph 13 (revocation of order with or without re-sentencing: powers of magistrates' court)—

(a) in sub-paragraph (6)—

(i) for "a magistrates' court" substitute "the appropriate magistrates' court";

(ii) for "this paragraph" substitute "sub-paragraph (2)(b)";

(b) in sub-paragraph (7)(a), for "the magistrates' court responsible for the order" substitute "if a magistrates' court is responsible for the order, that court,".

(9) In paragraph 14 (powers of Crown Court to deal with offender on revoking community order)—

(a) in sub-paragraph (2)(b)(ii), for the words following "in which" substitute "it could deal with the offender for the offence if the offender had just been convicted before it of the offence (but this is subject to sub-paragraph (2A)).";

(b) after sub-paragraph (2) insert—

"(2A) Where the community order was made by the Crown Court where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence, the power of the Crown Court under sub-paragraph (2)(b)(ii) is power to deal with the offender for the offence in any way in which a magistrates' court could deal with the offender for the offence if it had just convicted the offender of the offence.";

(c) in sub-paragraph (5), for "this paragraph" substitute "sub-paragraph (2)(b)".

(10) In paragraph 17 (amendment of requirements of community order)—

(a) in sub-paragraph (1)(b), after "include if" insert "the offender had just been convicted by or before it of the offence in respect of which the community order was made and";

(b) in sub-paragraph (3)(b), for the words following "in which" substitute "it could deal with the offender for the offence if the offender had just been convicted before it of the offence (but this is subject to sub-paragraph (3A)).";

(c) after sub-paragraph (3) insert—

"(3A) Where the community order was made by the Crown Court where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence, the power of the Crown Court under sub-paragraph (3)(b) is power to deal with the offender for the offence in any way in which a magistrates' court could deal with the offender for the offence if it had just convicted the offender of the offence."

(11) In paragraph 18 (amendment of treatment requirements of community order on report of practitioner)—

(a) in sub-paragraph (1)—

(i) in the opening words, for "the medical practitioner or other person" substitute "the treatment practitioner";

(ii) in the words after paragraph (b), for "variation" substitute "replacement";

(b) after sub-paragraph (2) insert—

"(2A) In sub-paragraph (1), "treatment practitioner" means, in relation to a requirement to which that sub-paragraph applies—

(a) the medical practitioner or other person specified in the community order as the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement, or

(b) in the case of a mental health treatment requirement, if no such person is specified, the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement."

(12) In paragraph 21(2)(b)(ii) (powers of magistrates' court following subsequent conviction: offender subject to community order made by a magistrates' court) for the words following "in which" substitute "it could deal with the offender for the offence if it had just convicted the offender of that offence".

(13) In paragraph 22(1) (powers of magistrates' court following subsequent conviction: offender subject to community order made by Crown Court), for "in custody" substitute "to custody".

(14) In paragraph 23 (powers of Crown Court following subsequent conviction)—

(a) in sub-paragraph (2)(b)(ii), for the words following "in which" substitute "it could deal with the offender for the offence if the offender had just been convicted before it of the offence (but this is subject to sub-paragraph (2A))";

(b) after sub-paragraph (2) insert—

"(2A) Where the community order was made—

(a) by a magistrates' court, or

(b) by the Crown Court where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence,

the power of the Crown Court under sub-paragraph (2)(b)(ii) is power to deal with the offender for the offence in any way in which a magistrates' court could deal with the offender for the offence if it had just convicted the offender of the offence."

(15) In paragraph 24(1) (supplementary)—

(a) after "13," insert "14,";

(b) after "17" insert ", 19A".

(16) In paragraph 25 (court to issue summons or warrant before exercising certain powers)—

(a) in sub-paragraph (2), for the words from "cancelling" to "substituting" substitute "which only does one or more of the following—

(a) revokes a community order;

(b) cancels a requirement of a community order or replaces it with one of a shorter duration;

(c) substitutes";

(b) after sub-paragraph (2) insert—

"(3) This paragraph also does not apply where a court proposes to exercise its powers under Part 5 of this Schedule where the offender is before the court."

(17) In paragraph 26 (restrictions on imposing requirements), for the words following "effect" substitute "in relation to the imposition of any requirement under any of those paragraphs subject to any provision that applies to the court in making a community order as if the court were imposing that requirement on making the order".

(18) In paragraph 27 (copies of revoking or amending orders and other information)—

(a) in sub-paragraph (1), in the opening words, omit "the proper officer of";

(b) in sub-paragraph (2)—

(i) omit "the proper officer of";

(ii) for "the officer" substitute "the court";

(c) omit sub-paragraph (3).

90 (1) Schedule 9 (transfer of community orders to Scotland or Northern Ireland) is amended as follows.

(2) In paragraph 1(6)(c) (matters that must be specified in a community order to be transferred to Scotland), at the beginning insert "if the order specifies as the corresponding order a community payback order under section 227A of the Criminal Procedure (Scotland) Act 1995,".

(3) In paragraph 3 (orders transferred to Northern Ireland)—

(a) in sub-paragraph (1)(a), for "petty sessions district" substitute "administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))";

(b) in sub-paragraph (5), for "petty sessions district" substitute "administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))".

(4) In paragraph 5 (interpretation), in paragraph (b) of the definition of "home court", for the words following "relevant time," substitute "a court of summary jurisdiction".

(5) In paragraph 9 (matters to be explained to offender), before paragraph (a) insert—

"(za) the effect of paragraph 8,".

(6) In paragraph 10 (restrictions on exercise of powers by home court), in paragraphs (c) and (d), for "have specified" substitute "specify if it were now making the order on the assumption that the offender had just been convicted by or before it of the offence in respect of which the order was made".

(7) In paragraph 11(a)(ii) (powers of home court), omit the words following "justice of the peace".

(8) In paragraph 15(b) (certificate of home court to be evidence of breach of order), for "which made the order" substitute "in England and Wales".

91 (1) Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction) is amended as follows.

(2) In paragraph 6(2) (failure to comply with community requirement: issue of summons or warrant by justice of the peace), for "while a suspended sentence order to which this paragraph applies is in force" substitute "during the supervision period of a suspended sentence order to which this paragraph applies".

(3) In paragraph 7(2) (failure to comply with community requirement: issue of summons or warrant by Crown Court), for "while a suspended sentence order to which this paragraph applies is in force" substitute "during the supervision period of a suspended sentence order to which this paragraph applies".

(4) In paragraph 8 (powers of court on breach of community requirement or conviction of further offence)—

(a) in sub-paragraph (1)—

(i) in paragraph (a), after "192(6)" insert "or sub-paragraph (6) of this paragraph";

(ii) in paragraph (b), in the opening words, for "(other than one which" substitute "order (other than one in respect of which the suspended sentence";

(b) in sub-paragraph (2)—

(i) in the opening words, omit "consider his case and";

(ii) in paragraph (c)(i), after "include if" insert "the offender had just been convicted by or before it of the offence in respect of which the order was made and";

(c) in sub-paragraph (6), for "or (c)" substitute ", (c) or (d)";

(d) after sub-paragraph (7) insert—

"(7A) Where—

(a) an offender is convicted of an offence committed during the operational period of a suspended sentence order made by a magistrates' court, and

(b) a magistrates' court commits the offender to the Crown Court under section 6 of the Powers of Criminal Courts (Sentencing) Act 2000 to be dealt with in respect of the suspended sentence order,

sub-paragraph (2) does not apply to the magistrates' court mentioned in paragraph (b)."

(5) In paragraph 9 (further provisions as to order that suspended sentence is to take effect), in sub-paragraph (1)(b), for "term of imprisonment" substitute "custodial sentence".

(6) In paragraph 10 (restriction of powers in paragraph 8 where treatment required), omit sub-paragraph (2).

(7) In paragraph 12A (power to amend level of fines on breach or further

conviction), for sub-paragraph (4) substitute—

"(4) Provision that may be made by an order under sub-paragraph (1) (a "fine amendment order") includes provision that has effect in relation to a suspended sentence order made in respect of an offence (whenever committed) of which the offender was convicted before the fine amendment order comes into force."

(8) In paragraph 13(1) (cancellation of community requirements of suspended sentence order), for "while a suspended sentence order is in force" substitute "during the supervision period of a suspended sentence order".

(9) In paragraph 14(1) (amendment by reason of change of residence), for "at any time while a suspended sentence order is in force" substitute "during the supervision period of a suspended sentence order".

(10) In paragraph 14A(1) (amendment by reason of change of residence), for "at any time while a suspended sentence order is in force" substitute "during the supervision period of a suspended sentence order".

(11) In paragraph 15 (amendment of community requirements of suspended sentence order)—

(a) in sub-paragraph (1)(b), after "include if" insert "the court had just been convicted by or before it of the offence in respect of which the order was made and";

(b) omit sub-paragraph (3);

(c) in sub-paragraph (4)(b), for the words following "in which" substitute "it could deal with the offender for the offence if the offender had just been convicted by or before it of the offence (but this is subject to sub-paragraph (4A)).";

(d) after sub-paragraph (4) insert—

"(4A) Where the suspended sentence order was made by the Crown Court in circumstances where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence, the power of the Crown Court under sub-paragraph (4)(b) is power to deal with the offender for the offence in any way in which a magistrates' court could deal with the offender for the offence if it had just convicted the offender of the offence."

(12) In paragraph 18(1), for "Where—" and paragraphs (a) and (b) substitute "Where, during the supervision period of a suspended sentence order imposing an unpaid work requirement, it appears to the appropriate court, on the application of the offender or an officer of a provider of probation services, that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made,".

(13) In paragraph 21 (restrictions on imposing requirements), for the words following "effect" substitute "in relation to the imposition of any requirement under either of those paragraphs subject to any provision that applies to the court in making a suspended sentence order as if the court were imposing that requirement on making the order".

(14) In paragraph 22 (copies of amending orders)—

(a) in sub-paragraph (1)—
(i) in the opening words omit "the proper officer of";
(ii) in paragraph (d), omit "revocation or" and "revoking or";
(b) in sub-paragraph (2)—
(i) omit "the proper officer of";
(ii) for "the officer" substitute "the court";
(c) omit sub-paragraph (3).

92 (1) Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland) is amended as follows.

(2) In paragraph 1(6) (order amended on transfer to Scotland not to be made subject to review), after "made" insert "or amended".

(3) In paragraph 6 (Northern Ireland)—
(a) in sub-paragraph (1)(a) (arrangements needed for particular requirements), for "the petty sessions district in Northern Ireland" substitute "the administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))";
(b) in sub-paragraph (5) (order amended on transfer to Northern Ireland not to be made subject to review), after "made" insert "or amended".

(4) In paragraph 7(a), for "petty sessions district in Northern Ireland" substitute "the administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))".

(5) In paragraph 8(1), for paragraph (b) substitute "a court of summary jurisdiction in Northern Ireland".

(6) In paragraph 11, in paragraph (b) of the definition of "home court", for the words following "relevant time," substitute "a court of summary jurisdiction".

(7) In paragraph 12 (application of Schedule 12 with modifications)—
(a) in sub-paragraph (5) for "In paragraphs 4 and 5" substitute "Paragraphs 4 and 5 have effect as if the amendments made by paragraph 7(3) to (5) of Schedule 4 to the Offender Rehabilitation Act 2014 (enforcement officers) had not been made, and in those paragraphs";
(b) after sub-paragraph (5) insert—

"(5ZA) Paragraph 5A (role of enforcement officer) is omitted.";

(c) in sub-paragraph (6)—
(i) for "paragraph 14" substitute "paragraphs 14 and 14A";
(ii) in paragraphs (a)(i) and (b)(i), for "concerned" substitute "specified in the order";
(iii) in paragraph (b)(i) and (ii), for "petty sessions district" substitute "administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 (c. 9 (N.I.))".

(8) In paragraph 20 (transfer to England and Wales)—
(a) in sub-paragraph (5) for "petty sessions" substitute "local justice";
(b) in sub-paragraph (6)(a) omit "the local probation board acting in the new local justice area, or (as the case may be)".

PART 3

AMENDMENTS OF THE CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

93 The Criminal Justice and Immigration Act 2008 is amended as follows.

94 In section 1 (youth rehabilitation orders), in subsection (4)(b), after "conviction" insert "and the offence was committed before the date appointed under section 100(2)(b)(ii) of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training order for offender aged under 12)".

95 (1) Section 4 (meaning of "responsible officer") is amended as follows.

(2) In subsection (2)(b)—

(a) omit "an officer of a local probation board appointed for or assigned to the local justice area for the time being so specified or (as the case may be)";

(b) for "so specified" (in the second place it occurs) substitute "specified in the order".

(3) After subsection (4) insert—

"(5) Provision that may be made by an order under subsection (3) includes provision that has effect in relation to a youth rehabilitation order made in respect of an offence (whenever committed) of which an offender is convicted after the order comes into force."

96 (1) Section 5 (responsible officer and offender: duties in relation to the other) is amended as follows.

(2) In subsection (1), for "has effect" substitute "is in force".

(3) In subsection (3), for "youth rehabilitation order" substitute "court order".

97 (1) Section 7 (youth rehabilitation orders: interpretation) is amended as follows.

(2) In subsection (1), omit the definitions of—

(a) "local authority";

(b) "local probation board".

(3) After subsection (1) insert—

"(1A) In this Part, any reference to a local authority in relation to—

(a) accommodation provided by or on behalf of a local authority (including any reference to a local authority which is to receive a person aged under 18), or

(b) placing a person aged under 18 with a local authority foster parent,

has the same meaning as in the Children Act 1989 (see section 105 of that Act).

(1B) In this Part, in relation to a youth offending team—

(a) any reference to a local authority has the same meaning as in Part 3 of the Crime and Disorder Act 1998 (see section 42 of that Act), and

(b) any reference to the area of that local authority is to be read in accordance with section 42(2) of that Act."

(4) In subsection (2)—

(a) for "the Secretary of State or a local authority" in the first place where it occurs, substitute "or the Secretary of State";

(b) omit "or a local authority" in the second place where it occurs.

98 (1) Section 11 (restriction on power to make a community order) is amended as follows.

(2) In subsection (4)(b), in the paragraph (a) to be substituted in section 151(1) of the Criminal Justice Act 2003, for "16" substitute "18".

(3) In subsection (5), in paragraph (b) of the subsection (1A) to be inserted into section 151 of that Act, for "16" substitute "18".

99 (1) Schedule 1 (further provision about youth rehabilitation orders) is amended as follows.

(2) In paragraph 8 (activity requirement: further provisions)—

(a) in sub-paragraph (3)(a) omit ", an officer of a local probation board";

(b) in sub-paragraph (4), for "involve" substitute "require".

(3) In paragraph 10 (unpaid work requirement), in sub-paragraph (4) omit ", an officer of a local probation board".

(4) In paragraph 11 (programme requirement)—

(a) omit sub-paragraph (3)(a)(ii) (but not the "or" at the end);

(b) in sub-paragraph (4), for "involve" substitute "require".

(5) In paragraph 12 (attendance centre requirement), in sub-paragraph (3)(a), omit the "and" at the end of sub-paragraph (ii) and after that sub-paragraph (but not as part of it) insert—

" (and the notice has not been withdrawn), and".

(6) In paragraph 13 (prohibited activity requirement), in sub-paragraph (2) omit paragraph (b) (but not the "or" at the end).

(7) In paragraph 14 (curfew requirement), in sub-paragraph (4)—

(a) for "the place" substitute "each place";

(b) for "in the order" substitute "under sub-paragraph (1)".

(8) In paragraph 16 (residence requirement), omit sub-paragraph (7)(b).

(9) In paragraph 18 (fostering requirement), in sub-paragraph (7), at the end insert "(and the notice has not been withdrawn)".

(10) In paragraph 20 (mental health treatment requirement), in sub-paragraph (2)(a)—

(a) omit the words following "Mental Health Act 1983 (c. 20)" in sub-paragraph (iv);

(b) after that sub-paragraph (iv) (but not as part of it) insert "but not in hospital premises where high security psychiatric services (within the meaning of the Mental Health Act 1983) are provided".

(11) In paragraph 22 (drug treatment requirement), in sub-paragraph (4)—

(a) in paragraph (a), at the end insert "(and the notice has not been withdrawn)";

(b) in paragraph (c), omit ", an officer of a local probation board".

(12) In paragraph 23 (drug testing requirement), in sub-paragraph (3)(a), at the end insert "(and the notice has not been withdrawn)".

(13) In paragraph 24 (intoxicating substance treatment requirement), in sub-paragraph (4)(b), omit ", an officer of a local probation board".

(14) In paragraph 26 (electronic monitoring requirement), in sub-paragraph (6)(a), for the word "and" following sub-paragraph (ii) (but not as part of that sub-paragraph) substitute—

" (and the notice has not been withdrawn in relation to any of those areas), and".

(15) In paragraph 27 (power to amend limits), at the end insert—

"(5) Provision that may be made by an order under this paragraph includes provision that has effect in relation to an offence (whenever committed) of which a person is convicted after the order comes into force."

(16) In paragraph 29 (compatibility of requirements, requirement to avoid conflict with religious beliefs, etc)—

(a) in sub-paragraph (1) omit—

(i) paragraph (b), and

(ii) in the words following paragraph (b), "or orders";

(b) in sub-paragraph (3)(c) for "youth rehabilitation order" substitute "court order".

(17) In paragraph 30 (date of taking effect and other existing orders), in sub-paragraph (1), for "on" substitute "from the beginning of".

(18) In paragraph 31 (concurrent and consecutive orders)—

(a) in sub-paragraph (1)—

(i) for "who has been convicted of" substitute "for";

(ii) omit "associated";

(b) in sub-paragraph (3), after "(1)" insert ", (1A)".

(19) In paragraph 32 (date for compliance with requirements to be specified in order), in sub-paragraph (4), for "on" substitute "at the end of".

(20) In paragraph 34 (provision of copies of orders)—

(a) before sub-paragraph (1) insert—

"(A1) This paragraph applies on the making by a court of a youth rehabilitation order.";

(b) in sub-paragraph (1)(c), for "of a local probation board assigned to the court or to" substitute "who is acting at the court and is";

(c) in sub-paragraph (2), for paragraphs (a) and (b) substitute "is made by a court, other than a magistrates' court which acts in the local justice area specified in the order";

(d) in sub-paragraph (3)(b), omit "the local probation board acting for that area or (as the case may be)".

(21) In paragraph 36 (order made by Crown Court: direction in relation to further proceedings), in sub-paragraph (1), after "youth rehabilitation order" insert "otherwise than on appeal from a magistrates' court".

100 (1) Schedule 2 (breach, revocation or amendment of youth rehabilitation orders) is amended as follows.

(2) In paragraph 2 (orders made on appeal), in paragraph (b), omit "the criminal division of".

(3) In paragraph 6 (powers of magistrates' court), in sub-paragraph (2)—

(a) in paragraph (b), for "which could have been included in the order when it was made—" substitute "which, if the court had just convicted the offender of the offence in respect of which the order was made, the court could include in a youth rehabilitation order in respect of that offence (if the offender were the same age as when in fact convicted of the offence)—";

(b) in paragraph (c), for the words following "could" substitute "deal with the offender if the offender had just been convicted by it of that offence (but were the same age as when in fact convicted of the offence)."

(4) In paragraph 7 (power of magistrates' court to refer offender to Crown Court)—

(a) in sub-paragraph (1)(b), omit "would (apart from that sub-paragraph) be required, or";

(b) in sub-paragraph (2)(a), for "in" substitute "to".

(5) In paragraph 8 (powers of Crown Court), in sub-paragraph (2)—

(a) in paragraph (b), for "which could have been included in the order when it was made—" substitute "which, if the offender had just been convicted on indictment of the offence in respect of which the order was made, the Crown Court could include in a youth rehabilitation order in respect of that offence (if the offender were the same age as when in fact convicted of the offence)—";

(b) in paragraph (c), for the words following "Crown Court" substitute ", or, if the youth rehabilitation order was made by the Crown Court in circumstances where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence, a magistrates' court, could deal with the offender for that offence if the offender had just been convicted by or before it of the offence (but were the same age as when in fact convicted of the offence)".

(6) In paragraph 10 (power to amend amounts of fines), for sub-paragraph (4) substitute—

"(4) Provision that may be made by an order under sub-paragraph (1) (a "fine amendment order") includes provision that has effect in relation to a youth rehabilitation order made in respect of an offence (whenever committed) of which the offender was convicted before the fine amendment order comes into force."

(7) In paragraph 11 (revocation of order with or without re-sentencing: powers of appropriate court)—

(a) in sub-paragraph (2)(b)(ii) for the words following "could" substitute "deal with the offender if the offender had just been convicted by it of that offence (but were the same age as when in fact convicted of the offence)";

(b) in sub-paragraph (6), omit "by the offender".

(8) In paragraph 12 (revocation of order with or without re-sentencing: powers of Crown Court)—

(a) in sub-paragraph (2)(b)(ii), for the words following "could" substitute "deal with the offender for that offence if the offender had just been convicted before it of the offence (but were the same age as when in fact convicted of the offence)";

(b) after sub-paragraph (2) insert—

"(2A) If the youth rehabilitation order was made—

(a) by a magistrates' court, or

(b) by the Crown Court in circumstances where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence,

the power of the Crown Court under sub-paragraph (2)(b)(ii) is power to deal with the offender in any way in which a magistrates' court could deal with the offender if it had just convicted the offender of the offence (but as if the offender were the same age as when in fact convicted).";

(c) in sub-paragraph (5) omit "by the offender".

(9) In paragraph 13 (amendment by appropriate court), in sub-paragraph (4)(b), for "which could have been included in the order when it was made" substitute "which, if the court had just convicted the offender of the offence in respect of which the order was made, the court could include in a youth rehabilitation order in respect of that offence (if the offender were the same age as when in fact convicted of the offence)".

(10) In paragraph 14 (amendment by Crown Court), in sub-paragraph (4)(b), for "which could have been included in the order when it was made" substitute "which, if the offender had just been convicted before it of the offence in respect of which the order was made, the Crown Court could include in a youth rehabilitation order in respect of that offence (if the offender were the same age as when in fact convicted of the offence)."

(11) In paragraph 16 (exercise of powers under paragraph 13(4) or 14(4): further provisions)—

(a) in sub-paragraph (4)(b), for the words following "could" substitute "deal with the offender for that offence if the offender had just been convicted by or before it of the offence (but were the same age as when in fact convicted of the offence)";

(b) after sub-paragraph (4) insert—

"(4A) Where—

(a) it falls to the Crown Court to exercise the power in sub-paragraph (4)(b), and

(b) the Crown Court made the youth rehabilitation order in circumstances where its powers to deal with the offender for the offence were those (however expressed) which would have been

exercisable by a magistrates' court on convicting the offender of the offence,

the power of the Crown Court under sub-paragraph (4)(b) is power to deal with the offender in any way in which a magistrates' court could deal with the offender if it had just convicted the offender of the offence (but as if the offender were the same age as when in fact convicted)."

(12) In paragraph 17 (extension of unpaid work requirement), in paragraph (b) after "appropriate court" insert "(within the meaning of paragraph 16A)".

(13) In paragraph 18 (powers of magistrates' court following subsequent conviction)—

(a) in sub-paragraph (4), for the words following "could" substitute "deal with the offender if the offender had just been convicted by it of that offence (but were the same age as when in fact convicted of the offence)";

(b) in sub-paragraph (9)(a), for "in" substitute "to";

(c) in sub-paragraph (11)(a), for "in" substitute "to".

(14) In paragraph 19 (powers of Crown Court following subsequent conviction)—

(a) in sub-paragraph (3), for the words following "could" substitute "deal with the offender for that offence if the offender had just been convicted before it of that offence (but were the same age as when in fact convicted of that offence)";

(b) after that sub-paragraph insert—

"(3A) If the youth rehabilitation order was made—

(a) by a magistrates' court, or

(b) by the Crown Court in circumstances where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence,

the power of the Crown Court under sub-paragraph (3) is power to deal with the offender in any way in which a magistrates' court could deal with the offender if it had just convicted the offender of the offence (but as if the offender were the same age as when in fact convicted)."

(15) In paragraph 20 (appearance of offender before court)—

(a) in sub-paragraph (2)—

(i) for "make an order" substitute "exercise those powers only to make an order doing one or more of the following";

(ii) in paragraph (b), omit ", or reducing the duration of,";

(iii) after that paragraph insert—

"(ba) replacing a requirement of a youth rehabilitation order with one of a shorter duration;";

(b) after that sub-paragraph insert—

"(3) This paragraph also does not apply where a court proposes to exercise its powers under Part 5 of this Schedule where the offender is before the court."

(16) In paragraph 21 (warrants)—

(a) in sub-paragraph (2)(b), for "a magistrates' court" substitute "a youth court (or, if the offender is 18 or over, a magistrates' court other than a youth court)";

(b) in sub-paragraph (9), omit paragraph (b) (and the word "and" immediately before it).

(17) For paragraph 23 (restrictions on imposition of intensive supervision and surveillance or fostering) substitute—

"23 Paragraphs 6(2)(b), 8(2)(b), 13(4)(b) and 14(4)(b) have effect in relation to the imposition of any requirement under any of those paragraphs subject to any provision that applies to the court in making a youth rehabilitation order as if the court were imposing that requirement on making the order."

(18) In paragraph 24 (provision of copies of orders etc)—

(a) in sub-paragraph (1)—

(i) in the opening words omit "the proper officer of";

(ii) in paragraph (c)(i), omit "the local probation board acting for that area or (as the case may be)";

(b) in sub-paragraph (2)—

(i) omit "the proper officer of";

(ii) for "the officer" substitute "the court";

(c) omit sub-paragraph (3).

(19) In paragraph 25 (power to amend maximum period of fostering requirement)—

(a) the existing paragraph becomes sub-paragraph (1);

(b) after that sub-paragraph insert—

"(2) Provision that may be made by an order under this paragraph includes provision that has effect in relation to an offence (whenever committed) of which an offender is convicted after the order comes into force."

101 (1) Schedule 3 (transfer of youth rehabilitation orders to Northern Ireland) is amended as follows.

(2) In paragraph 1 (making of youth rehabilitation order where offender resides or will reside in Northern Ireland), in sub-paragraph (5)(a), for the words following "requirement" substitute "in Northern Ireland".

(3) In paragraph 2 (amendment of youth rehabilitation order where offender resides or proposes to reside in Northern Ireland), in sub-paragraph (5)(a), for the words following "requirement" substitute "in Northern Ireland".

(4) In paragraph 3 (further provisions regarding the making or amending of youth rehabilitation orders under paragraph 1 or 2), omit paragraph (a).

(5) In paragraph 4 (further provisions applying where court makes or amends order under Part 1 of Schedule 3)—

(a) in sub-paragraph (1) (matters to be explained to offender), before paragraph (a) insert—

"(za) the effect of paragraph 9,";

(b) in sub-paragraph (2) (notices), after "must" insert "forthwith".

(6) In paragraph 5 (modifications to Part 1)—

(a) in sub-paragraph (2)(d), omit "18(7),";

(b) in sub-paragraph (5), for the words following "have effect as" substitute "references to the Education Authority established under section 1 of the Education Act (Northern Ireland) 2014 (c. 12 (N.I.))";

(c) in sub-paragraph (6A), for "the Education and Library Board specified under that paragraph" substitute "the Education Authority established under section 1 of the Education Act (Northern Ireland) 2014 (c. 12 (N.I.))".

(7) In paragraph 8 (interpretation), in the definition of "home court", for paragraph (a) substitute—

"(a) a court of summary jurisdiction in Northern Ireland, or".

(8) In paragraph 11 (direction by Crown Court in Northern Ireland that proceedings in Northern Ireland be before a court of summary jurisdiction), for the words following "before" substitute "a court of summary jurisdiction".

(9) In paragraph 12 (powers of the home court in respect of the youth rehabilitation order), in paragraph (c), for "the court which made the order could have specified" substitute "if the offender had just been convicted by or before it of the offence in respect of which the order was made, a court in England and Wales could include in a youth rehabilitation order in respect of that offence (if the offender were the same age as when in fact convicted of the offence)".

(10) In paragraph 13 (powers of home court in respect of the youth rehabilitation order), in sub-paragraph (2), for "a lay magistrate acting for the petty sessions district for the time being specified in the order" substitute "a lay magistrate in Northern Ireland".

(11) In paragraph 16 (powers of court in England or Wales before which the offender is required to appear), in sub-paragraph (1), at the beginning insert "Where the offender resides in Northern Ireland,".

(12) In paragraph 17 (power to amend provisions of Schedule 3 in consequence of changes to the law in Northern Ireland), after sub-paragraph (2) insert—

"(3) Provision that may be made by an order under this paragraph includes provision that has effect in relation to a court dealing with an offender for an offence (whenever committed) who is convicted after the order comes into force."

102 (1) Schedule 4 (youth rehabilitation orders: consequential amendments) is amended as follows.

(2) Omit paragraph 54 (which amends section 73 of the Powers of Criminal Courts (Sentencing) Act 2000).

(3) In paragraph 73 (which amends section 148 of the Criminal Justice Act 2003), at the end insert—

"(5) In subsection (4), after "151(2)" insert "and (2B)"."

PART 4

AMENDMENTS OF OTHER ACTS

Criminal Procedure (Insanity) Act 1964

103 (1) The Criminal Procedure (Insanity) Act 1964 is amended as follows.

(2) In section 5 (powers to deal with person where special verdict returned or unfit to plead etc), after subsection (3) insert—

"(3A) Where the court have power under subsection (2)(c) to make an order for the absolute discharge of the accused, they may do so where they think, having regard to the circumstances, including the nature of the offence charged and the character of the accused, that such an order would be most suitable in all the circumstances of the case."

(3) In section 5A (orders made under or by virtue of section 5), omit subsection (6).

Magistrates' Courts Act 1980

104 In the Magistrates' Courts Act 1980, in section 113 (bail on appeal or case stated), in subsection (3), after "section 3" insert ", 3A, 3B or 3C".

Prosecution of Offences Act 1985

105 In the Prosecution of Offences Act 1985, in section 21F (regulations under Part 2A), after "include" insert "supplementary, incidental, consequential,".

Protection from Harassment Act 1997

106 (1) The Protection from Harassment Act 1997 is amended as follows.

(2) In section 5(3A) (civil evidence rules to apply in relation to restraining orders), after "this section" insert ", other than proceedings for an offence under subsection (5),".

(3) In section 5A(1) (restraining orders on acquittal), after "A court" insert "by or".

Crime and Disorder Act 1998

107 (1) The Crime and Disorder Act 1998 is amended as follows.

(2) In section 9 (parenting orders: supplemental), after subsection (5) insert—

"(5A) In the case of a parenting order made by virtue of section 8(1)(c) or (d), subsection (5) has effect as if, in paragraph (b)(ii), for the words following "any provision" there were substituted "the court could include if it were now making the order."

(3) In section 10 (appeals against parenting orders), omit subsection (5).

Criminal Justice and Court Services Act 2000

108 In Schedule 7 to the Criminal Justice and Court Services Act 2000 (minor and consequential amendments), in paragraph 4 (officers of local probation boards), in sub-paragraph (2), omit the entries relating to the following provisions of the Powers of Criminal Courts (Sentencing) Act 2000—

(a) section 73(5);

(b) section 74(5)(a) and (6);

(c) section 103.

Serious Organised Crime and Police Act 2005

109 (1) The Serious Organised Crime and Police Act 2005 is amended as follows.

(2) In section 73 (assistance by defendant: reduction in sentence)—

(a) after subsection (5) insert—

"(5A) In relation to England and Wales subsection (5) has effect as if for paragraphs (a) and (b) and the words "enactment which—" immediately before them there were substituted "of the following enactments—

(a) section 1(2B) or 1A(5) of the Prevention of Crime Act 1953 (minimum sentence for certain offences involving offensive weapons),

(b) section 51A(2) of the Firearms Act 1968 (minimum sentence for certain firearms offences),

(c) section 139(6B), 139A(5B) or 139AA(7) of the Criminal Justice Act 1988 (minimum sentence for certain offences involving article with blade or point or offensive weapon),

(d) section 110(2) or 111(2) of the Powers of Criminal Courts (Sentencing) Act 2000 (minimum sentence for certain drug trafficking and burglary offences),

(e) section 29(4) or (6) of the Violent Crime Reduction Act 2006 (minimum sentence in certain cases of using someone to mind a weapon), or

(f) section 269 of and Schedule 21 to the Criminal Justice Act 2003 (determination of minimum term in relation to mandatory life sentence),".";

(b) after subsection (6) insert—

"(6A) In relation to England and Wales subsection (6) has effect as if for the opening words there were substituted "Nothing in this section is to be taken to prevent the court from taking account of any matter not mentioned in this section for the purposes of determining—".";

(c) in subsection (7), for "174(1)(a)" substitute "174(2)";

(d) after subsection (8), insert—

"(8A) In relation to England and Wales subsection (8) has effect as if for paragraph (a) there were substituted—

"(a) "sentence" has the same meaning as in Chapter 1 of Part 12 of the Criminal Justice Act 2003 (see section 142(3) of that Act);"."

(3) In section 74 (assistance by defendant: review of sentence), at the end insert—

"(16) In its application in relation to England and Wales this section has effect as if—

(a) in subsection (2)(b), for "having offered in pursuance of a written agreement to give assistance" there were substituted "having given or offered to give assistance in pursuance of a written agreement";

(b) in subsection (10) there were inserted at the end "(including a sentence passed in pursuance of section 73 which has been substituted under subsection (5) above but is less than the sentence which the court would have passed but for the agreement to give assistance)";

(c) in subsection (14), for "Section 174(1)(c) there were substituted "Section 174(2)", the words following "applies" were paragraph (a) of that subsection and, at the end, there were inserted—

"(b) to a sentence substituted under subsection (6) above, but subject to section 73(7) above as applied by subsection (15) below."."

(4) In section 75 (proceedings under section 74: exclusion of public), at the end insert—

"(6) In its application in relation to England and Wales this section has effect as if—

(a) in subsection (2)(b), for "to give such directions as it thinks appropriate prohibiting" there were substituted "to prohibit", and

(b) in subsection (3), for "to the extent that" there were substituted "if"."

Tribunals, Courts and Enforcement Act 2007

110 In the Tribunals, Courts and Enforcement Act 2007, in Schedule 13 (taking control of goods: amendments), in paragraph 154(2) (amendments of section 154 of the Criminal Justice Act 2003), for "subsections (4) and (6)" substitute "subsection (4)".

Coroners and Justice Act 2009

111 (1) The Coroners and Justice Act 2009 is amended as follows.

(2) In section 125 (sentencing guidelines: duty of court), in subsection (2)(a), for "a person ("P") who is guilty of" substitute "an offender ("P") for".

(3) In section 126 (sentencing guidelines: determination of tariffs etc)—

(a) after subsection (1) insert—

"(1A) In relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000, the reference in subsection (1)(c) to imprisonment is to be read, in relation to a person aged under 21 as if it were a reference to detention in a young offender institution.";

(b) in subsection (2), before paragraph (c) insert—

"(ba) whether the sentence condition in section 224A(3) of the Criminal Justice Act 2003 (life sentence for second listed offence) is met,";

(c) in subsection (4)—

(i) after "as the case may be," insert "permitted";

(ii) at the end insert "or if section 224A of the Criminal Justice Act 2003 had not required the court to impose a life sentence".

(4) In Schedule 17 (treatment of convictions in other member States etc), in paragraph 8—

(a) in sub-paragraph (5), in the subsection (4A) to be inserted into section 151 of the Criminal Justice Act 2003, for "defendant" substitute "offender";

(b) in sub-paragraph (6)(c), in sub-paragraph (ii) of the paragraph (c) to be inserted into subsection (8) of that section, for "defendant" substitute "offender".

Crime and Courts Act 2013

112 In the Crime and Courts Act 2013, in Schedule 16 (dealing non-custodially with offenders), in paragraph 20(4) (which amends paragraph 3(1) of Schedule 9, and paragraph 6(1) of Schedule 13, to the Criminal Justice Act 2003), in the inserted paragraph (aa)(i), for "that locality" substitute "the locality in which the offender resides or will be residing when the order comes into force".

Anti-social Behaviour, Crime and Policing Act 2014

113 (1) The Anti-social Behaviour, Crime and Policing Act 2014 is amended as follows.

(2) In section 22 (power to make criminal behaviour orders)—

(a) in subsection (6), for the words following "only if it" substitute "—

(a) does so in addition to dealing with the offender for the offence, and

(b) does not make an order discharging the offender absolutely in respect of the offence.";

(b) in subsection (9)(b) omit "or injunction";

(c) in subsection (10)—

(i) in paragraph (a), for "lives" substitute "resides";

(ii) omit paragraph (b) (and the "or" immediately before it).

(3) In section 24 (requirements included in criminal behaviour orders), in subsection (5)—

(a) in paragraph (a), for "lives" substitute "resides";

(b) omit paragraph (b) (and the "or" immediately before it).

(4) In section 29 (carrying out and participating in reviews), in subsections (1) and (2), for "lives or appears to be living" substitute "resides or appears to be residing", in both places.

(5) In section 33 (saving and transitional provision), omit subsection (5).

PART 5

MODIFICATIONS OF ACTS

114 For the purposes of the application of the Police (Property) Act 1897 by section 144(1) of the Powers of Criminal Courts (Sentencing) Act 2000 to property which is in the possession of the police by virtue of section 143 of that Act, section 1 of the Police (Property) Act 1897 (power to make orders with respect to property in possession of police) is to have effect as if, in subsection (2), for "from" there were substituted "beginning with".

115 Section 160(6) of the Powers of Criminal Courts (Sentencing) Act 2000 (power for orders made by Secretary of State to include transitional provision) is to be read, in its application for all purposes other than section 36B of that Act, as if, for the words following "Act" there were substituted "may include transitory, transitional or saving provision".

116 Section 291 of the Criminal Justice Act 2003 (power by order to exclude application of minimum sentence to those under 18), so far as it extends to England and Wales, has effect as if at the end there were inserted—

"(3) The provision made by an order under this section includes provision that has effect in relation to offences whenever committed and whatever the date of conviction."

117 Section 33 of the Counter-Terrorism Act 2008 (power to amend list of offences where terrorist connection to be considered), as it has effect in England and Wales, is to be read as if, for subsection (3), there were substituted—

"(3) Provision that may be made by an order under this section includes provision that has effect in relation to an offence (whenever committed) of which an offender is convicted after the order comes into force."

PART 6

AMENDMENTS AND MODIFICATIONS OF STATUTORY INSTRUMENTS

118 In the Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), in the Schedule, in paragraph 76, insert "and" after "action plan orders)," and omit "and 103(4) (the period of supervision)".

119 Schedule 2 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950) (transitional and saving provisions) has effect as if, in paragraph 5(2), after paragraph (a) there were inserted—

"(aa) section 303(d)(iv) (repeal of section 109 of the Sentencing Act);".

120 In the Firearms (Sentencing) (Transitory Provisions) Order 2007 (S.I. 2007/1324), in article 2(b), in the inserted sub-paragraph (ia), after "2000" insert "(and includes, in relation to an offence for which a person aged 21 or over would be liable to imprisonment for life, custody for life under section 94 of that Act)".

121 (1) This paragraph has effect for the purposes of paragraph (2)(h) of article 7 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012

(Commencement No. 4 and Saving Provisions) Order 2012 (S.I. 2012/2906) so far as it relates to paragraph 51 of Schedule 12 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (saving for reference in section 242 of the Criminal Justice Act 2003 to certain remands etc under section 23 of the Children and Young Persons Act 1969).

(2) For those purposes, paragraph (3) of that article has effect as if—

(a) after "a remand" in the opening words, and

(b) after "remand" in sub-paragraph (b),

there were inserted "or committal".

PART 7

TRANSITORY AMENDMENTS

Offenders aged at least 18 but under 21

122 (1) The Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005 (SI 2005/643) is amended as follows.

(2) In article 3 (modifications for sentencing of offenders aged 18 but under 21)—

(a) in paragraph (4)(a) (modifications of section 225 of the Criminal Justice Act 2003)—

(i) after "(2)," insert "—

(i) in each of paragraphs (a) and (b), at the end, insert "or custody for life";

(ii) in the words after paragraph (b),";

(b) in paragraph (8) (modifications of section 238 of the Criminal Justice Act 2003), at the end insert "and, at the end, insert "or detention"".

123 In relation to any time before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000 (abolition of sentences of detention in a young offender institution, custody for life etc)—

(a) section 99 of the Powers of Criminal Courts (Sentencing) Act 2000 (conversion of sentences of detention to sentences of imprisonment) has effect as if, in subsection (5) (definition of "relevant sentence of detention")—

(i) in paragraph (a), for "91" there were substituted "91, 93 or 94";

(ii) in paragraph (c), after "section" there were inserted "226A,";

(b) section 101(2A) of that Act (to be inserted by section 298 of the Criminal Justice Act 2003) is to have effect as if, for "18" there were substituted "21";

(c) section 154 of the Criminal Justice Act 2003 (general limit on magistrates' court's power to impose imprisonment) has effect as if in subsections (1) and (2), after "imprisonment" there were inserted "or detention in a young offender institution";

(d) section 165 of that Act (remission of fines) has effect as if in subsection (3), after "imprisonment" there were inserted "or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000".

124 In relation to any time before the repeal by Part 7 of Schedule 37 to the Criminal Justice Act 2003 of section 78 of the Powers of Criminal Courts (Sentencing) Act 2000 comes into force, paragraph 177 of Schedule 7 to the Criminal Justice and Court Services Act 2000 (which amends that section) is to be treated as not having been repealed by virtue of paragraph 44(4)(t) of Schedule 1 to the Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950) (and, accordingly, as being capable of being brought into force under section 80(1) of the Criminal Justice and Court Services Act 2000).

Renaming of Health and Social Work Professions Order 2001

125 Until paragraph 45 of Schedule 5 to the Children and Social Work Act 2017 (which renames the Health and Social Work Professions Order 2001 as the Health Professions Order 2001) comes into force, paragraph 20(6) of Schedule 1 to the Criminal Justice and Immigration Act 2008 is to be read as if the reference to the Health Professions Order 2001 were a reference to the Health and Social Work Professions Order 2001.

Appendix 4: Draft Sentencing Code Bill and Table of origins

The draft Sentencing Code Bill and its accompanying table of origins can also be found on the project's page on the Law Commission Website:

https://www.lawcom.gov.uk/project/sentencing-code/.

The table of origins (and abbreviations) appears at the end of the draft Sentencing Code.

Draft Sentencing Bill

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A

B I L L

TO

Consolidate certain enactments relating to sentencing.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

FIRST GROUP OF PARTS

INTRODUCTORY PROVISIONS AND OVERVIEW

PART 1

INTRODUCTORY PROVISIONS AND OVERVIEW

1 Overview

(1) Parts 2 to 13 of this Act together make up a code called the "Sentencing Code".

(2) They deal with the following matters.

Before sentencing

Part 2 is about powers exercisable by a court before passing sentence.

Sentencing

Part 3 is about court procedure when sentencing.

Part 4 is about the discretion a court has when sentencing.

Sentences

Part 5 is about absolute and conditional discharges.

Part 6 is about orders relating to conduct.

Part 7 is about fines and other orders relating to property.

Part 8 is about disqualification.

Part 9 is about community sentences.

Part 10 is about custodial sentences.

Part 11 is about behaviour orders.

General

Part 12 contains miscellaneous and general provision about sentencing.

Part 13 deals with interpretation.

(3) Part 14 of this Act contains supplementary provision.

(4) For other provision that may be relevant in relation to sentencing, see—
(a) Criminal Procedure Rules, and
(b) sentencing guidelines.

2 Application of Code

(1) The Sentencing Code does not apply where a person is convicted of an offence before the date on which this Act comes into force (see section 415).

(2) Any provision repealed or amended by this Act continues on and after that date to have effect in relation to—
(a) dealing with a person for an offence of which the person was convicted before that date, and
(b) any sentence passed in respect of an offence of which a person was convicted before that date.

(3) Where on or after that date a court is dealing with a person in relation to an offence of which the person was convicted before that date and is required to treat the person as just convicted of the offence, the requirement does not mean that subsection (2) no longer applies.

(4) Section 361 (restraining orders on acquittal), and Chapter 3 of Part 11 as it applies for that section, do not apply where a person is acquitted of an offence before the date on which this Act comes into force.

SECOND GROUP OF PARTS

PROVISIONS APPLYING TO SENTENCING COURTS GENERALLY

PART 2

POWERS EXERCISABLE BEFORE PASSING SENTENCE

CHAPTER 1

DEFERMENT OF SENTENCE

3 Deferment order

In this Code "deferment order" means an order—

(a) deferring passing sentence on an offender in respect of one or more offences until the date specified in the order, and

(b) imposing requirements ("deferment requirements") as to the offender's conduct during the period of deferment which the court considers it appropriate to impose on the offender.

4 Availability of deferment order

(1) A deferment order is available to the Crown Court or a magistrates' court in respect of an offence where—

(a) the offender is before the court to be dealt with for the offence, and

(b) no previous deferment order has been made in respect of the offence.

See also section 11(4) (power of Crown Court to make further deferment order where magistrates' court commits offender for sentence).

(2) But a deferment order is not available to a magistrates' court dealing with an offender in respect of an offence for which section 85(1)(a) (compulsory referral conditions) requires the court to make a referral order.

5 Making a deferment order

(1) The purpose for which a deferment order may be made is to enable a court, in dealing with the offender, to have regard to—

(a) the offender's conduct after conviction (including, where appropriate, the making by the offender of reparation for the offence), or

(b) any change in the offender's circumstances.

(2) Deferment requirements may include—

(a) requirements as to the residence of the offender during all or part of the period of deferment;

(b) restorative justice requirements.

(3) A court may make a deferment order in respect of an offence only if—

(a) the offender consents,

(b) the offender undertakes to comply with the deferment requirements,

(c) if the deferment requirements include a restorative justice requirement, section 7(2) (consent of participants in restorative justice activity) is satisfied, and

(d) the court is satisfied, having regard to the nature of the offence and the character and circumstances of the offender, that it would be in the interests of justice to make the order.

(4) The date specified under section 3(a) in the order may not be more than 6 months after the date on which the order is made.

(5) A court which makes a deferment order must forthwith give a copy of the order—

(a) to the offender,

(b) if the deferment requirements include a restorative justice requirement, to every person who would be a participant in the activity concerned (see section 7(1)),

(c) where an officer of a provider of probation services has been appointed to act as a supervisor, to that provider, and

(d) where a person has been appointed under section 8(1)(b) to act as a supervisor, to that person.

(6) A court which makes a deferment order may not on the same occasion remand the offender, notwithstanding any enactment.

6 Effect of deferment order

(1) Where a deferment order has been made in respect of an offence, the court which deals with the offender for the offence may have regard to—

(a) the offender's conduct after conviction, or

(b) any change in the offender's circumstances.

(2) Without prejudice to the generality of subsection (1)(a), the matters to which the court may have regard in dealing with the offender include—

(a) where appropriate, the making by the offender of reparation for the offence, and

(b) the extent to which the offender has complied with any deferment requirements.

(3) Subsection (4) applies where—

(a) the court which made a deferment order proposes to deal with the offender on the date specified in the order, or

(b) the offender does not appear on that date.

(4) The court may—

(a) issue a summons requiring the offender to appear before the court at the time and place specified in the summons, or

(b) issue a warrant for the offender's arrest which requires the offender to be brought before the court at the time and place specified in the warrant.

(5) Subsection (6) applies where a magistrates' court makes a deferment order.

(6) In making the order the court is to be regarded as having adjourned the trial under section 10(1) of the Magistrates' Courts Act 1980.

Accordingly, sections 11(1) and 13(1) to (3A) and (5) of that Act (non-appearance of the accused) apply if the offender does not appear on the date specified in the deferment order (but this is without prejudice to subsection (4)).

7 Restorative justice requirements

(1) Any reference in this Chapter to a restorative justice requirement is to a requirement to participate in an activity—

(a) where the participants consist of, or include, the offender and one or more of the victims,

(b) which aims to maximise the offender's awareness of the impact of the offending concerned on the victims, and

(c) which gives an opportunity to a victim or victims to talk about, or by other means express experience of, the offending and its impact.

(2) A restorative justice requirement may not be imposed as a deferment requirement without the consent of every person who would be a participant in the activity.

(3) For the purposes of subsection (2), a supervisor and the offender do not count as proposed participants.

(4) A person running an activity for the purposes of a restorative justice requirement must have regard to any guidance issued from time to time by the Secretary of State with a view to encouraging good practice in connection with such an activity.

(5) In this section "victim" means a victim of, or other person affected by, the offending concerned.

8 Deferment order: supervisor

Appointment of supervisor

(1) Where a court makes a deferment order, it may appoint—

(a) an officer of a provider of probation services, or

(b) any other person the court thinks appropriate who consents to the appointment,

to act as a supervisor in relation to the offender.

Function of supervisor

(2) A supervisor must—

(a) monitor the offender's compliance with the deferment requirements, and

(b) provide the court which deals with the offender for any offence in respect of which the order was made with such information as the court may require relating to the offender's compliance with the deferment requirements.

Supervisor appointed under subsection (1)(b): power of magistrates' court to issue summons

(3) Where—

(a) a deferment order has been made,

(b) it falls to a magistrates' court to—

(i) deal with the offender for any offence in respect of which the order was made, or

(ii) determine under section 9(3)(b) whether the offender has failed to comply with a deferment requirement, and

(c) a justice of the peace is satisfied that a supervisor appointed under subsection (1)(b)—

(i) is likely to be able to give evidence that may assist the court in determining that matter, and

(ii) will not voluntarily attend as a witness,

the justice may issue a summons directed to that supervisor requiring the supervisor to attend before the court at the time and place appointed in the summons to give evidence.

9 Failure to comply with deferment requirement

(1) This section applies where—

(a) a court has made a deferment order, and

(b) a supervisor has reported to the court that the offender has failed to comply with one or more of the deferment requirements.

(2) The court may issue—

(a) a summons requiring the offender to appear before it at the time and place specified in the summons, or

(b) a warrant for the offender's arrest which requires the offender to be brought before it at the time and place specified in the warrant.

(3) The court may deal with the offender for the offence in respect of which the order was made before the end of the period of deferment if—

(a) the offender appears or is brought before the court under subsection (2), and

(b) the court is satisfied that the offender has failed to comply with one or more of the deferment requirements.

For the powers of the court in dealing with the offender under this subsection, see section 11.

10 Conviction of offence during period of deferment

(1) This section applies where a court has made a deferment order in respect of an offence.

Power of court which made deferment order

(2) The court which made the order ("the original court") may deal with the offender for the offence in respect of which the deferment order was made before the end of the period of deferment if during that period the offender is convicted in Great Britain of any offence.

For the powers of the original court in dealing with the offender under this subsection, see section 11.

(3) Where the original court proposes to deal with the offender by virtue of subsection (2) before the end of the period of deferment, it may issue—

(a) a summons requiring the offender to appear before the court at the time and place specified in the summons, or

(b) a warrant for the arrest of the offender, requiring the offender to be brought before the court at the time and place specified in the warrant.

Power of court which sentences offender for later offence

(4) Subsection (5) applies where during the period of deferment the offender is convicted in England and Wales of any offence ("the later offence").
This is subject to subsection (6).

(5) The court which passes sentence on the offender for the later offence may also deal with the offender for the offence or offences in respect of which the deferment order was made (if this has not already been done).
For the powers of the court in dealing with the offender under this subsection, see section 11.

(6) Subsection (5) does not apply where—
(a) the deferment order was made by the Crown Court, and
(b) the court which passes sentence on the offender for the later offence is a magistrates' court.

(7) Subsection (5)—
(a) is without prejudice to subsection (2), and
(b) applies whether or not the offender is sentenced for the later offence during the period of deferment.

11 Powers of court dealing with offender following deferment order

(1) Subsection (2) applies where an offender who is subject to a deferment order is being dealt with for any offence in respect of which the order was made—
(a) by the court which made the order ("the original court")—
(i) at the end of the period of deferment, in accordance with the deferment order,
(ii) under section 9(3) (failure to comply with deferment requirement), or
(iii) under section 10(2) (original court dealing with offender following conviction during period of deferment), or
(b) by any court under section 10(5) (conviction during period of deferment: convicting court dealing with offender).

(2) The court may deal with the offender for the offence in any way in which the original court could have dealt with the offender for the offence if it had not made a deferment order.

(3) Without prejudice to the generality of subsection (2), where a magistrates' court is dealing with the offender, its power under that subsection includes the power in section 14 to commit the offender to the Crown Court for sentence.

(4) Where a magistrates' court deals with the offender by committing the offender to the Crown Court under section 14, the power of the Crown Court to deal with the offender includes the same power to make a deferment order as if the offender had just been convicted of the offence on indictment before it.

12 Saving for power to bind over and other powers to defer sentence

Nothing in this Chapter affects—
(a) the power of the Crown Court to bind over an offender to come up for judgment when called upon, or
(b) any other power of a court to defer passing sentence.

13 Deferment orders: interpretation

(1) In this Chapter—

"deferment requirement" has the meaning given by section 3(b);

"period of deferment", in relation to a deferment order, means the period from the date on which the deferment order is made until the date specified in the order under section 3(a);

"restorative justice requirement" has the meaning given by section 7;

"supervisor", in relation to a deferment order, means a person appointed under section 8(1).

(2) In relation to a deferment order made by a magistrates' court, any reference in this Chapter to the court which made the order includes a reference to any magistrates' court acting in the same local justice area as that court.

CHAPTER 2

COMMITTAL TO THE CROWN COURT FOR SENTENCE

Committal following summary trial: adults and corporations

14 Committal for sentence on summary trial of offence triable either way: adults and corporations

(1) This section applies where—

(a) on the summary trial of an offence triable either way a person aged 18 or over is convicted of the offence, and

(b) the court is of the opinion that—

(i) the offence, or

(ii) the combination of the offence and one or more offences associated with it,

was so serious that the Crown Court should have the power to deal with the offender in any way it could deal with the offender if the offender had been convicted on indictment.

This is subject to the provisions mentioned in subsection (4).

(2) The court may commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 21(2).

(3) For powers of the court, where it commits a person under subsection (2), also to commit in respect of other offences, see section 20.

(4) For offences in relation to which this section does not apply see sections 17D and 33 of the Magistrates' Courts Act 1980 (exclusion in respect of certain offences where value involved is small).

(5) This section applies to a corporation as if—

(a) the corporation were an individual aged 18 or over, and

(b) in subsection (2) the words "in custody or on bail" were omitted.

15 Committal for sentence of dangerous adult offenders

(1) This section applies where—

(a) on the summary trial of a specified offence (see section 306) triable either way a person aged 18 or over is convicted of the offence, and

(b) the court is of the opinion that an extended sentence of detention in a young offender institution or of imprisonment (see section 266 or 279) would be available in relation to the offence.

(2) The court must commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 21(2).

(3) For powers of the court, where it commits a person under subsection (2), also to commit in respect of other offences, see section 20.

(4) In reaching any decision under or taking any step contemplated by this section, the court is not bound by any indication of sentence given in respect of the offence under section 20 of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable).

(5) Nothing the court does under this section may be challenged or be the subject of any appeal in any court on the ground that it is inconsistent with an indication of sentence.

(6) Nothing in this section prevents the court from committing an offender convicted of a specified offence to the Crown Court for sentence under section 14 or 18 if the provisions of that section are satisfied.

Committal following summary trial: persons under 18

16 Committal for sentence of young offenders on summary trial of certain serious offences

(1) This section applies where—

(a) on the summary trial of an offence within paragraph (a) or (b) of the table in section 250(1) (offences punishable with imprisonment for 14 years or more and certain sexual offences), a person is convicted of the offence,

(b) the person is aged under 18 at the time of conviction, and

(c) the court is of the opinion that—

(i) the offence, or

(ii) the combination of the offence and one or more offences associated with it,

was such that the Crown Court should have power to deal with the offender by imposing a sentence of detention under section 249.

(2) The court may commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 22(2).

(3) For powers of the court, where it commits a person under subsection (2), also to commit in respect of other offences, see section 20.

17 Committal for sentence of dangerous young offenders

(1) This section applies where—

(a) on the summary trial of a specified offence (see section 306) a person aged under 18 is convicted of the offence, and

(b) the court is of the opinion that an extended sentence of detention under section 254 would be available in relation to the offence.

(2) The court must commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 22(2).

(3) For powers of the court, where it commits a person under subsection (2), also to commit in respect of other offences, see section 20.

(4) Nothing in this section prevents the court from committing a person convicted of a specified offence to the Crown Court for sentence under section 16 or 19 if the provisions of that section are satisfied.

Committal for sentence following indication of guilty plea

18 Committal for sentence on indication of guilty plea to offence triable either way: adult offenders

(1) Where a magistrates' court—

(a) has convicted an offender aged 18 or over of an offence triable either way following an indication of a guilty plea, and

(b) has sent the offender to the Crown Court for trial for one or more related offences,

it may commit the offender in custody or on bail to the Crown Court to be dealt with in respect of the offence in accordance with section 21(2).

(2) For offences in relation to which subsection (1) does not apply see section 17D of the Magistrates' Courts Act 1980 (cases where value involved is small).

(3) Where a magistrates' court—

(a) convicts an offender aged 18 or over of an offence triable either way following an indication of a guilty plea, and

(b) is still to determine to send, or whether to send, the offender to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998, for one or more related offences,

it must adjourn the proceedings relating to the offence until after it has made those determinations.

(4) Where the court—

(a) commits the offender under subsection (1) to the Crown Court to be dealt with in respect of the offence, and

(b) in its opinion also has power under section 14(2) or is required under section 15(2) to commit the offender to the Crown Court to be dealt with in respect of the offence,

the court may make a statement of that opinion.

(5) For powers of the court, where it commits a person under subsection (1), also to commit in respect of other offences, see section 20.

(6) For the purposes of this section, a magistrates' court convicts a person of an either-way offence following an indication of a guilty plea if—

(a) the person appears or is brought before the court on an information charging the person with the offence,

(b) the person or (where applicable) the person's representative indicates under—

(i) section 17A or 17B of the Magistrates' Courts Act 1980 (indication of intention as to plea in case of offence triable either way), or

(ii) section 20(7) of that Act (summary trial appears more suitable),

that the person would plead guilty if the offence were to proceed to trial, and

(c) proceeding as if—

(i) section 9(1) of that Act were complied with, and

(ii) the person pleaded guilty under it,

the court convicts the person of the offence.

(7) For the purposes of this section—

(a) "related offence" means an offence which, in the opinion of the court, is related to the offence, and

(b) one offence is related to another if, were they both to be prosecuted on indictment, the charges for them could be joined in the same indictment.

(8) The court is not bound, in doing anything under this section, by any indication of sentence given in respect of the offence under section 20 of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable).

(9) Nothing the court does under this section may be challenged or be the subject of any appeal in any court on the ground that it is inconsistent with an indication of sentence.

19 Committal for sentence on indication of guilty plea by child with related offences

(1) Where—

(a) a magistrates' court—

(i) has convicted a person aged under 18 of an offence following an indication of a guilty plea, and

(ii) has sent the person to the Crown Court for trial for one or more related offences, and

(b) the offence falls within paragraph (a) or (b) of the table in section 250(1) (offences punishable with imprisonment for 14 years or more and certain sexual offences),

the court may commit the offender in custody or on bail to the Crown Court to be dealt with in respect of the offence in accordance with section 22(2).

(2) Where a magistrates' court—

(a) convicts a person aged under 18 of an offence mentioned in paragraph (a) or (b) of the table in section 250(1) following an indication of a guilty plea, and

(b) is still to determine to send, or whether to send, the person to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998 for one or more related offences,

it must adjourn the proceedings relating to the offence until after it has made those determinations.

(3) Where the court—

(a) commits the offender under subsection (1) to the Crown Court to be dealt with in respect of the offence, and

(b) in its opinion, also has power so to commit the offender under section 16(2) or 17(2),

the court may make a statement of that opinion.

(4) For powers of the court, where it commits a person under subsection (1), also to commit in respect of other offences, see section 20.

(5) For the purposes of this section, a magistrates' court convicts a person aged under 18 of an offence following an indication of a guilty plea if—

(a) the person appears or is brought before the court when aged under 18 on an information charging the person with the offence,

(b) the person or the person's representative indicates under section 24A or 24B of the Magistrates' Courts Act 1980 (child or young person to indicate intention as to plea in certain cases) that the person would plead guilty if the offence were to proceed to trial, and

(c) proceeding as if—

(i) section 9(1) of that Act were complied with, and

(ii) the person pleaded guilty under it,

the court convicts the person of the offence.

(6) For the purposes of this section—

(a) "related offence" means an offence which, in the opinion of the court, is related to the offence, and

(b) one offence is related to another if, were they both to be prosecuted on indictment, the charges for them could be joined in the same indictment.

Committal for sentence where offender committed in respect of another offence

20 Committal in certain cases where offender committed in respect of another offence

(1) This section applies where a magistrates' court ("the committing court") commits an offender to the Crown Court under—

(a) sections 14 to 19 (committal for sentence for offences triable either way),

(b) paragraph 5(4) of Schedule 2 (further offence committed by offender given conditional discharge order),

(c) paragraph 24(2) of Schedule 10 (committal to Crown Court where offender commits further offence while community order is in force),

(d) paragraph 11(2) of Schedule 16 (committal to Crown Court where offender commits further offence during operational period of suspended sentence order),

(e) section 43 of the Mental Health Act 1980 (power of magistrates' courts to commit for restriction order),

(f) section 6(6) or 9(3) of the Bail Act 1976 (committal to Crown Court for offences of absconding by person released on bail or agreeing to indemnify sureties in criminal proceedings), or

(g) the Vagrancy Act 1824 (incorrigible rogues),

to be sentenced or otherwise dealt with in respect of an offence ("the relevant offence").

(2) Where—

(a) the relevant offence is an indictable offence, and

(b) the committing court has power to deal with the offender in respect of another offence,

the committing court may also commit the offender to the Crown Court to be dealt with in respect of the other offence in accordance with section 23.

(3) It is immaterial for the purposes of subsection (2) whether the court which convicted the offender of the other offence was the committing court or another court.

(4) Where the relevant offence is a summary offence, the committing court may commit the offender to the Crown Court to be dealt with, in accordance with section 23, in respect of—

(a) any other offence of which the committing court has convicted the offender which is punishable with—

(i) imprisonment, or

(ii) driving disqualification, or

(b) any suspended sentence in respect of which it falls to the committing court to deal with the offender by virtue of paragraph 11(1) of Schedule 16.

(5) For the purposes of subsection (4)(a) an offence is punishable with driving disqualification if the committing court has a power or duty to order the offender to be disqualified under section 34, 35 or 36 of the Road Traffic Offenders Act 1988 (disqualification for certain motoring offences) in respect of it.

(6) A committal to the Crown Court under this section is to be in custody or on bail as the case may require.

Power of Crown Court on committal for sentence

21 Power of Crown Court on committal for sentence of offender under section 14, 15 or 18

(1) This section applies where an offender is committed by a magistrates' court for sentence under—

(a) section 14(2) (committal for sentence on summary trial of offence triable either way),

(b) section 15(2) (committal for sentence of dangerous adult offenders), or

(c) section 18(1) (committal for sentence on indication of guilty plea to offence triable either way).

(2) The Crown Court—

(a) must inquire into the circumstances of the case, and

(b) may deal with the offender in any way in which it could deal with the offender if the offender had been convicted of the offence on indictment before the court.

This is subject to subsections (4) and (5).

(3) Any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court—

(a) is not to be discharged or exercised by that court, but

(b) is instead to be discharged or may instead be exercised by the Crown Court.

This does not apply to any duty imposed on a magistrates' court by section 25(1) or (2) of the Road Traffic Offenders Act 1988 (duties relating to information).

(4) Subsection (5) applies where a magistrates' court—

(a) commits an offender under section 18(1) to be dealt with in respect of an offence ("the offence"), but

(b) does not make a statement under section 18(4) (statement of power to commit under section 14(2) or 15(2)).

(5) Unless the offender is convicted before the Crown Court of at least one of the offences for which the magistrates' court has sent the offender for trial (see section 18(1)(b))—

(a) subsection (2)(b) does not apply, and

(b) the Crown Court may deal with the offender for the offence in any way in which the magistrates' court could have dealt with the offender for it.

(6) Section 20A(1) of the Magistrates' Courts Act 1980 (which relates to the effect of an indication of sentence under section 20 of that Act) does not apply in respect of a specified offence (see section 306)—

(a) in respect of which the offender is committed under section 15(2) (dangerous adult offenders), or

(b) in respect of which—

(i) the offender is committed under section 18(1) (guilty plea to offence triable either way), and

(ii) the court makes a statement under section 18(4) that, in its opinion, it also has power to commit the offender under section 15(2).

22 Power of Crown Court on committal for sentence of person under 18 under section 16, 17 or 19

(1) This section applies where an offender is committed by a magistrates' court for sentence under—

(a) section 16(2) (committal for sentence of young offenders on summary trial of certain serious offences),

(b) section 17(2) (committal for sentence of dangerous young offenders), or

(c) section 19(1) (committal for sentence on indication of guilty plea by child or young person with related offences).

(2) The Crown Court—

(a) must inquire into the circumstances of the case, and

(b) may deal with the offender in any way in which it could deal with the offender if the offender had been convicted of the offence on indictment before the court.

This is subject to subsections (4) and (5).

(3) Any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court—

(a) is not to be discharged or exercised by that court, but

(b) is instead to be discharged or may instead be exercised by the Crown Court.

This does not apply to any duty imposed on a magistrates' court by section 25(1) or (2) of the Road Traffic Offenders Act 1988 (duties relating to information).

(4) Subsection (5) applies where a magistrates' court—

(a) commits an offender under section 19(1) to be dealt with in respect of an offence ("the offence"), but

(b) does not make a statement under section 19(3) (statement of power to commit under section 16(2) or 17(2)).

(5) Unless the offender is convicted before the Crown Court of at least one of the offences for which the magistrates' court has sent the offender for trial (see section 19(1)(a))—

(a) subsection (2)(b) does not apply, and

(b) the Crown Court may deal with the offender for the offence in any way in which the magistrates' court could have dealt with the offender for it.

23 Power of Crown Court on committal for sentence under section 20

(1) Subsection (2) applies where under section 20(2) or (4)(a) (committal for sentence in certain cases where offender committed in respect of another offence) a magistrates' court commits a person to be dealt with by the Crown Court in respect of an offence.

(2) The Crown Court—

(a) must inquire into the circumstances of the case, and

(b) may deal with the offender for the offence in any way in which the magistrates' court could have dealt with the offender (assuming it had convicted the offender of the offence).

(3) Subsection (4) applies where under section 20(4)(b) a magistrates' court commits a person to be dealt with by the Crown Court in respect of a suspended sentence.

(4) The powers under paragraphs 13 and 14 of Schedule 16 (power of court to deal with suspended sentence) are exercisable by the Crown Court.

(5) Subsection (6) applies where under section 20 a magistrates' court commits a person to be dealt with by the Crown Court.

(6) Without prejudice to subsections (1) to (4), any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court—

(a) is not to be discharged or exercised by that court, but

(b) is instead to be discharged or may instead be exercised by the Crown Court.

This does not apply to any duty imposed on a magistrates' court by section 25(1) or (2) of the Road Traffic Offenders Act 1988 (duties relating to information).

Further powers to commit to Crown Court for sentence

24 Further powers to commit offender to the Crown Court to be dealt with

(1) For other powers of a magistrates' court to commit an offender to the Crown Court to be dealt with for an offence see—

(a) paragraph 22(2) and (4) of Schedule 7 (offender subject to youth rehabilitation order made by Crown Court convicted of further offence by magistrates' court);

(b) section 70 of the Proceeds of Crime Act 2002 (request by prosecution with a view to consideration of confiscation order under section 6 of that Act);

(c) section 43(1) of the Mental Health Act 1983 (power of magistrates' courts to commit for restriction order);

(d) section 6(6) of the Bail Act 1976 (offence of absconding by person released on bail);

(e) section 9(3) of that Act (offence of agreeing to indemnify sureties in criminal proceedings);

(f) the Vagrancy Act 1824 (incorrigible rogues).

(2) Nothing in subsection (1) is to be taken to limit any other power of a magistrates' court to commit an offender to the Crown Court.

CHAPTER 3

REMISSION TO YOUTH COURT OR OTHER MAGISTRATES' COURT FOR SENTENCE

25 Power and duty to remit offenders aged under 18 to youth courts for sentence

(1) This section applies where a person aged under 18 is convicted by or before a court ("the convicting court") of an offence other than homicide.

(2) If the convicting court is the Crown Court, it must remit the offender to a youth court acting for the place where the sending court sat, unless satisfied that it would be undesirable to do so.

The "sending court" is the magistrates' court which sent the offender to the Crown Court for trial.

(3) If the convicting court is a youth court, it may remit the offender to another youth court.

(4) If the convicting court is a magistrates' court other than a youth court, it must remit the offender to a youth court.

This is subject to subsection (5).

(5) But it need not do so where—

(a) it would be required by section 85(1)(a) to make a referral order if it did not remit the offender to a youth court, or

(b) it is of the opinion that the case is one which can properly be dealt with by means of—

(i) an order for absolute discharge or an order for conditional discharge, or

(ii) an order for the payment of a fine, or

(iii) an order (under section 377) requiring the offender's parent or guardian to enter into a recognizance to take proper care of, and exercise proper control over, the offender,

with or without any other order that the court has power to make when making an order for absolute discharge or an order for conditional discharge.

(6) For the purposes of subsection (5)(b)(iii)—

(a) "care" and "control" are to be read in accordance with section 377(3) (binding over of parent or guardian), and

(b) section 404 (certain references to parent or guardian to be read as references to local authority) does not apply.

(7) Any remission of an offender under subsection (3) or (4) must be to a youth court acting for—

(a) the same place as the remitting court, or

(b) the place where the offender habitually resides.

(8) Where an offender is remitted to a youth court under this section, that court may deal with the offender in any way in which it could deal with the offender if it had convicted the offender of the offence.

(9) A court which remits an offender to a youth court under this section must provide to the designated officer for the youth court a certificate which—

(a) sets out the nature of the offence, and

(b) states—

(i) that the offender has been convicted of the offence, and

(ii) that the offender has been remitted for the purpose of being dealt with under subsection (8).

(10) A document which purports—

(a) to be a copy of an order made by a court under this section, and

(b) to be certified as a true copy by the designated officer for the court,

is to be evidence of the order.

26 Remission by Crown Court to youth court: custody or bail, and appeals

(1) This section applies where the Crown Court remits an offender to a youth court under section 25.

(2) The Crown Court may, subject to section 25 of the Criminal Justice and Public Order Act 1994 (restrictions on granting bail), give such directions as appear to be necessary—

(a) with respect to the custody of the offender, or

(b) for the offender's release on bail,

until the offender can appear or be brought before the youth court.

For provisions applying to a magistrates' court which remits an offender under this section, see section 29.

(3) The offender—

(a) has no right of appeal against the order of remission, but

(b) has the same right of appeal against an order of the youth court as if convicted by that court.

27 Power of youth court to remit offender who attains age of 18 to magistrates' court other than youth court for sentence

(1) Subsection (2) applies where a person who appears or is brought before a youth court charged with an offence subsequently reaches the age of 18.

(2) The youth court may, at any time after conviction and before sentence, remit the offender for sentence to a magistrates' court other than a youth court ("the adult court").

(3) Where an offender is remitted under subsection (2), the adult court may deal with the offender in any way in which it could deal with the offender if it had convicted the offender of the offence.

(4) Where an offender is remitted under subsection (2), section 25(4) (duty of adult magistrates' court to remit young offenders to youth court for sentence) does not apply to the adult court.

28 Power of magistrates' court to remit case to another magistrates' court for sentence

(1) Subsection (2) applies where—

(a) a person aged 18 or over has been convicted by a magistrates' court ("the convicting court") of a relevant offence ("the present offence"),

(b) it appears to the convicting court that some other magistrates' court ("the other court") has convicted the offender of another relevant offence in respect of which the other court has not—

(i) passed sentence on the offender,

(ii) committed the offender to the Crown Court for sentence, nor

(iii) dealt with the offender in any other way, and

(c) the other court consents to the offender's being remitted to it under this section.

(2) The convicting court may remit the offender to the other court to be dealt with in respect of the present offence by the other court instead of by the convicting court.

(3) In subsection (1), "relevant offence", in relation to the convicting court or the other court, means an offence which is punishable by that court with—

(a) imprisonment, or

(b) driving disqualification.

For this purpose, an offence is punishable by a court with driving disqualification if the court has a power or duty to order the offender to be disqualified under section 34, 35 or 36 of the Road Traffic Offenders Act 1988 (disqualification for certain motoring offences) in respect of it.

(4) Where the convicting court remits the offender to the other court under this section the other court may deal with the offender in any way in which it could deal with the offender if it had convicted the offender of the present offence.

This is subject to subsection (7).

(5) The power conferred on the other court by subsection (4) includes, where applicable, the power to remit the offender under this section to another magistrates' court in respect of the present offence.

(6) Where the convicting court has remitted the offender under this section, the other court may remit the offender back to the convicting court; and where it does so subsections (4) and (5) (so far as applicable) apply with the necessary modifications.

(7) Nothing in this section precludes the convicting court from making a restitution order (see section 147) by virtue of the offender's conviction of the present offence.

(8) In this section "conviction" includes a finding under section 11(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (remand for medical examination) that the person in question did the act or made the omission charged, and "convicted" is to be read accordingly.

29 Remission by magistrates' court: adjournment, remand and appeal

(1) This section applies where a magistrates' court ("the remitting court") remits an offender under section 25, 27 or 28 to another magistrates' court ("the other court") to be dealt with in respect of an offence.

(2) The remitting court must adjourn proceedings in relation to the offence.

(3) Any remand enactment has effect, in relation to the remitting court's power or duty to remand the offender on that adjournment, as if any reference to the court to or before which the person remanded is to be brought or appear after remand were a reference to the other court.

(4) In this section, "remand enactment" means section 128 of the Magistrates' Courts Act 1980 (remand in custody or on bail) or any other enactment, whenever passed or made, relating to remand or the granting of bail in criminal proceedings; and for this purpose—

(a) "enactment" includes an enactment contained in any order, regulation or other instrument having effect by virtue of an Act, and

(b) "bail in criminal proceedings" has the same meaning as in the Bail Act 1976.

(5) The offender has no right of appeal against the order of remission.

That is without prejudice to any right of appeal against an order made in respect of the offence by the other court.

PART 3

PROCEDURE

CHAPTER 1

INFORMATION AND REPORTS

Pre-sentence reports

30 Pre-sentence report requirements

(1) This section applies where, by virtue of any provision of this Code, the pre-sentence report requirements apply to a court in relation to forming an opinion.

(2) If the offender is aged 18 or over, the court must obtain and consider a pre-sentence report before forming the opinion unless, in the circumstances of the case, it considers that it is unnecessary to obtain a pre-sentence report.

(3) If the offender is aged under 18, the court must obtain and consider a pre-sentence report before forming the opinion unless—

(a) there exists a previous pre-sentence report obtained in respect of the offender, and

(b) the court considers—

(i) in the circumstances of the case, and

(ii) having had regard to the information contained in that report or, if there is more than one, the most recent report,

that it is unnecessary to obtain a pre-sentence report.

(4) Where a court does not obtain and consider a pre-sentence report before forming an opinion in relation to which the pre-sentence report requirements apply, no custodial sentence or community sentence is invalidated by the fact that it did not do so.

31 Meaning of "pre-sentence report" etc

"Pre-sentence report"

(1) In this Code "pre-sentence report" means a report which—

(a) is made or submitted by an appropriate officer with a view to assisting the court in determining the most suitable method of dealing with an offender, and

(b) contains information as to such matters, presented in such manner, as may be prescribed by rules made by the Secretary of State.

(2) In subsection (1), "an appropriate officer" means—

(a) where the offender is aged 18 or over, an officer of a provider of probation services;

(b) where the offender is aged under 18—

(i) an officer of a provider of probation services,

(ii) a social worker of a local authority, or

(iii) a member of a youth offending team.

(3) Rules under subsection (1)(b) are subject to the negative resolution procedure.

"Obtaining" a pre-sentence report

(4) Where by any provision of this Code, the court is required to obtain a pre-sentence report, it may accept a pre-sentence report given orally in open court. But this is subject to—

(a) any rules made under subsection (1)(b), and

(b) subsection (5).

(5) A pre-sentence report must be in writing if it—

(a) relates to an offender aged under 18, and

(b) is required to be obtained and considered before the court forms an opinion mentioned in—

(i) section 230(2) (seriousness threshold for discretionary custodial sentence),

(ii) section 231(2) (determining term of custodial sentence), or
(iii) section 255(1)(c) (determining risk of harm to public for purpose of extended sentence).

32 Disclosure of pre-sentence reports

(1) This section applies where the court obtains a pre-sentence report, other than a report given orally in open court.

Copy for offender and parent or guardian

(2) The court must give a copy of the report—
(a) to the offender or the offender's legal representative, and
(b) if the offender is aged under 18, to any parent or guardian of the offender who is present in court.

(3) But if—
(a) the offender is aged under 18, and
(b) it appears to the court that the disclosure of any information contained in the report—
(i) to the offender, or
(ii) to a parent or guardian of the offender,
would be likely to create a risk of significant harm to the offender,
a complete copy of the report need not be given to the offender or, as the case may be, to that parent or guardian.
For this purpose "harm" has the same meaning as in section 31 of the Children Act 1989.

Copy for prosecutor

(4) The court must give a copy of the report to the prosecutor, that is to say, the person having the conduct of the proceedings in respect of the offence.

(5) But a copy of the report need not be given to the prosecutor if the court considers that it would be inappropriate for the prosecutor to be given it,
But this subsection does not apply if the prosecutor is of a description specified in regulations made by the Secretary of State.

(6) No information obtained by virtue of subsection (4) may be used or disclosed otherwise than for the purpose of—
(a) determining whether representations as to matters contained in the report need to be made to the court, or
(b) making such representations to the court.

(7) Regulations under subsection (5) are subject to the negative resolution procedure.

33 Appeals: requirements relating to pre-sentence reports

(1) Any court, on an appeal against a custodial sentence or a community sentence, must—
(a) subject to subsection (2) or (3), obtain a pre-sentence report if none was obtained by the court below, and
(b) consider any such report obtained by it or by the court below.

(2) If the offender is aged 18 or over, the court need not obtain a pre-sentence report if it considers—

(a) that the court below was justified in not obtaining a pre-sentence report, or

(b) that, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.

(3) If the offender is aged under 18, the court need not obtain a pre-sentence report if—

(a) there exists a previous pre-sentence report obtained in respect of the offender, and

(b) the court considers, having had regard to the information contained in that report or, if there is more than one, the most recent report—

(i) that the court below was justified in not obtaining a pre-sentence report, or

(ii) that, in the circumstances of the case at the time it is before the court, it is unnecessary to obtain a pre-sentence report.

Other reports of providers of probation services etc

34 Disclosure of other reports

(1) This section applies where—

(a) a report by—

(i) an officer of a provider of probation services, or

(ii) a member of a youth offending team,

is made to any court (other than a youth court) with a view to assisting the court in determining the most suitable method of dealing with any person in respect of an offence, and

(b) the report is not a pre-sentence report.

(2) The court must give a copy of the report—

(a) to the offender or the offender's legal representative, and

(b) if the offender is aged under 18, to any parent or guardian of the offender who is present in court.

(3) But if—

(a) the offender is aged under 18, and

(b) it appears to the court that the disclosure of any information contained in the report—

(i) to the offender, or

(ii) to a parent or guardian of the offender,

would be likely to create a risk of significant harm to the offender,

a complete copy of the report need not be given to the offender or, as the case may be, to that parent or guardian.

For this purpose, "harm" has the same meaning as in section 31 of the Children Act 1989.

Financial circumstances orders

35 Powers to order statement as to offender's financial circumstances

(1) In this Code, "financial circumstances order", in relation to an individual, means an order requiring the individual to give the court, before the end of the period specified in the order, such a statement of the individual's assets and other financial circumstances as the court may require.

(2) Where an individual has been convicted of an offence, the court may, before sentencing the individual, make a financial circumstances order with respect to the individual.

(3) Where a magistrates' court has been notified in accordance with section 12(4) of the Magistrates' Courts Act 1980 that an individual desires to plead guilty without appearing before the court, the court may make a financial circumstances order with respect to the individual.

(4) Where—

(a) an individual aged under 18 has been convicted of an offence, and

(b) the court is considering whether to make an order under section 381 in respect of the individual's parent or guardian (power to order parent or guardian to pay fine, costs, compensation or surcharge),

the court may make a financial circumstances order with respect to the parent or (as the case may be) guardian.

36 Financial circumstances order: offences

(1) It is an offence for an individual to fail without reasonable excuse to comply with a financial circumstances order.

(2) An individual who is guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) It is an offence for an individual, in furnishing any statement in pursuance of a financial circumstances order—

(a) to make a statement which the individual knows to be false in a material particular,

(b) recklessly to furnish a statement which is false in a material particular, or

(c) knowingly to fail to disclose any material fact.

(4) An individual who is guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(5) Proceedings for an offence under subsection (3) may be commenced at any time which is both—

(a) within 2 years from the date of the offence, and

(b) within 6 months from its first discovery by the prosecutor.

This subsection has effect despite anything in section 127(1) of the Magistrates' Courts Act 1980 (limitation of time).

Other powers to obtain reports etc

37 Reports and information: other powers of court

For other powers and duties of a court in relation to obtaining information or a report before passing sentence see—

(a) section 232 (medical report before passing certain custodial sentence in case of offender suffering from mental disorder);

(b) section 48(3) of the Children and Young Persons Act 1933 (power of youth court to remand for purpose of enabling information to be obtained with respect to offender aged under 18);

(c) section 10(3) of the Magistrates' Courts Act 1980 (adjournment by magistrates' court for purpose of enabling enquiries);

(d) section 35 of the Mental Health Act 1983 (remand to hospital for a report on the person's mental condition);

(e) section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 (remand by magistrates' court for medical examination).

CHAPTER 2

DEROGATORY ASSERTION ORDERS

38 Derogatory assertion orders and restriction on reporting of assertions

(1) While a derogatory assertion order or interim derogatory assertion order has effect in relation to an assertion, the assertion must not—

(a) be published in Great Britain in a written publication available to the public, or

(b) be included in a relevant programme for reception in Great Britain.

(2) In this Chapter—

"derogatory assertion order" means an order made under subsection (3) of section 39 in relation to an assertion to which that section applies;

"interim derogatory assertion order" means an order made under subsection (4) of section 39 in relation to an assertion to which that section applies.

39 Orders in respect of certain assertions

(1) This section applies to an assertion that forms part of a speech in mitigation made by or on behalf of an offender before—

(a) a court determining what sentence should be passed on the offender in respect of an offence, or

(b) a magistrates' court determining whether the offender should be committed to the Crown Court for sentence.

(2) This section also applies to an assertion that forms part of a submission relating to a sentence which is made by or on behalf of the offender before—

(a) a court hearing an appeal against or reviewing the sentence, or

(b) a court determining whether to grant leave to appeal against the sentence.

(3) The court may make a derogatory assertion order in relation to an assertion to which this section applies where there are substantial grounds for believing—

(a) that the assertion is derogatory to a person's character (for instance, because it suggests that the person's conduct is or has been criminal, immoral or improper), and

(b) that the assertion is false or that the facts asserted are irrelevant to the sentence.

(4) Where it appears to the court that there is a real possibility that a derogatory assertion order will be made in relation to an assertion, the court may make an interim derogatory assertion order in relation to it (see subsection (8)).

(5) No derogatory assertion order or interim derogatory assertion order may be made in relation to an assertion which it appears to the court was previously made—

(a) at the trial at which the offender was convicted of the offence, or

(b) during any other proceedings relating to the offence.

(6) Section 38(1) has effect where a court makes a derogatory assertion order or an interim derogatory assertion order.

(7) A derogatory assertion order—

(a) may be made after the court has made the relevant determination, but only if it is made as soon as is reasonably practicable after the determination has been made;

(b) subject to subsection (10), ceases to have effect at the end of the period of 12 months beginning with the day on which it is made;

(c) may be made whether or not an interim derogatory assertion order has been made with regard to the case concerned.

(8) An interim derogatory assertion order—

(a) may be made at any time before the court makes the relevant determination, and

(b) subject to subsection (10), ceases to have effect when the court makes the relevant determination.

(9) For the purposes of subsections (7) and (8) "relevant determination" means the determination of—

(a) the sentence (where this section applies by virtue of subsection (1)(a));

(b) whether the offender should be committed to the Crown Court for sentence (where this section applies by virtue of subsection (1)(b));

(c) what the sentence should be (where this section applies by virtue of subsection (2)(a));

(d) whether to grant leave to appeal (where this section applies by virtue of subsection (2)(b)).

(10) A derogatory assertion order or interim derogatory assertion order may be revoked at any time by the court which made it.

40 Reporting of assertions: offences

(1) If an assertion is published or included in a relevant programme in contravention of section 38, each of the following persons is guilty of an offence—

(a) in the case of publication in a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical;
(b) in the case of publication in any other form, the person publishing the assertion;
(c) in the case of an assertion included in a relevant programme, any body corporate engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(2) A person guilty of an offence under this section is liable on summary conviction to—
(a) in England and Wales, a fine;
(b) in Scotland, a fine of an amount not exceeding level 5 on the standard scale.

(3) Where a person is charged with an offence under this section it is a defence to prove that at the time of the alleged offence the person—
(a) was not aware, and neither suspected nor had reason to suspect, that a derogatory assertion order or interim derogatory assertion order had effect at that time, or
(b) was not aware, and neither suspected nor had reason to suspect, that the publication or programme in question was of, or (as the case may be) included, the assertion in question.

(4) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of—
(a) a director, manager, secretary or other similar officer of the body corporate, or
(b) a person purporting to act in any such capacity,
that person as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In relation to a body corporate whose affairs are managed by its members, "director" in subsection (4) means a member of the body corporate.

41 Reporting of assertions: supplementary

(1) In sections 38 and 40—
"relevant programme" means a programme included in a programme service, within the meaning of the Broadcasting Act 1990;
"written publication" includes a film, a soundtrack and any other record in permanent form but does not include an indictment or other document prepared for use in particular legal proceedings.

(2) For the purposes of sections 38 and 40 an assertion is published or included in a programme if the material published or included—
(a) names the person about whom the assertion is made or, without naming the person, contains enough to make it likely that members of the public will identify that person as the person about whom it is made, and
(b) reproduces the actual wording of the matter asserted or contains its substance.

(3) Nothing in section 38 or 39 affects any prohibition or restriction imposed by virtue of any other enactment on a publication or on matter included in a programme.

CHAPTER 3

SURCHARGE

42 Court's duty to order payment of surcharge

(1) A court when dealing with an offender for one or more offences committed on or after 1 April 2007 must also order the offender to pay a surcharge.
This is subject to subsections (2) to (4).

(2) Subsection (1) does not apply in such cases as may be prescribed by regulations made by the Secretary of State.

(3) Where a court dealing with an offender considers—
(a) that it would be appropriate to make one or more of—
(i) a compensation order,
(ii) an unlawful profit order, and
(iii) a slavery and trafficking reparation order, but
(b) that the offender has insufficient means to pay both the surcharge and appropriate amounts under such of those orders as it would be appropriate to make,
the court must reduce the surcharge accordingly (if necessary to nil).

(4) Where an offender aged under 18 is convicted of an offence and, but for this subsection, a court would order the offender to pay a surcharge—
(a) section 381 (orders for payment by parent or guardian) applies to the surcharge, and
(b) for the purposes of any order under that section in respect of the surcharge, subsection (3)(b) of this section is to be read as if the reference to the offender's means were to the means of the offender's parent or guardian.

(5) For the purposes of this section a court does not "deal with" a person if it—
(a) discharges the person absolutely, or
(b) makes an order under the Mental Health Act 1983 in respect of the person.

(6) In this section—
"slavery and trafficking reparation order" means an order under section 8 of the Modern Slavery Act 2015;
"unlawful profit order" means an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013.

(7) Regulations under subsection (2) are subject to the negative resolution procedure.

43 Amount of surcharge

(1) The surcharge payable under section 42 is such amount as the Secretary of State may specify by regulations.

(2) Regulations under this section may provide for the amount to depend on—
  (a) the offence or offences committed;
  (b) how the offender is otherwise dealt with (including, where the offender is fined, the amount of the fine);
  (c) the age of the offender.

(3) Regulations under this section are subject to the negative resolution procedure.

CHAPTER 4

CRIMINAL COURTS CHARGE

44 Criminal courts charge duty where court dealing with offender for offence

Where the Crown Court or a magistrates' court deals with an offender for an offence, the criminal courts charge duty applies to the court (see section 46).

45 Other occasions where criminal courts charge duty arises

(1) For other occasions where the criminal courts charge duty applies to a court, see—
  (a) section 52A of the Senior Courts Act 1981 (dismissal of appeal by Crown Court);
  (b) section 30B of the Criminal Appeal Act 1968 (dismissal of appeal by Court of Appeal);
  (c) section 256AC of the Criminal Justice Act 2003 (breach of supervision requirements imposed on release);
  (d) paragraph 10(6) of Schedule 10 (magistrates' court dealing with offender for breach of requirement of community order);
  (e) paragraph 11(3) of that Schedule (Crown Court dealing with offender for breach of community order);
  (f) paragraph 13(2) of Schedule 16 (magistrates' court or Crown Court dealing with offender for breach of community requirement of suspended sentence order).

(2) In the Senior Courts Act 1981, after section 52 (costs in Crown Court) insert—

"52A Appeals to Crown Court: criminal courts charge

The criminal courts charge duty (see section 46 of the Sentencing Code) applies to the Crown Court when dismissing an appeal by a person convicted of an offence against conviction or sentence for the offence."

(3) In the Criminal Appeal Act 1968, after section 30A insert—

"30B Criminal courts charge

The criminal courts charge duty (see section 46 of the Sentencing Code) applies to the Court of Appeal—
  (a) when dismissing an appeal under this Part of this Act by a person convicted of an offence against the person's conviction or sentence for the offence;
  (b) when dismissing an application for leave to bring such an appeal."

(4) In section 256AC of the Criminal Justice Act 2003 (breach of supervision requirements imposed under section 256AA)—

(a) after subsection (10) insert—

"(10A) Where a court deals with a person under this section, the criminal courts charge duty (see section 46 of the Sentencing Code) applies to the court.";

(b) in subsection (11)(b), for "section 21A of the Prosecution of Offences Act 1985" substitute "section 46 of the Sentencing Code".

46 Criminal courts charge duty

(1) Where the criminal courts charge duty applies to a court in relation to an offender, the court must order the offender to pay a charge in respect of relevant court costs, unless—

(a) the offender was aged under 18 when the offence was committed,

(b) the offence was committed before 13 April 2015, or

(c) the case is, or is of a class, prescribed by the Lord Chancellor by regulations.

(2) In this section—

"court costs" means costs of providing the judiciary and the rest of the system of courts, but does not include defence or prosecution costs;

"relevant court costs" means court costs incurred in connection with—

(a) criminal proceedings, or

(b) proceedings for a relevant failure,

but does not include costs of providing the Supreme Court or judges of that Court;

"relevant failure" means a failure to comply with—

(a) a requirement of a community order,

(b) a community requirement of a suspended sentence order, or

(c) a supervision requirement imposed under section 256AA of the Criminal Justice Act 2003.

(3) In this Code, "criminal courts charge order" means an order under subsection (1).

47 Court to disregard criminal courts charge duty in dealing with offender

(1) This section applies where the criminal courts charge duty applies to a court in dealing with an offender for—

(a) an offence, or

(b) a failure to comply with a requirement.

(2) In dealing with the offender (other than under the duty) for the offence or failure, the court must not take into account—

(a) the criminal courts charge duty, or

(b) any criminal courts charge order.

48 Amount of criminal courts charge

(1) A charge ordered to be paid by a criminal courts charge order must be of an amount specified by the Lord Chancellor by regulations.

(2) When specifying amounts under this section, the Lord Chancellor must seek to secure that an amount specified in respect of a class of case does not exceed the relevant court costs reasonably attributable to a case of that class.

(3) In this section "relevant court costs" has the same meaning as in section 46.

49 Interest on criminal courts charge

(1) The Lord Chancellor may by regulations provide that a person who is ordered by a criminal courts charge order to pay a charge must pay interest on the charge so far as it remains unpaid.

(2) The regulations may, in particular—
(a) make provision about the rate of interest,
(b) make provision about periods when interest is or is not payable, and
(c) make provision by reference to a measure or document as amended from time to time.

(3) The regulations may not make provision for a rate of interest that is higher than the rate that the Lord Chancellor considers would maintain the value in real terms of amounts that remain unpaid.

(4) An amount of interest payable under the regulations is to be treated as part of the charge ordered to be paid by the criminal courts charge order.

50 Power of magistrates' court to remit criminal courts charge

(1) A magistrates' court may remit the whole or part of a criminal courts charge, but this is subject to subsections (2) to (4).

(2) It may remit the charge only if—
(a) it is satisfied that the person has taken all reasonable steps to pay it, having regard to the person's personal circumstances, or
(b) it is satisfied that collection and enforcement of the charge is impracticable.

(3) It may not remit the charge at a time when the person is detained in prison.

(4) It may not remit the charge unless each of the following has expired—
(a) a specified period beginning with the day on which a criminal courts charge order was last made in respect of the person;
(b) a specified period beginning with the day on which the person was last convicted of an offence;
(c) where relevant, a specified period beginning with the day on which the person was last released from prison.

(5) Where a court remits a criminal courts charge after an order has been made under section 300(2) of the Criminal Justice Act 2003 (power to impose unpaid work requirement etc on fine defaulter) for default in paying the charge (or the charge and other amounts), the court must—
(a) reduce the total number of hours or days to which the order relates by the same proportion as the amount remitted bears to the total amount in respect of which the order was made, or
(b) if the total number of hours or days would be reduced to nil under paragraph (a), revoke the order.

(6) In calculating a reduction required by subsection (5), any fraction of an hour or day is to be rounded down to the nearest hour or day.

(7) In this section—

"criminal courts charge" means the charge ordered to be paid by a criminal courts charge order;

"prison" includes any place where a person serving a sentence of detention for an offence is liable to be detained;

"specified period" means a period of a length specified by the Lord Chancellor by regulations.

51 Regulations under Chapter

(1) Subsections (4) and (6)(b) of section 406 (general powers to make provision in regulations) do not apply to the powers to make regulations conferred by this Chapter.

(2) Regulations under this Chapter are subject to the negative resolution procedure.

CHAPTER 5

DUTIES TO EXPLAIN OR GIVE REASONS

52 Duty to give reasons for and to explain effect of sentence

(1) A court passing sentence on an offender has the duties in subsections (2) and (3).

(2) The court must state in open court, in ordinary language and in general terms, the court's reasons for deciding on the sentence.

(3) The court must explain to the offender in ordinary language—

(a) the effect of the sentence,

(b) the effects of non-compliance with any order that the offender is required to comply with and that forms part of the sentence,

(c) any power of the court to vary or review any order that forms part of the sentence, and

(d) the effects of failure to pay a fine, if the sentence consists of or includes a fine.

(4) Criminal Procedure Rules may—

(a) prescribe cases in which either duty does not apply, and

(b) make provision about how an explanation under subsection (3) is to be given.

(5) Subsections (6) to (8) are particular duties of the court in complying with the duty in subsection (2).

(6) The court must identify any sentencing guidelines relevant to the offender's case and—

(a) explain how the court discharged any duty imposed on it by section 59 or 60 (duty to follow guidelines unless satisfied it would be contrary to the interests of justice to do so);

(b) where the court was satisfied it would be contrary to the interests of justice to follow the guidelines, state why.

(7) Where as a result of taking into account any matter mentioned in section 73(2) (guilty pleas), the court imposes a punishment on the offender which is less severe than the punishment it would otherwise have imposed, the court must state that fact.

(8) Subsections (9) and (10) apply where the offender is aged under 18.

(9) If the court imposes a youth rehabilitation order with supervision and surveillance, or a youth rehabilitation order with fostering, it must state why it is of the opinion mentioned in each of—

(a) section 179(2), and

(b) paragraph (a) and, if applicable, paragraph (b) of section 180(2).

(10) If the court imposes a sentence that may only be imposed in the offender's case if the court is of the opinion mentioned in section 230(2) (discretionary custodial sentence), the court must state why it is of that opinion.

53 Offender aged under 16: duty to give reasons where order not made in respect of parent or guardian

(1) Where an offender aged under 16 is convicted of an offence, for the duty of the court to make a statement in certain cases—

(a) if it does not make a parenting order under section 367 in respect of a parent or guardian of the offender, see subsection (3)(b) of that section;

(b) if it makes a criminal behaviour order in respect of the offender and does not make a parenting order under section 8(1)(b) of the Crime and Disorder Act 1998 in respect of a parent or guardian of the offender, see section 9(1B) of that Act;

(c) if it does not make an order under section 377 (binding over of parent or guardian), see subsection (4)(b) of that section.

(2) Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply to this section.

54 Duty to give reasons where reparation order not made

Where—

(a) a court is dealing with an offender for an offence, and

(b) a reparation order is available,

the court must give reasons if it does not make a reparation order.

55 Court to give reasons where compensation order not made

Where—

(a) a court is dealing with an offender for an offence, and

(b) a compensation order is available,

the court must give reasons if it does not make a compensation order.

56 Other duties of court to give reasons where certain orders not made

(1) For other duties of the court dealing with an offender for an offence to give reasons, in certain circumstances, for a decision not to make an order, see—

Duty to give reasons	*Type of order*	*Type of offence*
Criminal Justice and Police Act 2001		
section 33(2)(c)	travel restriction order under section 33	sentence of imprisonment for certain drug-trafficking offences
Animal Welfare Act 2006		
section 33(6)	order under section 33 (deprivation)	certain offences under that Act
section 34(8)	order under section 34 (disqualification)	certain offences under that Act
Football Spectators Act 1989		
section 14A(3)	banning order under Part 2	relevant offence within the meaning of that Part
Prevention of Social Housing Fraud Act 2013		
section 4(4)	unlawful profit order under section 4	offence under section 1 or 2
Modern Slavery Act 2015		
section 8(7)(b)	slavery and trafficking reparation order	offence under section 1, 2 or 4

(2) Nothing in this section is to be taken to affect—
  (a) any power to make an order mentioned in the table in subsection (1), or
  (b) any requirement to give reasons for a decision not to exercise any power to make an order not mentioned in the table.

PART 4

EXERCISE OF COURT'S DISCRETION

CHAPTER 1

PURPOSES OF SENTENCING

57 Purposes of sentencing: adults

(1) This section applies where—
  (a) a court is dealing with an offender for an offence, and
  (b) the offender was 18 or over when convicted.

(2) The court must have regard to the following purposes of sentencing—
  (a) the punishment of offenders,
  (b) the reduction of crime (including its reduction by deterrence),
  (c) the reform and rehabilitation of offenders,
  (d) the protection of the public, and
  (e) the making of reparation by offenders to persons affected by their offences.

(3) Subsection (1) does not apply—
  (a) to an offence in relation to which a mandatory sentence requirement applies (see section 399), or
  (b) in relation to making any of the following under Part 3 of the Mental Health Act 1983—
    (i) a hospital order (with or without a restriction order),
    (ii) an interim hospital order,
    (iii) a hospital direction, or
    (iv) a limitation direction.

58 Offenders aged under 18: considerations of court not affected by Code

Nothing in this Code affects the duties of the court—
  (a) to have regard to the principal aim of the youth justice system (which is to prevent offending (or re-offending) by persons aged under 18: see section 37 of the Crime and Disorder Act 1998);
  (b) under section 44 of the Children and Young Persons Act 1933 (to have regard to welfare and in certain cases to take steps in relation to surroundings and provision of education etc).

CHAPTER 2

SENTENCING GUIDELINES

59 Sentencing guidelines: general duty of court

(1) Every court—
  (a) must, in sentencing an offender, follow any sentencing guidelines which are relevant to the offender's case, and
  (b) must, in exercising any other function relating to the sentencing of offenders, follow any sentencing guidelines which are relevant to the exercise of the function,

unless the court is satisfied that it would be contrary to the interests of justice to do so.

(2) The duty imposed by subsection (1) is subject to—
  (a) section 125(1) (fine must reflect seriousness of offence);
  (b) section 204(2) (restriction on community order);
  (c) section 208(3) and (6) (restrictions on choice of requirements of community order);
  (d) section 230 (threshold for imposing discretionary custodial sentence);
  (e) section 231 (custodial sentence must be for shortest term commensurate with seriousness of offence);

(f) sections 273 and 283 (life sentence for second listed offence for certain dangerous offenders);
(g) section 321 and Schedule 21 (determination of minimum term in relation to mandatory life sentence);
(h) the provisions mentioned in section 399(1)(c) (mandatory minimum sentences).

(3) Nothing in this section or section 60 or 61 is to be taken as restricting any power (whether under the Mental Health Act 1983 or otherwise) which enables a court to deal with an offender suffering from a mental disorder in the manner it considers to be most appropriate in all the circumstances.

60 Sentencing guidelines: determination of sentence

(1) This section applies where—
(a) a court is deciding what sentence to impose on an offender for an offence, and
(b) offence-specific guidelines have been issued in relation to the offence.

(2) The principal guidelines duty includes a duty to impose on the offender, in accordance with the offence-specific guidelines, a sentence which is within the offence range.

(3) Subsection (2) is subject to—
(a) section 73 (reduction in sentences for guilty pleas),
(b) sections 74 and 388 (assistance by offenders: reduction or review of sentence) and any other rule of law by virtue of which an offender may receive a discounted sentence in consequence of assistance given (or offered to be given) by the offender to the prosecutor or investigator of an offence, and
(c) any rule of law as to the totality of sentences.

(4) If the offence-specific guidelines describe different seriousness categories—
(a) the principal guidelines duty also includes a duty to decide which of the categories most resembles the offender's case in order to identify the sentencing starting point in the offence range, but
(b) nothing in this section imposes on the court a separate duty to impose a sentence which is within the category range.

(5) Subsection (4) does not apply if the court is of the opinion that, for the purpose of identifying the sentence within the offence range which is the appropriate starting point, none of the categories sufficiently resembles the offender's case.

(6) Subsections (2) and (4) (except as applied by section 61) are subject to any power a court has to impose an extended sentence.

61 Sentencing guidelines: extended sentences and life sentences

Extended sentence: determination of appropriate custodial term

(1) Subsection (2) applies where a court is considering whether to impose an extended sentence for an offence.

(2) In determining the appropriate custodial term for the purposes of section 256(2), 268(2) or 281(2) (extended sentence for certain violent or sexual

offences), section 60 applies to the court as it applies to a court in determining the sentence for an offence.

Life sentence for second listed offence: determination of sentence condition

(3) Subsection (4) applies where a court is considering whether to impose a sentence under 273 or 283 (life sentence for second listed offence) for an offence.

(4) In determining, for the purpose of deciding whether the sentence condition in section 273(3) or 283(3) is met, the sentence that it would have passed as mentioned in that condition, section 60 applies to the court as it applies to a court in determining the sentence for an offence.

Notional determinate term for non-fixed life sentence

(5) Subsection (6) applies where a court imposes a non-fixed life sentence for an offence.

(6) Section 60 applies to the court in determining the notional determinate term in respect of the offence for the purpose of determining the order to be made under section 323 (minimum term order for non-fixed life sentence).

(7) For the purposes of subsection (6), the notional determinate term is the determinate sentence that would have been passed in respect of the offence if the court had not been required by the need to protect the public and the potential danger of the offender to impose a non-fixed life sentence.

(8) In this section "non-fixed life sentence" means—

(a) a sentence of imprisonment for life (other than a sentence fixed by law),

(b) a sentence of detention for life under section 249, or

(c) a sentence of custody for life under section 272.

62 Sentencing guidelines duties: interpretation

(1) In this Chapter—

"mental disorder", in relation to a person, has the same meaning as in the Mental Health Act 1983;

"the principal guidelines duty" means the duty, imposed by section 59(1)(a), of a court, in sentencing an offender, to follow any sentencing guidelines which are relevant to the offender's case;

"offence-specific guidelines" means any sentencing guidelines issued in relation to a particular offence which are structured in the way described in section 121(2) to (5) of the Coroners and Justice Act 2009 (and "the offence-specific guidelines", in relation to an offence, means, if any such guidelines have been issued in relation to the offence, those guidelines);

"the sentencing starting point", in relation to the offence range, has the meaning given by section 121(10) of the Coroners and Justice Act 2009.

(2) For the purposes of this Chapter—

(a) references to the following are to be read in accordance with section 121 of the Coroners and Justice Act 2009 (sentencing ranges)—

the offence range;

the category range;

the starting point;

the appropriate starting point;

(b) offence-specific guidelines describe different seriousness categories if they describe different categories of case in accordance with subsection (2) of that section.

CHAPTER 3

SERIOUSNESS AND DETERMINING SENTENCE

Generally

63 Assessing seriousness

Where a court is considering the seriousness of any offence, it must consider—

(a) the offender's culpability in committing the offence, and

(b) any harm which the offence—

(i) caused,

(ii) was intended to cause, or

(iii) might forseeably have caused.

Aggravating factors

64 Offence committed on bail

In considering the seriousness of an offence committed while the offender was on bail, the court must—

(a) treat the fact that it was committed in those circumstances as an aggravating factor, and

(b) state in open court that the offence is so aggravated.

65 Previous convictions

(1) This section applies where a court is considering the seriousness of an offence ("the current offence") committed by an offender who has one or more relevant previous convictions.

(2) The court must treat as an aggravating factor each relevant previous conviction that it considers can reasonably be so treated, having regard in particular to—

(a) the nature of the offence to which the relevant previous conviction relates and its relevance to the current offence, and

(b) the time that has elapsed since the relevant previous conviction.

(3) Where the court treats a relevant previous conviction as an aggravating factor under subsection (2) it must state in open court that the offence is so aggravated.

(4) In subsections (1) to (3) "relevant previous conviction" means—

(a) a previous conviction by a court in the United Kingdom,

(b) a previous conviction of a relevant offence under the law of another member State by a court in that State,

(c) a previous conviction of a service offence (see subsection (5)), or

(d) a finding of guilt in respect of a member State service offence (see subsection (6)).

(5) In subsection (4)(c) (previous convictions of service offences)—

(a) "conviction" includes anything that under section 376(1) and (2) of the Armed Forces Act 2006 is to be treated as a conviction (which relates to summary hearings and the Summary Appeal Court);

(b) "service offence" means—

(i) a service offence within the meaning of the Armed Forces Act 2006, or

(ii) an SDA offence within the meaning of the Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059);

(c) the previous convictions referred to are to be taken to include a previous finding of guilt in—

(i) proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence); or

(ii) proceedings before a Standing Civilian Court established under section 6 of the Armed Forces Act 1976.

(6) In subsection (4)(d) "member State service offence" means an offence which—

(a) was the subject of proceedings under the service law of a member State other than the United Kingdom, and

(b) would constitute an offence under the law of any part of the United Kingdom, or a service offence (within the meaning of the Armed Forces Act 2006), if it were done in any part of the United Kingdom, by a member of Her Majesty's forces, at the time of the conviction of the offender for the current offence,

and, for this purpose—

"Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006;

"service law", in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State.

(7) For the purposes of this section, an offence is "relevant" if the offence would constitute an offence under the law of any part of the United Kingdom if it were done in that part at the time of the conviction of the offender for the current offence.

66 Hostility

(1) This section applies where a court is considering the seriousness of an offence which is aggravated by—

(a) racial hostility,

(b) religious hostility,

(c) hostility related to disability,

(d) hostility related to sexual orientation, or

(e) hostility related to transgender identity.

This is subject to subsection (3).

(2) The court—

(a) must treat the fact that the offence is aggravated by hostility of any of those types as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) So far as it relates to racial and religious hostility, this section does not apply in relation to an offence under sections 29 to 32 of the Crime and Disorder Act 1998 (racially or religiously aggravated offences).

(4) For the purposes of this section, an offence is aggravated by hostility of one of the kinds mentioned in subsection (1) if—

(a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on—

(i) the victim's membership (or presumed membership) of a racial group,

(ii) the victim's membership (or presumed membership) of a religious group,

(iii) a disability (or presumed disability) of the victim,

(iv) the sexual orientation (or presumed sexual orientation) of the victim, or (as the case may be)

(v) the victim being (or being presumed to be) transgender, or

(b) the offence was motivated (wholly or partly) by—

(i) hostility towards members of a racial group based on their membership of that group,

(ii) hostility towards membership of a religious group based on their membership of that group,

(iii) hostility towards persons who have a disability or a particular disability,

(iv) hostility towards persons who are of a particular sexual orientation, or (as the case may be)

(v) hostility towards persons who are transgender.

(5) For the purposes of paragraphs (a) and (b) of subsection (4), it is immaterial whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.

(6) In this section—

(a) references to a racial group are to a group of persons defined by reference to race, colour, nationality (including citizenship) or ethnic or national origins;

(b) references to a religious group are to a group of persons defined by reference to religious belief or lack of religious belief;

(c) "membership" in relation to a racial or religious group, includes association with members of that group;

(d) "disability" means any physical or mental impairment;

(e) references to being transgender include references to being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment;

(f) "presumed" means presumed by the offender.

67 Assaults on emergency workers

(1) This section applies where a court is considering the seriousness of an offence listed in subsection (3).

(2) If the offence was committed against an emergency worker acting in the exercise of functions as such a worker, the court—

(a) must treat that fact as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) The offences referred to in subsection (1) are—

(a) an offence under any of the following provisions of the Offences Against the Person Act 1861—

(i) section 16 (threats to kill);

(ii) section 18 (wounding with intent to cause grievous bodily harm);

(iii) section 20 (malicious wounding);

(iv) section 23 (administering poison etc);

(v) section 28 (causing bodily injury by explosives);

(vi) section 29 (using explosives etc with intent to do grievous bodily harm);

(vii) section 47 (assault occasioning actual bodily harm);

(b) an offence under section 3 of the Sexual Offences Act 2003 (sexual assault);

(c) manslaughter;

(d) kidnapping;

(e) an inchoate offence in relation to any of the preceding offences.

(4) For the purposes of subsection (2) the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as an emergency worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as an emergency worker.

(5) In this section, "emergency worker" has the meaning given by section 68.

(6) Nothing in this section prevents a court from treating the fact that an offence was committed against an emergency worker acting in the exercise of functions as such as an aggravating factor in relation to offences not listed in subsection (3).

68 Emergency workers for the purposes of section 67

(1) In section 67, "emergency worker" means—

(a) a constable;

(b) a person (other than a constable) who has the powers of a constable or is otherwise employed for police purposes or is engaged to provide services for police purposes;

(c) a National Crime Agency officer;

(d) a prison officer;

(e) a person (other than a prison officer) employed or engaged to carry out functions in a custodial institution of a corresponding kind to those carried out by a prison officer;

(f) a prisoner custody officer, so far as relating to the exercise of escort functions;

(g) a custody officer, so far as relating to the exercise of escort functions;

(h) a person employed for the purposes of providing, or engaged to provide, fire services or fire and rescue services;

(i) a person employed for the purposes of providing, or engaged to provide, search services or rescue services (or both);

(j) a person employed for the purposes of providing, or engaged to provide—

(i) NHS health services, or

(ii) services in the support of the provision of NHS health services,

and whose general activities in doing so involve face to face interaction with individuals receiving the services or with other members of the public.

(2) It is immaterial for the purposes of subsection (1) whether the employment or engagement is paid or unpaid.

(3) In this section—

"custodial institution" means any of the following—

(a) a prison;

(b) a young offender institution, secure training centre, secure college or remand centre;

(c) a removal centre, a short-term holding facility or pre-departure accommodation, as defined by section 147 of the Immigration and Asylum Act 1999;

(d) services custody premises, as defined by section 300(7) of the Armed Forces Act 2006;

"custody officer" has the meaning given by section 12(3) of the Criminal Justice and Public Order Act 1994;

"escort functions"—

(a) in the case of a prisoner custody officer, means the functions specified in section 80(1) of the Criminal Justice Act 1991;

(b) in the case of a custody officer, means the functions specified in paragraph 1 of Schedule 1 to the Criminal Justice and Public Order Act 1994;

"NHS health services" means any kind of health services provided as part of the health service continued under section 1(1) of the National Health Service Act 2006 and under section 1(1) of the National Health Service (Wales) Act 2006;

"prisoner custody officer" has the meaning given by section 8991) of the Criminal Justice Act 1991.

69 Terrorist connection

(1) This section applies where a court is considering the seriousness of an offence specified in Schedule 1 (offences where terrorist connection to be considered).

(2) If the offence has a terrorist connection, the court—

(a) must treat that fact as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) For the purposes of this section, an offence has a terrorist connection if the offence—

(a) is, or takes place in the course of, an act of terrorism, or

(b) is committed for the purposes of terrorism.

For this purpose, "terrorism" has the same meaning as in the Terrorism Act 2000 (see section 1 of that Act).

70 Using minor to mind weapon

(1) This section applies where—

(a) a court is considering the seriousness of an offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon), and

(b) at the time the offence was committed—

(i) the offender was aged 18 or over, and

(ii) the person used to look after, hide or transport the weapon in question ("the person used") was not.

(2) The court—

(a) must treat the fact that the person used was under the age of 18 at the time of the offence as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) Subsection (4) applies where the offence is found to have involved the person used's having possession of a weapon, or being able to make it available—

(a) over a period of two or more days, or

(b) at some time during a period of two or more days.

(4) If, on a day during that period, sub-paragraphs (i) and (ii) of subsection (1)(b) were both satisfied, they are to be treated as both being satisfied at the time the offence was committed.

71 Supply of controlled drug near school premises or involving child

(1) This section applies where—

(a) a court is considering the seriousness of an offence under section 4(3) of the Misuse of Drugs Act 1971 (supplying controlled drug etc), and

(b) the offender was aged 18 or over at the time that the offence was committed.

(2) If condition A or B is met, the court—

(a) must treat the fact that the condition is met as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) Condition A is that the offence was committed on or in the vicinity of school premises at a relevant time.

(4) For the purposes of subsection (3)—

"relevant time", in relation to school premises, is—

(a) any time when the school premises are in use by persons under the age of 18;

(b) one hour before the start and one hour after the end of any such time;

"school" has the same meaning as it has in section 4A of the Misuse of Drugs Act 1971;

"school premises" means land used for the purposes of a school excluding any land occupied solely as a dwelling by a person employed at the school.

(5) Condition B is that in connection with the commission of the offence the offender used a courier who, at the time the offence was committed, was aged under 18.

(6) For the purposes of subsection (5), a person uses a courier in connection with an offence under section 4(3) of the Misuse of Drugs Act 1971 if the person causes or permits another person ("the courier")—

(a) to deliver a controlled drug to a third person, or

(b) to deliver a drug-related consideration to the person or a third person.

(7) For the purposes of subsection (6), a drug-related consideration is a consideration of any description which—

(a) is obtained in connection with the supply of a controlled drug, or

(b) is intended to be used in connection with obtaining a controlled drug.

(8) In this section, "controlled drug" and "supply" have the same meanings as in the Misuse of Drugs Act 1971.

72 Supply of psychoactive substance in certain circumstances

(1) This section applies where—

(a) a court is considering the seriousness of an offence under section 5 of the Psychoactive Substances Act 2016 (supplying psychoactive substance etc), and

(b) the offender was aged 18 or over at the time that the offence was committed.

(2) If condition A, B or C is met the court—

(a) must treat the fact that the condition is met as an aggravating factor, and

(b) must state in open court that the offence is so aggravated.

(3) Condition A is that the offence was committed on or in the vicinity of school premises at a relevant time.

(4) For the purposes of subsection (3)—

"relevant time", in relation to school premises, means—

(a) any time when the school premises are in use by persons under the age of 18;

(b) one hour before the start and one hour after the end of any such time;

"school" has the same meaning as in section 6 of the Psychoactive Substances Act 2016;

"school premises" means land used for the purposes of a school excluding any land occupied solely as a dwelling by a person employed at the school.

(5) Condition B is that, in connection with the offence, the offender used a courier who, at the time the offence was committed, was aged under 18.

(6) For the purposes of subsection (5), a person uses a courier in connection with an offence under section 5 of the Psychoactive Substances Act 2016 if the person causes or permits another person ("the courier")—

(a) to deliver a substance to a third person, or

(b) to deliver a drug-related consideration to the person or a third person.

(7) For the purposes of subsection (6), a drug-related consideration is a consideration of any description which—

(a) is obtained in connection with the supply of a psychoactive substance, or

(b) is intended to be used in connection with obtaining a psychoactive substance.

(8) Condition C is that the offence was committed in a custodial institution.

(9) For the purposes of subsection (8), "custodial institution" means any of the following—

(a) a prison;

(b) a young offender institution, secure training centre, secure college;

(c) a removal centre, short-term holding facility or pre-departure accommodation (each, as defined in section 147 of the Immigration and Asylum Act 1999);

(d) service custody premises (as defined in section 300(7) of the Armed Forces Act 2006).

(10) In this section "psychoactive substance" has the same meaning as in the Psychoactive Substances Act 2016 (see section 2 of that Act);

Mitigating factors

73 Reduction in sentences for guilty pleas

(1) This section applies where a court is determining what sentence to pass on an offender who has pleaded guilty to an offence in proceedings before that or another court.

(2) The court must take into account the following matters—

(a) the stage in the proceedings for the offence at which the offender indicated the intention to plead guilty, and

(b) the circumstances in which the indication was given.

(3) If—

(a) a mandatory sentence requirement applies in relation to the offence (see section 399) by virtue of a provision mentioned in subsection (4), and

(b) the offender is aged 18 or over when convicted,

the mandatory sentence requirement does not prevent the court, after taking into account any matter referred to in subsection (2), from imposing any sentence which is not less than 80 per cent of the sentence which would otherwise be required by that requirement.

(4) The provisions referred to in subsection (3)(a) are—

(a) section 312 (minimum sentence for threatening with weapon);

(b) section 313 (minimum of 7 years for third class A drug trafficking offence);
(c) section 314 (minimum of 3 years for third domestic burglary);
(d) section 315 (minimum sentence for repeat offence involving weapon).

(5) If—
(a) a mandatory sentence requirement applies in relation to the offence by virtue of—
(i) section 312, or
(ii) section 315, and
(b) the offender is aged under 18 when convicted,
the mandatory sentence requirement does not prevent the court from imposing any sentence that it considers appropriate after taking into account any matter referred to in subsection (2).

74 Reduction in sentence for assistance to prosecution

(1) This section applies where the Crown Court is determining what sentence to pass in respect of an offence on an offender who—
(a) pleaded guilty to the offence,
(b) was convicted in the Crown Court or committed to the Crown Court for sentence, and
(c) pursuant to a written agreement made with a specified prosecutor, has assisted or offered to assist—
(i) the investigator,
(ii) or the specified prosecutor or any other prosecutor,
in relation to that or any other offence.

(2) The court may take into account the extent and nature of the assistance given or offered.

(3) If the court passes a sentence which is less than it would have passed but for the assistance given or offered, it must state in open court—
(a) that it has passed a lesser sentence than it would otherwise have passed, and
(b) what the greater sentence would have been.
This is subject to subsection (4).

(4) If the court considers that it would not be in the public interest to disclose that the sentence has been discounted by virtue of this section—
(a) subsection (3) does not apply,
(b) the court must give a written statement of the matters specified in subsection (3)(a) and (b) to—
(i) the prosecutor, and
(ii) the offender, and
(c) sections 52(2) and 322(4) (requirement to explain reasons for sentence or other order) do not apply to the extent that the explanation will disclose that a sentence has been discounted by virtue of this section.

(5) Nothing in—
(a) any of the provisions listed in section 399(1)(b) or (c) (minimum sentences in certain circumstances), or

(b) section 321 (and Schedule 21) (determination of minimum term in relation to mandatory life sentence),

affects the court's power under subsection (2).

75 Specified prosecutors

(1) In the reduction in sentence provisions, "specified prosecutor" means—

(a) the Director of Public Prosecutions;
(b) the Director of the Serious Fraud Office;
(c) the Director of Public Prosecutions for Northern Ireland;
(d) the Financial Conduct Authority;
(e) the Prudential Regulation Authority;
(f) the Bank of England, where the offence is an offence under the Financial Services and Markets Act 2000;
(g) the Secretary of State for Business, Energy and Industrial Strategy, acting personally;
(h) a prosecutor designated for the purposes of the reduction in sentence provisions by a prosecutor mentioned in paragraphs (a) to (g).

(2) In exercising the power to designate a prosecutor under subsection (1)(h), the Financial Conduct Authority, the Prudential Regulation Authority, the Bank of England and the Secretary of State for Business, Energy and Industrial Strategy may each designate only—

(a) one prosecutor (a "chief prosecutor") to act at any one time, and
(b) an alternative prosecutor (a "deputy prosecutor") to act as a specified prosecutor—
  (i) when the chief prosecutor is unavailable, or
  (ii) during any period when no chief prosecutor is designated.

(3) The provisions listed in column 1 of the following table (powers to delegate) do not apply to the exercise of powers conferred by the reduction in sentence provisions on the authorities specified in the corresponding entries in column 2—

Provision that normally confers power to delegate	*Body on whom power normally conferred*
Paragraph 8(1) of Schedule 1ZA to the Financial Services and Markets Act 2000	Financial Conduct Authority
Paragraph 17(1) of Schedule 6A to the Bank of England Act 1998	Prudential Regulation Authority
Paragraph 11 of Schedule 1 to the Bank of England Act 1998	Bank of England.

(4) The Attorney General may issue guidance to specified prosecutors about the exercise by them of any of their powers under the reduction in sentence provisions.

(5) The Attorney General may revise any guidance issued under subsection (4).

(6) In this section "the reduction in sentence provisions" means—

(a) section 74;

(b) this section;

(c) sections 387 to 391 (review of sentence in cases of assistance for prosecutor etc).

Effect of Code on other powers of court in assessing seriousness

76 Effect of Chapter on other powers of court to consider seriousness

Nothing in this Chapter that requires or permits a court to take any matter into account for the purpose of sentencing an offender for an offence is to be taken to prevent a court taking any other matter into account for that purpose.

77 Basis of opinion provisions not to affect power to mitigate sentences

(1) Nothing in any of the basis of opinion provisions prevents a court from mitigating an offender's sentence by taking into account any matters that, in the opinion of the court, are relevant in mitigation of sentence.

(2) Section 230(2) (threshold for imposing discretionary custodial sentence) does not prevent a court, after taking into account such matters, from passing a community sentence even though it is of the opinion that—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it,

was so serious that a community sentence could not normally be justified for the offence.

(3) Nothing in any of the basis of opinion provisions prevents a court—

(a) from mitigating any penalty included in an offender's sentence by taking into account any other penalty included in that sentence, and

(b) in the case of an offender who is convicted of one or more other offences, from mitigating the offender's sentence by applying any rule of law as to the totality of sentences.

(4) Subsections (2) and (3) are without prejudice to the generality of subsection (1).

(5) In this section "basis of opinion provision" means any of the following—

(a) section 30 or 33 (pre-sentence reports and other requirements);

(b) section 124, 125 or 126 (fixing of fines);

(c) section 204 (imposing community sentences);

(d) section 230, 231 or 232 (imposing custodial sentences);

(e) paragraph 3 of Schedule 1 to the Criminal Justice and Immigration Act 2008 (youth rehabilitation order with intensive supervision and surveillance), or

(f) paragraph 4 of Schedule 1 to that Act (youth rehabilitation order with fostering).

78 Basis of opinion provisions: offenders suffering from a mental disorder

(1) Nothing in any of the basis of opinion provisions is to be taken—

(a) as requiring a court to pass—

(i) a custodial sentence, or

(ii) any particular custodial sentence,

on an offender suffering from a mental disorder, or

(b) as restricting any power (whether under the Mental Health Act 1983 or otherwise) which enables a court to deal with such an offender in the manner it considers to be most appropriate in all the circumstances.

(2) In this section—

"mental disorder" has the same meaning as in the Mental Health Act 1983 (see section 1 of that Act);

"basis of opinion provision" has the same meaning as in section 77.

THIRD GROUP OF PARTS

DISPOSALS

PART 5

ABSOLUTE AND CONDITIONAL DISCHARGE

79 Order for absolute discharge

(1) In this Code "order for absolute discharge" means an order discharging an offender absolutely in respect of an offence.

Availability

(2) An order for absolute discharge is available to a court dealing with an offender for an offence where—

(a) the offender is convicted by or before the court, and

(b) the offence is not one in relation to which a mandatory sentence requirement applies (see section 399).

Exercise of power to make order for absolute discharge

(3) Where it is available, the court may make an order for absolute discharge if it is of the opinion that it is inexpedient to inflict punishment, having regard to the circumstances, including—

(a) the nature of the offence, and

(b) the character of the offender.

Effect on other orders

(4) Nothing in this section is to be taken to preclude a court, on discharging an offender absolutely in respect of an offence, from—

(a) imposing any disqualification on the offender,

(b) making any of the following orders in respect of the offence—

(i) a compensation order (see section 133);

(ii) an order under section 152 (deprivation orders);

(iii) a restitution order (see section 147);

(iv) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013,

(c) making an order under section 46 (criminal courts charge), or

(d) making an order for costs against the offender.

80 Order for conditional discharge

(1) In this Code "order for conditional discharge" means an order discharging an offender for an offence subject to the condition that the offender commits no offence during the period specified in the order (referred to in this Code as "the period of conditional discharge").

Availability

(2) An order for conditional discharge is available to a court dealing with an offender for an offence where—

(a) the offender is convicted by or before the court, and

(b) the offence is not one in relation to which a mandatory sentence requirement applies (see section 399).

(3) But see the following for circumstances where an order for conditional discharge is not available—

(a) section 66ZB(6) of the Crime and Disorder Act 1998 (effect of youth cautions);

(b) section 339(3) (breach of criminal behaviour order).

Exercise of power to make order for conditional discharge

(4) Where it is available, the court may make an order for conditional discharge if it is of the opinion that it is inexpedient to inflict punishment, having regard to the circumstances, including—

(a) the nature of the offence, and

(b) the character of the offender.

(5) The period of conditional discharge specified in an order for conditional discharge must be a period of not more than 3 years beginning with the day on which the order is made.

(6) On making an order for conditional discharge, the court may, if it thinks it expedient for the purpose of the offender's reformation, allow any person who consents to do so to give security for the good behaviour of the offender.

Effect on other orders

(7) Nothing in this section precludes a court, on making an order for conditional discharge in respect of an offence, from—

(a) imposing any disqualification on the offender,

(b) making any of the following orders in respect of the offence—

(i) a compensation order (see section 133),

(ii) an order under section 152 (deprivation orders), or

(iii) a restitution order (see section 147), or

(iv) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013,

(c) making an order under section 46 (criminal courts charge), or

(d) making an order for costs against the offender.

81 Commission of further offence by person conditionally discharged

Schedule 2 makes provision that applies where a person in respect of whom an order for conditional discharge has been made commits a further offence during the period of conditional discharge.

82 Effect of discharge

(1) This section applies where—

(a) an order for absolute discharge, or

(b) an order for conditional discharge,

is made in respect of an offence.

(2) The conviction of that offence is to be deemed not to be a conviction for any purpose other than the purposes of—

(a) the proceedings in which the order is made, and

(b) in the case of an order for conditional discharge, any subsequent proceedings which may be taken against the offender under Schedule 2.

This is subject to subsection (3).

(3) In the case of an order for conditional discharge, if the offender is sentenced (under Schedule 2) for the offence—

(a) the order ceases to have effect, and

(b) if the offender was aged 18 or over when convicted of the offence, subsection (2) ceases to apply to the conviction.

(4) Without prejudice to subsections (2) and (3), the offender's conviction is in any event to be disregarded for the purposes of any enactment or instrument which—

(a) imposes any disqualification or disability upon convicted persons, or

(b) authorises or requires the imposition of any such disqualification or disability.

(5) Subsections (2) to (4) do not affect—

(a) any right of the offender to rely on the conviction in bar of any subsequent proceedings for the same offence, or

(b) the restoration of any property in consequence of the conviction.

(6) In subsection (4)—

"enactment" includes an enactment contained in a local Act;

"instrument" means an instrument having effect by virtue of an Act.

(7) Subsection (2) has effect subject to the following (which concern rights of appeal)—

(a) section 50(1A) of the Criminal Appeal Act 1968, and

(b) section 108(1A) of the Magistrates' Courts Act 1980.

Nothing in this subsection affects any other enactment that excludes the effect of subsection (2) or (4) for particular purposes.

PART 6

ORDERS RELATING TO CONDUCT

CHAPTER 1

REFERRAL ORDERS FOR OFFENDERS AGED UNDER 18

Making referral orders

83 Referral orders

(1) In this Code "referral order" means an order—

(a) which requires an offender to attend each of the meetings of a youth offender panel established for the offender by a youth offending team, and

(b) by virtue of which the offender is required to comply, for a particular period, with a programme of behaviour to be agreed between the offender and the panel in accordance with this Part (which takes effect as a youth offender contract).

(2) For the court's power to order other persons to attend meetings of the panel, see section 90.

(3) For provision about—

(a) the youth offender panel, see section 91;

(b) the youth offender contract, see section 96.

(4) For the purposes of this Code, references to an offender being referred to a youth offender panel are to a referral order being made in respect of the offender.

84 Referral orders: availability

(1) A referral order is available to a court dealing with an offender for an offence where—

(a) the court is a youth court or other magistrates' court,

(b) the offender is aged under 18 when convicted,

(c) neither the offence nor any connected offence is an offence the sentence for which is fixed by law,

(d) the court is not proposing to—

(i) impose a custodial sentence, or

(ii) make a hospital order (within the meaning of the Mental Health Act 1983),

in respect of the offence or any connected offence,

(e) the court is not proposing to make—

(i) an order for absolute discharge, or

(ii) an order for conditional discharge,

in respect of the offence, and

(f) the offender pleaded guilty to the offence or to any connected offence.

(2) But a referral order is not available unless the court has been notified by the Secretary of State that arrangements for the implementation of referral orders

are available in the area in which it appears to the court that the offender resides or will reside (and the notice has not been withdrawn).

85 Duty and power to make referral order

(1) Where a referral order is available—
  (a) the court must make a referral order if the compulsory referral conditions are met;
  (b) otherwise, the court may make a referral order.

(2) The compulsory referral conditions are met where—
  (a) the offence is an imprisonable offence,
  (b) the offender pleaded guilty to the offence and to any connected offence, and
  (c) the offender has never been—
    (i) convicted by or before a court in the United Kingdom of any offence other than the offence and any connected offence, or
    (ii) convicted by or before a court in another member State of any offence.

(3) For the effect of making a referral order on the court's other sentencing powers, see section 89.

86 Making of referral orders: general

(1) A referral order must specify—
  (a) the youth offending team which is to establish a youth offender panel for the offender, and
  (b) the period for which any youth offender contract which takes effect by virtue of the order is to have effect.

(2) That period must be—
  (a) not less than 3 months, and
  (b) not more than 12 months.

(3) The youth offending team specified in the order must be the team which has the function of implementing referral orders in the area in which it appears to the court that the offender resides or will reside.

(4) On making a referral order the court must explain to the offender in ordinary language—
  (a) the effect of the order, and
  (b) the consequences which may follow—
    (i) if no youth offender contract takes effect between the offender and the panel, or
    (ii) if the offender breaches a youth offender contract.

Nothing in this subsection affects the court's duty under section 52 (duty to give reasons for and explain effect of sentence).

87 Referral order consecutive to earlier referral order

(1) Where—
  (a) a court makes a referral order ("the later order"), and

(b) the offender is subject to an earlier referral order,

the court may direct that any youth offender contract under the later order is not to take effect until the earlier order is revoked or discharged.

(2) For this purpose, the reference to an earlier referral order includes an order made under section 16 of the Powers of Criminal Courts (Sentencing) Act 2000 (referral orders).

88 Making of referral orders: connected offences

(1) This section applies where a court makes referral orders in respect of two or more connected offences.

(2) The referral orders have the effect of referring the offender to a single youth offender panel.

(3) Accordingly, provision made by the orders under section 83(1)(a) and section 86(1)(a) (which relates to the youth offending team and a youth offender panel) must be the same for each referral order.

(4) The court may direct that the period specified under section 86(1)(b) in any of the referral orders is to run—

(a) concurrently with, or

(b) in addition to,

the period specified in another of the referral orders.

(5) But a direction under subsection (4) must not result in a total period of more than 12 months.

(6) For the purposes of this Chapter, each of the orders mentioned in subsection (1) is associated with each other of those orders.

89 Making of referral orders: effect on court's other sentencing powers

(1) This section applies where a court makes a referral order in respect of an offence.

(2) In dealing with the offender for any connected offence, the court must—

(a) sentence the offender by making a referral order, or

(b) make an order for absolute discharge.

(3) In dealing with the offender in respect of the offence or any connected offence, the court may not—

(a) order the offender to pay a fine,

(b) make any of the following orders—

(i) a youth rehabilitation order;

(ii) an order under section 1(2A) of the Street Offences Act 1959;

(iii) a reparation order;

(iv) an order for conditional discharge.

(4) The court may not make

(a) an order binding the offender over to keep the peace or to be of good behaviour, or

(b) an order under section 377 (binding over of parent or guardian),

in connection with the offence or any connected offence.

(5) Nothing in section 85 or subsection (2) affects any power or duty of a magistrates' court under—

(a) section 25 (power and duty to remit young offenders to youth courts for sentence),

(b) section 10(3) of the Magistrates' Courts Act 1980 (adjournment for inquiries), or

(c) section 35, 38, 43 or 44 of the Mental Health Act 1983 (remand for reports, interim hospital orders and committal to Crown Court for restriction order).

(6) Nothing in this section affects any power of a court, where it revokes a referral order, to re-sentence an offender for the offence in respect of which the order was made.

90 Order requiring parents etc to attend meetings

(1) This section applies where a court makes a referral order.

(2) The court—

(a) may make an order requiring—

(i) the appropriate person, or

(ii) if there are two or more appropriate persons, one or more of them,

to attend the meetings of the youth offender panel, and

(b) must do so if the offender is aged under 16 when the referral order is made.

(3) If the offender is—

(a) a looked-after child, and

(b) aged under 16 when the referral order is made,

the person or persons required under subsection (2) to attend those meetings must include at least one representative of the responsible authority.

(4) But an order under subsection (2) must not require a person to attend those meetings—

(a) if the court is satisfied that it would be unreasonable to do so, or

(b) to an extent which the court is satisfied would be unreasonable.

(5) For the purposes of this section, each of the following is an appropriate person in relation to an offender—

(a) if the offender is a looked-after child—

(i) a representative of the responsible authority, and

(ii) each person who is a parent or guardian of the offender with whom the offender is allowed to live;

(b) otherwise, each person who is a parent or guardian of the offender.

(6) In this section—

"looked-after child" means a child who is (within the meaning of the Children Act 1989 or the Social Services and Well-being (Wales) Act 2014 (anaw 4)) looked after by a local authority, and

"responsible authority", in relation to a looked-after child, means the authority by which the child is looked after.

(7) The court must forthwith send a copy of an order under subsection (2)—

(a) to each person required by the order to attend meetings of the panel, and

(b) to any responsible authority whose representative is required by the order to attend meetings of the panel,

unless the person was present, or the authority was represented, in court when the order was made.

Youth offender panels

91 Establishment of youth offender panels

(1) This section applies where a court has made a referral order (or two or more associated referral orders).

(2) The specified youth offending team must establish a youth offender panel for the offender.

(3) The youth offender panel must—

(a) be constituted,

(b) conduct its proceedings, and

(c) discharge its functions under this Chapter,

in accordance with guidance issued from time to time by the Secretary of State.

(4) But at each of its meetings the panel must consist of at least—

(a) one member appointed by the specified youth offending team from among its members, and

(b) two members appointed by that team who are not members of the team.

(5) The Secretary of State may by regulations make provision requiring persons appointed as members of a youth offender panel to—

(a) have qualifications specified in the regulations;

(b) satisfy other criteria so specified.

(6) Regulations under subsection (5) are subject to the negative resolution procedure.

(7) Subsection (6)(b) of section 406 (power to make different provision for different areas) does not apply to the power conferred by subsection (5).

(8) The Secretary of State may revise any guidance issued under subsection (3).

92 Attendance at panel meetings: offender and parent or guardian

(1) This section applies to each meeting of the youth offender panel established for the offender.

(2) The specified youth offending team must notify—

(a) the offender, and

(b) any person to whom an order under section 90 (requirement to attend meetings of the panel) applies,

of the time and place at which the person is required to attend the meeting.

(3) If the offender fails to attend any part of the meeting the panel may—

(a) adjourn the meeting to such time and place as the panel may specify (in which case subsection (2) applies to the adjourned meeting), or

(b) end the meeting and refer the offender back to court.

93 Failure of parent or guardian to comply with order under section 90

(1) If—

(a) a parent or guardian of an offender fails to comply with an order under section 90 (orders requiring parents etc to attend meetings), and

(b) the offender is aged under 18 at the time of the failure,

the youth offender panel may refer the parent or guardian to a youth court acting in the local justice area in which it appears to the panel that the offender resides or will reside.

(2) To make the referral, the panel must send a report to the youth court explaining why the parent or guardian is being referred to it.

(3) A youth court which receives a report under subsection (2) must cause the parent or guardian to appear before it.

(4) For that purpose, a justice acting in the local justice area in which the court acts may—

(a) issue a summons requiring the parent to appear before that youth court at the place and time specified in it, or

(b) if the report is substantiated on oath, issue a warrant for the parent's arrest which requires the parent to be brought before that court.

(5) For the youth court's power to make a parenting order where the panel refers the parent or guardian under this section, see section 369 (parenting order where parent or guardian fails to attend meeting of panel).

(6) Making a parenting order under that section does not affect the order under section 90.

(7) Accordingly, section 63(1) to (4) of the Magistrates' Court Act 1980 (power to deal with person for breach of order etc) applies in relation to an order under section 90 (in addition to this section and section 369).

94 Attendance at panel meetings: other persons

(1) At a meeting of a youth offender panel, the offender may be accompanied by one person aged 18 or over chosen by the offender with the agreement of the panel.

(2) It need not be the same person who accompanies the offender to every meeting.

(3) The panel may allow any of the following to attend a meeting—

(a) a victim;

(b) any person who appears to the panel to be someone capable of having a good influence on the offender.

(4) If the panel allows a victim to attend a meeting of the panel, it may allow the victim to be accompanied to the meeting by one person chosen by the victim with the agreement of the panel.

(5) For the purposes of subsections (3) and (4) "victim" means any person who appears to the panel to be a victim of, or otherwise affected by, the offence or any of the offences in respect of which the offender was referred to the panel.

Youth offender contracts

95 Duty of youth offending team to arrange initial meetings of panel

(1) Where a court has made a referral order (or two or more associated referral orders), the specified youth offending team must arrange the first meeting of the youth offender panel established for the offender.

(2) The specified youth offending team must also arrange any further meeting of the panel that may be held under section 98(2)(b) (resuming consideration).

96 Agreement of youth offender contract with offender

(1) This section applies to—
  (a) the first meeting of a youth offender panel established for an offender, and
  (b) any further meeting of the panel held under section 98(2)(b) (resuming consideration).

(2) At the meeting the panel must seek to reach agreement with the offender on a programme of behaviour whose aim (or principal aim) is to prevent re-offending by the offender.

(3) Schedule 3 makes provision about the programme.

(4) Where a programme is agreed between the offender and the panel, the panel must produce a written record of the programme forthwith—
  (a) in language capable of being readily understood by, or explained to, the offender,
  (b) for signature by the offender, and
  (c) for signature by a member of the panel on behalf of the panel.

(5) Once the record has been signed by the offender and on behalf of the panel—
  (a) the terms of the programme, as set out in the record, take effect as the terms of a "youth offender contract" between the offender and the panel, and
  (b) the panel must provide a copy of the record to the offender.

97 Duration of compliance period

(1) This section applies where a youth offender contract has taken effect between an offender and a youth offender panel.

(2) The compliance period begins with the day on which the youth offender contract takes effect.

(3) The length of the compliance period is—
  (a) if the contract relates to a single referral order, the period specified in the order under section 86(1)(b);
  (b) if the contract relates to two or more referral orders, the total period resulting from any direction of the court under section 88(4).

(4) Subsection (3) is subject to—

(a) any order under paragraph 9, 12 or 15 of Schedule 4 extending the length of the compliance period, and

(b) subsection (5).

(5) The compliance period expires on revocation of the referral order, or each of the referral orders, to which the youth offender contract relates.

98 Failure to agree youth offender contract

(1) This section applies to—

(a) the first meeting of a youth offender panel established for an offender, and

(b) any further meeting of the panel held under subsection (2)(b).

(2) The panel may—

(a) end the meeting without having reached agreement with the offender on a programme of behaviour of the kind mentioned in section 96(2), and

(b) resume consideration of the offender's case at a further meeting of the panel.

(3) But if, at the meeting, it appears to the panel that there is no prospect of reaching an agreement with the offender on a programme of behaviour within a reasonable period after the making of the referral order (or orders), the panel—

(a) may not consider the case at a further meeting under subsection (2)(b), and

(b) must instead refer the offender back to court.

(4) If, at the meeting, the panel and the offender reach agreement on a programme of behaviour, but—

(a) the offender does not sign the record produced under section 96(4)(b), and

(b) the offender's failure to do so appears to the panel to be unreasonable,

the panel must end the meeting and refer the offender back to court.

99 Arranging progress meetings

(1) This section applies where a youth offender contract has taken effect.

(2) The specified youth offending team must arrange a meeting of the youth offender panel at any time during the compliance period ("a progress meeting") if the panel requests it to do so under this section.

(3) The panel may request the specified youth offending team to arrange a progress meeting if it appears to the panel to be expedient to review—

(a) the offender's progress in implementing the programme of behaviour contained in the youth offender contract, or

(b) any other matter arising in connection with the contract.

(4) The panel must request the specified youth offending team to arrange a progress meeting if subsection (5) or (6) applies.

(5) This subsection applies where the offender has notified the panel that the offender wishes—

(a) the youth offender contract to be varied, or

(b) to be referred back to court with a view to the referral order (or orders) being revoked on account of a significant change in the offender's circumstances (such as being taken to live abroad) which makes compliance with the contract impractical.

(6) This subsection applies where it appears to the panel that the offender is in breach of the contract.

100 Progress meetings: conduct

(1) This section applies to any meeting of a youth offender panel arranged under section 99.

(2) At the meeting, the youth offender panel must do such of the following as it considers appropriate in the circumstances—

(a) review the offender's progress or any other matter referred to in section 99(3);

(b) discuss with the offender any breach of the youth offender contract which it appears to the panel that the offender has committed;

(c) consider any variation in the youth offender contract—

(i) sought by the offender, or

(ii) which appears to the panel expedient in the light of any such review or discussion;

(d) consider any request by the offender under section 99(5)(b) to be referred back to court.

(3) Where the youth offender panel has discussed with the offender any breach of the contract which it appears to the panel that the offender has committed, the panel may—

(a) agree with the offender that the offender is to continue to be required to comply with the contract (either in its original form or with any agreed variation of it) without being referred back to court, or

(b) end the meeting and refer the offender back to court.

(4) Where the panel and the offender agree a variation in the contract, the panel must produce a written record of the variation forthwith—

(a) in language capable of being readily understood by, or explained to, the offender,

(b) for signature by the offender, and

(c) for signature by a member of the panel on behalf of the panel.

(5) Once the record has been signed by the offender and on behalf of the panel—

(a) the variation in the contract takes effect, and

(b) the panel must provide a copy of the record to the offender.

(6) If at the meeting—

(a) the panel and the offender agree a variation in the contract,

(b) the offender does not sign the record produced under subsection (4), and

(c) the offender's failure to do so appears to the panel to be unreasonable,

the panel may end the meeting and refer the offender back to court.

(7) Schedule 3 (programme of behaviour) applies to what the contract, as varied under this section, may provide as it applies to a programme of behaviour agreed under section 96.

(8) Where the offender has requested under section 99(5)(b) to be referred back to court and the panel—

(a) has discussed the request with the offender, and

(b) is satisfied that there is (or is soon to be) a change in circumstances of the kind mentioned in that provision,

it may end the meeting and refer the offender back to court.

101 Final meeting

(1) This section applies where—

(a) a youth offender contract has taken effect between a youth offender panel and an offender, and

(b) the compliance period is due to expire.

(2) The specified youth offending team must arrange a meeting of the panel ("the final meeting") to be held before the end of the compliance period.

(3) At the final meeting the panel must—

(a) review the extent of the offender's compliance to date with the youth offender contract,

(b) decide whether or not the offender's compliance with the contract justifies the conclusion that the offender will have satisfactorily completed the contract by the end of the compliance period, and

(c) give the offender written confirmation of its decision.

(4) A decision that the conclusion mentioned in subsection (3)(b) is justified—

(a) has the effect of discharging the referral order (or orders) as from the end of the compliance period, and

(b) can be made in the offender's absence.

(5) If the panel decides that that conclusion is not justified, it must refer the offender back to court.

(6) Nothing in section 92(3) permits the final meeting to be adjourned (or re-adjourned) to a time after the end of the compliance period.

Other powers to refer offender back to court

102 Revocation of referral order where offender making good progress etc

(1) This section applies where—

(a) a youth offender contract has taken effect between a youth offender panel and an offender, and

(b) it appears to the panel to be in the interests of justice for the referral order (or each of the referral orders) to be revoked.

(2) The panel may refer the offender back to court, requesting the appropriate court—

(a) to revoke the order (or each of the orders) under sub-paragraph (2) of paragraph 7 of Schedule 4, or

(b) to—

(i) revoke the order (or each of the orders) under that sub-paragraph, and

(ii) re-sentence the offender under sub-paragraph (4) of that paragraph for the offence in respect of which the revoked order was made.

(3) In deciding whether to refer the offender back to court under this section, the panel must have regard to circumstances which have arisen since the youth offender contract took effect, which may include the offender's making good progress under the contract.

(4) Where—

(a) the panel refers the offender back to court under this section, and

(b) the appropriate court decides not to revoke the order (or orders) under paragraph 7(2) of Schedule 4 in consequence of that referral,

the panel may not refer the offender back to court again under this section during the 3 month period beginning with the date of the court's decision, except with the consent of the appropriate court.

103 Extension of compliance period

(1) This section applies where—

(a) a youth offender contract has taken effect,

(b) the compliance period is less than 12 months,

(c) the compliance period has not ended, and

(d) having regard to circumstances which have arisen since the contract took effect, it appears to the youth offender panel to be in the interests of justice for the length of the compliance period to be extended.

(2) The panel may refer the offender back to court requesting the appropriate court to extend the length of the compliance period.

(3) The requested period of extension must not be more than 3 months.

Further court proceedings

104 Offender referred back to court or convicted while subject to referral order

In Schedule 4—

(a) Part 1 makes provision for what is to happen when a youth offender panel refers an offender back to court;

(b) Part 2 makes provision for what is to happen when an offender is convicted of further offences while subject to a referral order.

Supplementary

105 Youth offender panels: change of residence

(1) This section applies where the court which made a referral order is satisfied that—

(a) the offender has changed, or proposes to change, residence (to the "new residence"), and

(b) the youth offending team for the time being specified in the order ("the current team") does not have the function of implementing referral orders in the area of the offender's new residence ("the new area").

(2) The court may amend the order so that it specifies instead the youth offending team which has the function of implementing referral orders in the new area ("the new team").

(3) Where the court does so, this Chapter (and, in particular, section 91(2) (duty to establish youth offender panel) applies to the new team accordingly.
This is subject to subsection (4).

(4) If a youth offender contract has already taken effect under the referral order between the offender and the youth offender panel established by the current team—
(a) section 95 does not apply to the new team, and
(b) the contract has effect after the amendment as a youth offender contract between—
(i) the offender, and
(ii) the youth offender panel established by the new team.

106 Functions of the specified youth offending team

(1) This section applies where a referral order is made in respect of an offender.

(2) The specified youth offending team must arrange for the provision of such administrative staff, accommodation or other facilities as are required by the youth offender panel.

(3) During the compliance period—
(a) the specified youth offending team must make arrangements for supervising the offender's compliance with the youth offender contract, and
(b) the person who is the member of the panel referred to in section 91(4)(a) must ensure that records are kept of the offender's compliance, or failure to comply, with that contract.

(4) In implementing a referral order, the specified youth offending team must have regard to any guidance issued by the Secretary of State.

(5) The Secretary of State may revise any guidance issued under subsection (4).

107 Rules of court

(1) Criminal Procedure Rules may make such provision as appears to the Criminal Procedure Rule Committee to be necessary or expedient for the purposes of this Chapter.

(2) Nothing in this section affects the generality of any other enactment conferring power to make Criminal Procedure Rules.

108 Referral orders: interpretation

(1) In this Chapter—
"the appropriate court", in relation to any referral of an offender back to court, means—

(a) if the offender is aged under 18 when first appearing before the court in pursuance of the referral back, a youth court acting in the local justice area in which it appears to the youth offender panel that the offender resides or will reside;

(b) otherwise, a magistrates' court (other than a youth court) acting in that area;

"associated", in relation to referral orders, is to be read in accordance with section 88(6);

"compliance period" means the period for which a youth offender contract which takes effect between the offender and the youth offender panel is to have effect;

"meeting", in relation to a youth offender panel, means—

(a) the first meeting arranged under section 95(1),

(b) any further meeting held under section 98(2)(b),

(c) any progress meeting arranged under section 99, or

(d) the final meeting held under section 101;

"the specified youth offending team", in relation to an offender to whom a referral order applies (or two or more associated referral orders apply), means the youth offending team for the time being specified in the order (or orders);

"youth offender panel", in relation to an offender, means the panel established for the offender in accordance with section 91.

(2) For the purposes of this Chapter, an offence is connected with another offence if the offender is to be dealt with for both offences at the same time (whether or not convicted of them at the same time or by or before the same court).

(3) Any reference in this Chapter to a youth offender contract taking effect is to it taking effect between an offender and a youth offender panel under section 96.

(4) Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply for the purposes of this Part (except that it does apply for the purposes of paragraph 13 of Schedule 4) (further proceedings).

CHAPTER 2

REPARATION ORDERS FOR OFFENDERS AGED UNDER 18

109 Reparation orders

(1) In this Code "reparation order" means an order made under this Chapter in respect of an offence which imposes requirements on the offender to make reparation for the offence to—

(a) a particular person or particular persons, or

(b) the community at large.

(2) In this Chapter, references to making reparation for an offence are to making reparation for the offence otherwise than by the payment of compensation.

110 Reparation orders: availability

(1) A reparation order is available to a court dealing with an offender for an offence where—

(a) the offender is aged under 18 when convicted,
(b) the offence is not an offence the sentence for which is fixed by law, and
(c) the court is not proposing to—
(i) impose a custodial sentence,
(ii) make a youth rehabilitation order, or
(iii) make a referral order.

(2) But a reparation order is not available unless the court has been notified by the Secretary of State that arrangements for implementing reparation orders are available in the area in which it appears to the court that the offender resides or will reside (and the notice has not been withdrawn).

(3) A reparation order is not available if the offender is subject to a youth rehabilitation order, unless when it makes the reparation order the court revokes the youth rehabilitation order.

(4) For the power of the court to revoke the youth rehabilitation order, see Part 5 of Schedule 7 (powers of court in relation to youth rehabilitation order following subsequent conviction).

111 Requirement to consider report before making a reparation order

(1) This section applies where a court proposes to make a reparation order in respect of an offence.

(2) Before making the order, the court must obtain and consider a written report by—
(a) an officer of a provider of probation services,
(b) a social worker of a local authority, or
(c) a member of a youth offending team.

(3) The report must indicate—
(a) the type of work that is suitable for the offender, and
(b) the attitude of the victim or victims to requirements proposed to be included in the reparation order.

112 Requirements to make reparation to be specified in order

(1) This section applies where a court makes a reparation order in respect of an offence.

(2) The reparation order must—
(a) specify the requirements with which the offender must comply, and
(b) if those requirements require reparation to be made to a particular person or particular persons, specify that person or those persons.

(3) The requirements must be such as in the opinion of the court are commensurate with the seriousness of—
(a) the offence, or
(b) the combination of the offence and one or more associated offences.
This is subject to subsections (5) and (6).

(4) Any person specified under subsection (2)(b) must be a person identified by the court as—
(a) a victim of the offence, or

(b) a person otherwise affected by it.

(5) The reparation order may not impose a requirement to make reparation to a particular person without the consent of that person.

(6) The requirements must be requirements to make reparation which—
(a) may require the offender to perform work, but
(b) if they do, must not require the offender to work for more than 24 hours in aggregate.

(7) The requirements must, so far as practicable, be such as to avoid—
(a) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment;
(b) any conflict with the offender's religious beliefs;
(c) any conflict with the requirements of any other court order to which the offender may be subject.

113 Other provision to be specified in a reparation order

(1) This section applies where a court makes a reparation order.

(2) The reparation order must specify the local justice area in which it appears to the court making the order that the offender resides or will reside.

(3) The reparation order must specify the responsible officer.

(4) The person specified as the responsible officer must be—
(a) an officer of a provider of probation services acting in the offender's home local justice area,
(b) a social worker of the local authority in whose area it appears to the court that the offender resides or will reside, or
(c) a member of a youth offending team established by that local authority.

114 Making reparation

(1) The offender must perform the requirements of the reparation order under the supervision of the responsible officer.

(2) Any requirements to make reparation imposed by a reparation order must be completed within the period of 3 months beginning with the day on which the order is made.

115 Breach, revocation or amendment of reparation order

Schedule 5 makes provision about breach, revocation and amendment of reparation orders.

116 Reparation orders: interpretation

In this Chapter—
(a) references to making reparation are to be read in accordance with section 109(2);
(b) "offender's home local justice area" means the local justice area for the time being specified in the reparation order under section 113 or by virtue of an order under paragraph 5(4)(b)(ii) of Schedule 5;

(c) the "responsible officer" means the responsible officer for the time being specified in the reparation order under that section or by virtue of an order under that paragraph;

(d) references to breach of a requirement of a reparation order include references to a failure to comply with the requirement.

CHAPTER 3

OTHER ORDERS

117 Orders under Street Offences Act 1959

See section 1(2A) of the Street Offences Act 1959 for orders available in the case of offences under section 1 of that Act (loitering or soliciting for purposes of prostitution) where no other sentence is imposed.

PART 7

FINANCIAL ORDERS AND ORDERS RELATING TO PROPERTY

CHAPTER 1

FINES

Availability

118 Availability of fine: magistrates' court

(1) A fine is available to a magistrates' court dealing with an offender for an offence if under the relevant offence provision a person who is convicted of that offence is liable to a fine.

(2) If under the relevant offence provision the offender is liable to—

(a) a fine of a specified amount,

(b) a fine of not more than a specified amount,

the amount of the fine—

(i) must not be more than that amount, but

(ii) may be less than that amount (unless an Act passed after 31 December 1879 expressly provides to the contrary).

(3) This is subject to—

(a) section 121 (availability: fines not to be combined with certain other orders);

(b) section 123 (limit on fines imposed by magistrates' courts in respect of young offenders).

(4) In this section "relevant offence provision", in relation to an offence, means—

(a) the enactment creating the offence or specifying the penalty to which a person convicted of the offence is liable, or

(b) that provision read in accordance with—

(i) section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on

conviction by magistrates' court) and regulations under that section;

(ii) section 86 of that Act (power to increase certain other fines on conviction by magistrates' court) and regulations under that section;

(iii) section 32 of the Magistrates' Courts Act 1980 (penalties on summary conviction for offences triable either way);

(iv) section 119 (power of magistrates' court to fine where only imprisonment etc specified);

(v) section 122 (standard scale of fines),

and, for this purpose, "enactment" includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

119 Power of magistrates' court to fine where only imprisonment etc specified

(1) This section applies where under an enactment a magistrates' court has power to sentence an offender to imprisonment or other detention but not to a fine.

It is immaterial whether the enactment was passed or made before or after the commencement of this Act.

(2) The magistrates' court may impose a fine instead of sentencing the offender to imprisonment or other detention.

(3) In the case of an offence which—

(a) is triable either way, and

(b) was committed before 12 March 2015,

a fine imposed under subsection (2) may not exceed the prescribed sum (within the meaning of section 32 of the Magistrates' Courts Act 1980).

(4) In the case of a fine imposed under subsection (2) for a summary offence—

(a) the amount of the fine may not exceed level 3 on the standard scale, and

(b) the default term must not be longer than the term of imprisonment or detention to which the offender is liable on conviction of the offence.

For this purpose "default term" means the term of imprisonment or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 to which the offender would be subject in default of payment of the fine.

(5) In this section "enactment" includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

120 General power of Crown Court to fine offender convicted on indictment

(1) A fine is available to the Crown Court where it is dealing with an offender who is convicted on indictment for an offence—

(a) instead of, or

(b) in addition to,

dealing with the offender in any other way which is available to the court.

(2) Subsection (1)—

(a) does not apply where the offence is one in relation to which a mandatory sentence requirement applies by virtue of any of the following provisions of section 399(1)—

(i) paragraph (a) (life sentence for murder etc),

(ii) paragraph (b) (other mandatory life sentences), or
(iii) paragraph (c)(iv) (minimum sentence for third domestic burglary offence),

(b) is subject to any other enactment requiring the offender to be dealt with in a particular way, and

(c) does not apply if the court is precluded from sentencing the offender by its exercise of some other power.

(3) Nothing in subsection (1) affects the maximum amount of a fine to which a person is liable for an offence committed before 17 July 1978.

121 Availability of fine: effect of other orders

For circumstances in which a fine is not available see—

(a) section 37(8) of the Mental Health Act 1983 (hospital order or guardianship order in case where person convicted of offence punishable with imprisonment);

(b) section 89 (making of referral orders: effect on court's other sentencing powers).

Magistrates' court

122 The standard scale of fines for summary offences

(1) The standard scale of fines for summary offences, which is known as "the standard scale", as it has effect for Code offences, is as follows—

Level on the scale	*Amount of fine*	
	Offence committed on or after 11 April 1983 and before 1 October 1992	*Offence committed on or after 1 October 1992*
1	£25	£200
2	£50	£500
3	£200	£1,000
4	£500	£2,500
5	£1,000	£5,000.

(2) In relation to a Code offence, a relevant reference to a particular level on the standard scale is to be read as referring to that level on the scale set out in the column of the table in subsection (1) that applies to offences committed on the date on which the offence was committed.

(3) In relation to—

(a) a relevant reference in an enactment or instrument passed or made before 12 March 2015 to level 5 on the standard scale, and

(b) an offence committed on or after that date,

subsection (2) is subject to section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (removal of limit on certain fines on conviction by magistrates' court).

(4) A reference to a level on the standard scale in an enactment or instrument made under an enactment (whenever passed or made) is a "relevant reference" to that level if—

(a) the enactment or instrument provides that a person convicted of a summary offence is liable on conviction to a fine or maximum fine by reference to that level, or

(b) it is a reference in an enactment which confers power by subordinate instrument to make a person liable on conviction of a summary offence (whether or not created by the instrument) to a fine or maximum fine by reference to that level.

In this section, "Code offence" is an offence of which the offender is convicted after the Code comes into force.

123 Limit on fines imposed by magistrates' courts in respect of young offenders

(1) This section applies where an offender—

(a) was convicted by a magistrates' court,

(b) was under 18 when convicted, and

(c) is before that court to be sentenced.

(2) The court may not impose a fine of more than—

(a) £250, if the offender was under 14 when convicted, or

(b) £1,000, if the offender was 14 or over when convicted.

Exercise of powers

124 Fixing of fines: duty of court to inquire into individual offender's circumstances

(1) Before fixing the amount of any fine to be imposed on an offender who is an individual, a court must inquire into the offender's financial circumstances.

(2) For the power to make a financial circumstances order, see section 35.

(3) For modifications of this section where the court also makes an order under section 381 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 128.

125 Fixing of fines: exercise of court's powers

(1) The amount of any fine fixed by a court must be such as, in the opinion of the court, reflects the seriousness of the offence.

(2) In fixing the amount of any fine to be imposed on an offender (whether an individual or other person), a court must take into account the circumstances of the case including, in particular, the financial circumstances of the offender so far as they are known, or appear, to the court.

(3) Subsection (2) applies whether taking into account the financial circumstances of the offender has the effect of increasing or reducing the amount of the fine.

(4) In applying subsection (2), a court must not reduce the amount of a fine on account of any surcharge it orders the offender to pay under section 42, except to the extent that the offender has insufficient means to pay both.

(5) For modifications of this section where the court also makes an order under section 381 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 128.

126 Power to determine financial circumstances where offender is absent or fails to provide information

(1) This section applies where an offender—

(a) has been convicted in his or her absence—

(i) in pursuance of section 11 or 12 of the Magistrates' Courts Act 1980 (non-appearance of accused), or

(ii) in proceedings conducted in accordance with section 16A of that Act (trial by single justice on the papers), or

(b) has failed—

(i) to provide a statement of the offender's financial circumstances in response to a request which is an official request for the purposes of section 20A of the Criminal Justice Act 1991 (offence of making false statement as to financial circumstances),

(ii) to comply with an order under section 35(2) (statement as to offender's financial circumstances), or

(iii) otherwise to co-operate with the court in its inquiry into the offender's financial circumstances.

(2) If the court considers that it has insufficient information to make a proper determination of the financial circumstances of the offender for the purposes of section 125, it may make such determination as it considers appropriate.

127 Remission of fines following determination under section 126

(1) This section applies where a court has, in fixing the amount of a fine, determined the offender's financial circumstances under section 126 (offender absent or failing to provide information).

(2) If on subsequently inquiring into the offender's financial circumstances the court is satisfied that, had it had the results of that inquiry when sentencing the offender, it—

(a) would have fixed a smaller amount, or

(b) would not have fined the offender,

it may remit the whole or part of the fine.

(3) Where under this section the court remits the whole or part of a fine after a term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, has been fixed under—

(a) section 130, or

(b) section 82(5) of the Magistrates' Courts Act 1980 (magistrates' powers in relation to default),

it must reduce the term by the corresponding proportion.

(4) In calculating any reduction required by subsection (3), any fraction of a day is to be ignored.

(5) Subsection (6) applies where—

(a) under this section the court remits the whole or part of a fine,

(b) the offender was ordered under section 42 to pay a surcharge, and

(c) the amount of the surcharge was set by reference to the amount of the fine.

(6) The court must—

(a) determine how much the surcharge would have been if the fine had not included the amount remitted, and

(b) remit the balance of the surcharge.

Fines: payment

128 Fine imposed on offender aged under 18: payment by parent or guardian

(1) This section applies where a court—

(a) is dealing with an offender for an offence,

(b) the offender is aged under 18 when convicted, and

(c) but for this subsection, the court would impose a fine on the offender in respect of the offence.

(2) Section 381 (order for payment by parent or guardian) applies to the fine.

(3) Subsections (4) to (6) apply for the purposes of any order made under section 381 against the offender's parent or guardian.

(4) The following provisions are to be read as if any reference to the financial circumstances of the offender were a reference to the financial circumstances of the offender's parent or guardian—

(a) section 124 (duty of court to inquire into individual offender's financial circumstances);

(b) subsections (2) and (3) of section 125 (fixing of fine: exercise of court's powers).

This is subject to subsection (7).

(5) Section 126 (power to determine financial circumstances where offender is absent or fails to provide information) does not apply (but see section 383).

(6) The reference to the offender's means in section 125(4) (insufficient means to pay fine and surcharge) is to be read as a reference to the means of the offender's parent or guardian.

(7) For the purposes of any order under section 381 made against a local authority, section 124 does not apply.

129 Fine imposed by Crown Court: power to allow time for payment or payment by instalments

When the Crown Court imposes a fine on an offender, it may make an order—

(a) allowing time for the payment of the fine, or

(b) directing payment of the fine by instalments of the amounts and on the dates specified in the order.

130 Fine imposed on offender by Crown Court: duty to make term in default order

(1) This section applies when the Crown Court imposes a fine on an offender who is aged 18 or over when convicted of the offence.

But it does not apply in relation to a fine imposed by the Crown Court on appeal against a decision of a magistrates' court.

(2) Subsections (3) to (5) also apply in relation to a fine imposed on such an offender—

(a) by the criminal division of the Court of Appeal, or

(b) by the Supreme Court on appeal from that division.

(3) The court must make an order (a "term in default order") fixing a term—

(a) of imprisonment, or

(b) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,

which the offender is to undergo if any sum which the offender is liable to pay is not duly paid or recovered.

(4) Column 3 of the following Table sets out the maximum term of imprisonment or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 which may be fixed by a term in default order in relation to a sum that is—

(a) more than the corresponding entry (if any) in column 1, but

(b) not more than the corresponding entry (if any) in column 2.

Amount of sum		*Maximum term*
More than	*Not more than*	
	£200	7 days
£200	£500	14 days
£500	£1,000	28 days
£1,000	£2,500	45 days
£2,500	£5,000	3 months
£5,000	£10,000	6 months
£10,000	£20,000	12 months
£20,000	£50,000	18 months
£50,000	£100,000	2 years
£100,000	£250,000	3 years
£250,000	£1,000,000	5 years

Amount of sum		*Maximum term*
More than	*Not more than*	
£1,000,000		10 years.

(5) The offender may not be committed to prison, or detained, by virtue of a term in default order on the same occasion as the fine is imposed unless—

(a) the offence to which the fine relates is punishable with imprisonment and the offender appears to the court to have sufficient means to pay the sum forthwith,

(b) it appears to the court that the offender is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum to be enforced by other methods,

(c) on that occasion the court sentences the offender to immediate imprisonment, custody for life or detention in a young offender institution for that or another offence, or

(d) the offender is already serving a sentence of custody for life or a term—

(i) of imprisonment,

(ii) of detention in a young offender institution, or

(iii) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default).

(6) Where any person liable for the payment of a fine to which this section applies is sentenced by the court to, or is serving or otherwise liable to serve, a term ("the current term")—

(a) of imprisonment,

(b) of detention in a young offender institution, or

(c) of detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention in default),

the court may order that any term of imprisonment or detention fixed by a term in default order is not to begin to run until after the end of the current term.

(7) Nothing in any enactment which authorises the Crown Court to deal with an offender in any way in which a magistrates' court might have dealt, or could deal, with the offender restricts the powers conferred by this section.

This is subject to subsection (8).

(8) Where—

(a) the Crown Court imposes a fine in exercise of powers to deal with an offender in any way in which a magistrates' court might have dealt, or could deal, with the offender, and

(b) section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines) specifies a period that would have applied to the fine had it been imposed by a magistrates' court,

the term imposed by the Crown Court under subsection (3) in relation to the fine must not exceed that period.

(9) For the purposes of any reference in this section, however expressed, to the term of imprisonment or other detention—

(a) to which a person has been sentenced, or

(b) which, or part of which, the person has served,

consecutive terms and terms which are wholly or partly concurrent are treated as a single term, unless the context otherwise requires.

(10) Any reference in this section, however expressed, to a previous sentence is to be read as a reference to a previous sentence passed by a court in Great Britain.

131 Enforcement of fines imposed on offenders by Crown Court

(1) A fine imposed on an offender by the Crown Court is to be treated for the purposes of collection, enforcement and remission as having been imposed—

(a) by a magistrates' court specified in an order made by the Crown Court, or

(b) if no such order is made, by the magistrates' court by which the offender was sent to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998,

and as having been so imposed on conviction by the magistrates' court in question.

This is subject to subsection (5).

(2) Subsection (3) applies where a magistrates' court issues a warrant of commitment on a default in the payment of a fine imposed by the Crown Court on an offender.

(3) The term of imprisonment, or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000, specified in the warrant of commitment as the term which the offender is liable to serve is to be—

(a) the term fixed by the Crown Court under section 130(3), or

(b) if that term has been reduced under section 79(2) of the Magistrates' Courts Act 1980 (part payment) or section 85(2) of that Act (remission), that term as so reduced,

even if that term exceeds the period applicable to the case under section 149(1) of the Customs and Excise Management Act 1979 (maximum periods of imprisonment in default of payment of certain fines).

(4) Subsections (1) to (3) apply in relation to a fine imposed on an offender—

(a) by the criminal division of the Court of Appeal, or

(b) by the Supreme Court on appeal from that division,

as they apply in relation to a fine imposed by the Crown Court.

References in those subsections to the Crown Court (except the reference in subsection (1)(b)) are to be read accordingly.

(5) A magistrates' court must not, under section 85(1) or 120 of the Magistrates' Courts Act 1980 as applied by subsection (1), remit the whole or any part of a fine imposed by—

(a) the Crown Court,

(b) the criminal division of the Court of Appeal, or

(c) the Supreme Court on appeal from that division,

without the consent of the Crown Court.

(6) Where payment of a fine is enforceable by a magistrates' court by virtue of this section, the fine is to be treated for the purposes of section 38 of the Courts Act 2003 (application of receipts of designated officers) as having been imposed by a magistrates' court.

132 Power of Crown Court to allow time for payment, or payment by instalments, of costs and compensation

Where the Crown Court makes an order mentioned in Part 1 of Schedule 9 to the Administration of Justice Act 1970 (orders against accused for the payment of costs or compensation), the court may—

(a) allow time for the payment of the sum due under the order;

(b) direct payment of that sum by instalments of the amounts and on the dates specified in the order.

CHAPTER 2

COMPENSATION ORDERS

Compensation orders

133 Compensation orders

In this Code "compensation order" means an order made in respect of an offender for an offence that requires the offender—

(a) to pay compensation for any personal injury, loss or damage resulting from—

(i) the offence, or

(ii) any other offence which is taken into consideration by the court in determining the sentence for the offence, or

(b) to make payments for—

(i) funeral expenses, or

(ii) bereavement,

in respect of a death resulting from any such offence.

Making a compensation order

134 Compensation orders: availability

(1) A compensation order is available to a court by or before which an offender is convicted of an offence.

This is subject to section 136 (road accidents).

(2) Where a compensation order is available, the court may make such an order whether or not it also deals with the offender for the offence in any other way.

135 Making a compensation order

(1) The amount to be paid under a compensation order must be specified in the order.

(2) That amount must be the amount that the court considers appropriate, having regard to any evidence and any representations that are made by or on behalf of the offender or the prosecution.

But see also sections 136 to 139.

(3) In determining—

(a) whether to make a compensation order against an offender, or
(b) the amount to be paid under such an order,

the court must have regard to the offender's means, so far as they appear or are known to the court.

(4) Where the court considers—
(a) that it would be appropriate both to impose a fine and to make a compensation order, but
(b) that the offender has insufficient means to pay both an appropriate fine and appropriate compensation,

the court must give preference to compensation (though it may impose a fine as well).

(5) For modifications of this section where the court also makes an order under section 381 (power to order parent or guardian to pay fine, costs, compensation or surcharge), see section 140.

Particular cases

136 Road accidents

(1) A compensation order may not be made in respect of funeral expenses or bereavement in respect of a death due to a road accident.

(2) A compensation order may be made in respect of injury, loss or damage due to a road accident only if it is in respect of—
(a) loss suffered by a person's dependants in consequence of the person's death,
(b) damage which is treated by section 137 as resulting from an offence under the Theft Act 1968 or Fraud Act 2006, or
(c) uninsured harm.

(3) In subsection (2), "uninsured harm" means injury, loss or damage as respects which—
(a) the offender was uninsured in relation to the use of the vehicle in question, and
(b) compensation is not payable under any arrangements to which the Secretary of State is a party.

An offender is not uninsured in relation to the use of a vehicle for this purpose if that use of it is exempted from insurance by section 144 of the Road Traffic Act 1988.

(4) Where a compensation order is made in respect of injury, loss or damage due to a road accident, the amount to be paid may include an amount representing all or part of any loss of, or reduction in, preferential rates of insurance attributable to the accident.

(5) In this Chapter, "road accident" means an accident arising out of the presence of a motor vehicle on a road.

137 Damage to property and clean-up costs resulting from certain offences

(1) Subsection (2) applies in the case of an offence under the Theft Act 1968 or Fraud Act 2006, where the property in question is recovered.

(2) Any damage to the property occurring while it was out of the owner's possession is to be treated for the purposes of section 133 as having resulted from the offence.

This applies regardless of how the damage was caused and who caused it.

(3) Section 29 of the Ancient Monuments and Archaeological Areas Act 1979 makes provision about the person in whose favour a compensation order relating to certain offences involving damage to monuments is to be made.

(4) Section 33B of the Environmental Protection Act 1990 (clean-up costs) provides for certain costs connected with certain offences relating to waste to be loss or damage resulting from those offences for the purposes of section 133.

138 Funeral expenses and bereavement: cases other than road accidents

(1) A compensation order in respect of funeral expenses may be made for the benefit of anyone who incurred the expenses.

(2) A compensation order in respect of bereavement may be made only for the benefit of a person for whose benefit a claim for damages for bereavement could be made under section 1A of the Fatal Accidents Act 1976.

(3) The amount to be paid in respect of bereavement under a compensation order must not exceed the amount for the time being specified in section 1A(3) of that Act.

(4) This section is subject to section 136(1) (compensation order not available in respect of bereavement or funeral expenses in respect of a death due to a road accident).

Compensation orders made in respect of young offenders

139 Limit on compensation payable under compensation order of magistrates' court in case of young offender

(1) This section applies where—

(a) a magistrates' court is dealing with an offender for one or more offences (each, a "main offence") of which the offender was convicted when aged under 18, and

(b) the court makes a compensation order in respect of—

(i) a main offence, or

(ii) any offence taken into consideration by the court in determining sentence for a main offence (a "TIC offence").

(2) The compensation in respect of a main offence must not exceed £5,000.

(3) The total compensation in respect of main offences and TIC offences must not exceed £5,000 multiplied by the number of main offences.

(4) For this purpose, the compensation in respect of a main offence or a TIC offence means the total amount required to be paid under any compensation order in respect of that offence by virtue of section 133(a) (compensation for personal injury, loss or damage).

(5) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

140 Compensation order: order for payment by parent or guardian

(1) This section applies where—

(a) a court makes or is proposing to make a compensation order in respect of an offence, and

(b) the offender is aged under 18 when convicted.

(2) Section 381 (order for payment by parent or guardian) applies to the amount to be paid under any such compensation order.

(3) Subsection (4) applies for the purposes of any order made under section 381 against the offender's parent or guardian.

(4) The references in subsections (3) and (4) of section 135 (taking account of offender's means in determining amount of compensation) to the offender's means are to be read as references to the means of the offender's parent or guardian.
This is subject to subsection (5).

(5) For the purposes of any order made under section 381 against a local authority, section 135(3) does not apply.

Supplementary

141 Compensation orders: suspension of entitlement and appeals etc

(1) A person in whose favour a compensation order is made is not entitled to receive the amount due to the person until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time).

(2) Criminal Procedure Rules may make provision regarding the way in which the appropriate court is to deal with money paid in satisfaction of a compensation order where the entitlement of the person in whose favour it was made is suspended under subsection (1).

(3) The Court of Appeal may by order annul or vary any compensation order made by the Crown Court, even if the conviction is not quashed.

(4) Where a compensation order is annulled or varied under subsection (3)—

(a) the compensation order—

(i) if annulled, is not to take effect;

(ii) if varied, is to take effect as varied;

(b) the Court of Appeal must also vary any order previously made under section 42 (court's duty to order payment of surcharge) so as to secure that the offender's liability under that order is the same as it would have been if the offender were being dealt with by the Crown Court.

(5) Where the Supreme Court restores a conviction, it may make any compensation order which the court of trial could have made.

(6) Where the Supreme Court makes an order under subsection (5), it must also—

(a) make an order under section 42, or

(b) vary any order previously made under that section,

so as to secure that the offender's liability under the order under that section is the same as it would have been if the offender were being dealt with by the Crown Court.

(7) Where a compensation order has been made against an offender in respect of an offence taken into consideration by the court in determining sentence for one or more other offences (each, a "main offence")—

(a) the order ceases to have effect if the offender successfully appeals against conviction of the main offence or, if more than one, all the main offences;

(b) the offender may appeal against the order as if it were part of the sentence imposed in respect of the main offence or, if more than one, any of the main offences.

142 Limit on compensation payable under compensation order of magistrates' court: offences committed before 11 December 2013

(1) This section applies where—

(a) a magistrates' court is dealing with an offender for—

(i) an offence which was committed before 11 December 2013 (a "relevant offence"), or

(ii) one or more relevant offences, and

(b) the court makes a compensation order in respect of—

(i) any relevant offence,

(ii) any offence taken into consideration by the court in determining sentence for a relevant offence.

(2) The compensation in respect of a relevant offence must not exceed the maximum amount.

(3) The total compensation in respect of the offences taken into account in determining sentence for the relevant offence or relevant offences must not exceed the difference between—

(a) the relevant limit, and

(b) the total compensation in respect of the relevant offences.

(4) In this section—

(a) the relevant limit is the aggregate of the maximum amounts for each relevant offence;

(b) "compensation", in respect of an offence (including an offence taken into account in determining sentence), means the amount required to be paid in respect of that offence under a compensation order;

(c) "the maximum amount" in relation to a relevant offence means the amount specified in column 2 of the following table for an offence committed on the date of the relevant offence—

Date of commission of main offence	*Maximum amount*
Before 1 December 1977	£400
On or after 1 December 1977 but before 1 May 1984	£1,000

Date of commission of main offence	*Maximum amount*
On or after 1 May 1984 but before 1 October 1992	£2,000
On or after 1 October 1992 but before 11 December 2013	£5,000.

(5) This section is subject to section 33B(5) of the Environmental Protection Act 1990 (clean-up costs relating to certain offences relating to waste).

Reviews and appeals

143 Review of compensation orders

(1) This section applies where—
  (a) a compensation order has been made against an offender,
  (b) there is no further possibility of the compensation order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time), and
  (c) the offender has not paid into court the whole of the amount required to be paid under the order.

(2) The appropriate court may, on the application of the offender—
  (a) discharge the order, or
  (b) reduce the amount which remains to be paid.

This is subject to subsection (3).

(3) The appropriate court may exercise that power only—
  (a) if it appears to the court that the injury, loss or damage in respect of which the compensation order was made has been held in civil proceedings to be less than it was taken to be for the purposes of the order,
  (b) if, in the case of a compensation order in respect of the loss of any property, it appears to the court that the property has been recovered by the person in whose favour the order was made, or
  (c) if—
    (i) it appears to the court that the offender's means are insufficient or have been reduced (see subsections (5) and (6)), and
    (ii) where the compensation order was made by the Crown Court, the appropriate court has obtained the consent of the Crown Court.

(4) Subsections (5) to (7) apply for the purposes of subsection (3)(c).

(5) The offender's means are "insufficient" if they are not sufficient to satisfy in full—
  (a) the compensation order, and
  (b) every order of any of the following kinds made against the offender in the same proceedings—
    (i) a confiscation order under Part 6 of the Criminal Justice Act 1988 or Part 2 of the Proceeds of Crime Act 2002;

(ii) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;

(iii) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.

(6) The offender's means "have been reduced" if they—

(a) have unexpectedly been substantially reduced since the compensation order was made, and

(b) seem unlikely to increase for a considerable period.

(7) If the compensation order was made on appeal it is to be treated—

(a) if made on an appeal from a magistrates' court, as if made by that magistrates' court;

(b) if made on an appeal—

(i) from the Crown Court, or

(ii) from the Court of Appeal,

as if made by the Crown Court.

144 Effect of compensation order on subsequent award of damages in civil proceedings

(1) This section has effect where—

(a) a compensation order has been made in favour of any person in respect of any injury, loss or damage, and

(b) a claim by the person in civil proceedings for damages in respect of the injury, loss or damage subsequently falls to be determined.

(2) The damages in the civil proceedings must be assessed without regard to the order.

(3) But the claimant may recover only an amount equal to the aggregate of—

(a) any amount by which the damages assessed exceed the compensation, and

(b) a sum equal to any portion of the compensation which the person fails to recover ("unrecovered compensation").

(4) The claimant may not enforce the judgment, so far as it relates to unrecovered compensation, without the leave of the court.

Interpretation

145 Compensation orders: interpretation

(1) In this Chapter—

"appropriate court", in relation to a compensation order, means the magistrates' court which, by virtue of section 41(1) of the Administration of Justice Act 1970, for the time being has functions in relation to collection and enforcement of the order;

"court" does not include the Court Martial;

"road accident" has the meaning given by section 136.

(2) For the purposes of this Chapter a compensation order is made in respect of an offence if it relates to personal injury, loss, damage or death resulting from that offence.

For this purpose "offence" includes an offence taken into consideration by a court when sentencing an offender for an offence of which the offender has been convicted.

Compensation etc under other Acts

146 Compensation etc under other Acts

For provision about other orders requiring payment of compensation etc that are available to courts dealing with offenders for particular offences, see—

Power to make order	*Description of order*
section 8 of the Modern Slavery Act 2015	slavery and trafficking reparation order where person convicted of offence under section 1, 2 or 4 of that Act
section 4 of the Prevention of Social Housing Fraud Act 2013	unlawful profit order on conviction of offence under section 1 or 2 of that Act or certain associated offences.

CHAPTER 3

RESTITUTION AND RESTORATION

147 Restitution orders where goods stolen or obtained by blackmail or fraud

(1) In this Code, "restitution order", in relation to particular goods, means an order made in an offender's case that—

(a) requires anyone who has possession or control of the goods ("the holder") to restore them to any other person entitled to recover them from the holder,

(b) requires the offender to transfer or deliver any goods representing the goods to any person entitled to recover those other goods from the offender,

(c) requires payment of a sum out of any removed money to any person who would be entitled to recover the goods from the offender if they were in the offender's possession, or

(d) requires payment of a sum out of any removed money to—

(i) any person to whom the offender has sold the goods, or

(ii) any person from whom the offender has borrowed money on the security of the goods.

(2) In subsection (1), "removed money" means money of the offender which was taken out of the offender's possession when the offender was apprehended.

148 Restitution orders: availability

(1) A restitution order with respect to particular goods is available to a court in an offender's case where—

(a) the goods have been stolen, and

(b) either—

(i) the offender is convicted by or before the court of an offence with reference to the theft of the goods, whether or not the stealing was the gist of it (an "offence related to the theft"), or

(ii) in determining sentence for any other offence of which the offender is convicted by or before the court, the court takes into consideration an offence related to the theft.

(2) A restitution order under section 147(1)(b) is available only on the application of the person in whose favour it is to be made.

(3) A restitution order with respect to any goods under section 147(1)(d) is available only if the court has made a restitution order under section 147(1)(a) with respect to the goods.

(4) Making a deferment order, or otherwise deferring sentence, does not preclude a court from making a restitution order.

149 Making a restitution order

(1) This section applies where a restitution order is available to a court in an offender's case.

(2) The court may make a restitution order only if in the opinion of the court the relevant facts sufficiently appear from any of the following—

(a) evidence given at the trial;

(b) any written statements or admissions which were made for use, and would have been admissible, as evidence at the trial;

(c) any documents served on the offender in pursuance of regulations made under paragraph 1 of Schedule 3 to the Crime and Disorder Act 1998 (procedure where persons sent for trial);

(d) admissions made by or on behalf of any person in connection with any proposed exercise of the powers to make a restitution order.

(3) If the court makes restitution orders under paragraphs (b) and (c) of section 147(1) in respect of the theft of the same goods, they must not result in the person in whose favour they are made recovering more than the value of those goods.

(4) A restitution order under section 147(1)(c) may not require payment of more than the value of the stolen goods.

(5) Subsections (6) and (7) apply in relation to making to a restitution order under section 147(1)(d) in relation to any goods.

(6) The court may make the restitution order only if satisfied that—

(a) the purchaser was acting in good faith when purchasing the goods, or

(b) the lender was acting in good faith when lending money on the security of the goods.

(7) The restitution order may not require payment of more than—

(a) the amount which the purchaser paid for the purchase, or
(b) the amount owed to the lender in respect of the loan.

150 Restitution orders: supplementary provision about appeals

(1) Subsections (2) and (3) apply where a restitution order has been made in an offender's case against any person.

Order in respect of offence taken into consideration

(2) Subsection (3) applies where the restitution order was made in respect of an offence taken into consideration by the court in determining sentence for one or more other offences of which the offender was convicted (each, a "main offence").

(3) The restitution order ceases to have effect if the offender successfully appeals against conviction of the main offence or, if more than one, all the main offences.

Initial period of suspension

(4) Subsection (5) applies to a restitution order made by a magistrates' court, unless the court directs under subsection (6) that it is not to apply.

(5) The restitution order does not take effect until there is no further possibility of the order being varied or set aside on appeal (disregarding any power to grant leave to appeal out of time).

(6) A magistrates' court may direct that subsection (5) is not to apply to a restitution order if—
(a) the restitution order is made under section 147(1)(a) or (b), and
(b) the court is of the opinion that the title to the goods to be restored or, as the case may be, delivered or transferred under the order is not in dispute.

(7) A restitution order is to be treated as an order for the restitution of property for the purposes of section 30 of the Criminal Appeal Act 1968 (effect of appeals on such orders).

(8) See, in particular, subsection (1) of that section for provision about—
(a) the initial period of suspension of a restitution order made by the Crown Court, and
(b) the Crown Court's power to direct that the initial period of suspension is not to apply.

151 Restitution orders: interpretation and application

(1) In this Chapter, references to stealing are to be read in accordance with—
(a) section 1(1) of the Theft Act 1968 (read with the provisions of that Act relating to the construction of section 1(1)), and
(b) subsections (2) and (3).

(2) In this Chapter, references to goods which have been stolen include references to goods which have been obtained—
(a) by blackmail, or
(b) by fraud (within the meaning of the Fraud Act 2006);

and references to "stealing" and "theft" are to be read accordingly.

(3) In determining for the purposes of this Chapter whether goods have been stolen, it is immaterial whether the stealing occurred—

(a) before or after the Theft Act 1968, or the Fraud Act 2006, came into force, or

(b) in England and Wales or elsewhere,

provided that the stealing (if not an offence under either of those Acts) amounted to an offence where and when the goods were stolen.

(4) In this Chapter, "goods", except so far as the context otherwise requires, includes money and every other description of property (within the meaning of the Theft Act 1968) except land, and includes things severed from the land by stealing.

(5) A restitution order may be made in respect of money owed by the Crown.

CHAPTER 4

FORFEITURE, DEPRIVATION OF PROPERTY ETC

152 Deprivation orders

In this Code "deprivation order" means an order under this Chapter which—

(a) is made in respect of an offender for an offence, and

(b) deprives the offender of any rights in the property to which it relates.

153 Deprivation orders: availability

(1) A deprivation order relating to any property to which subsection (2) applies is available to the court by or before which an offender is convicted of an offence.

(2) This subsection applies to property which—

(a) has been lawfully seized from the offender, or

(b) was in the offender's possession or under the offender's control when—

(i) the offender was apprehended for the offence, or

(ii) a summons in respect of it was issued,

if subsection (3) or (5) applies.

(3) This subsection applies if the court is satisfied that the property—

(a) has been used for the purpose of committing, or facilitating the commission of, any offence, or

(b) was intended by the offender to be used for that purpose.

(4) For the purposes of subsection (3), facilitating the commission of an offence includes taking any steps after it has been committed for the purpose of—

(a) disposing of any property to which the offence relates, or

(b) avoiding apprehension or detection.

(5) This subsection applies if—

(a) the offence mentioned in subsection (1), or

(b) an offence which is taken into consideration by the court in determining the offender's sentence,

consists of unlawful possession of the property.

(6) Subsection (1) is subject—

(a) to any restriction on forfeiture in any enactment contained in an Act passed on or after 29 July 1988, and

(b) to section 33C(8) of the Environmental Protection Act 1990 (subsection (1) not to apply where section 33C of that Act provides for forfeiture of vehicles in connection with offence under that section).

154 Vehicle to be treated as used for purpose of certain offences

(1) This section applies where a person commits an offence listed in subsection (2) by—

(a) driving, attempting to drive, or being in charge of, a vehicle,

(b) failing to comply with a requirement made under section 7 or 7A of the Road Traffic Act 1988 (failure to provide specimen for analysis or laboratory test or to give permission for such a test) in the course of an investigation into whether the offender had committed an offence while driving, attempting to drive, or being in charge of, a vehicle, or

(c) failing, as the driver of a vehicle, to comply with subsection (2) or (3) of section 170 of the Road Traffic Act 1988 (duty to stop and give information or report accident).

(2) Those offences are—

(a) an offence under the Road Traffic Act 1988 which is punishable with imprisonment;

(b) an offence of manslaughter;

(c) an offence under section 35 of the Offences Against the Person Act 1861 (wanton and furious driving).

(3) The vehicle is to be regarded for the purposes of section 153 (and section 157(3)(b)) as used for the purpose of committing the offence (including where it is committed by aiding, abetting, counselling or procuring).

155 Exercise of power to make deprivation order

(1) In considering whether to make a deprivation order in respect of any property, a court must have regard to—

(a) the value of the property, and

(b) the likely financial and other effects on the offender of making the order (taken together with any other order that the court contemplates making).

(2) Where a deprivation order is available for an offence, the court may make such an order whether or not it deals with the offender in any other way for the offence.

156 Deprivation order: property to be taken into possession of police or Secretary of State

(1) Where the court makes a deprivation order in respect of an offender for an offence, this section applies to the property to which the order relates.

(2) If the court considers that the offence—

(a) related to immigration or asylum, or

(b) was committed for a purpose in connection with immigration or asylum,

it may order that the property is to be taken into the possession of the Secretary of State.

(3) Property that is taken into the possession of the Secretary of State by virtue of subsection (2) is to be treated for the purposes of section 26 of the UK Borders Act 2007 (disposal of property) as property that has come into the possession of the Secretary of State as mentioned in subsection (1)(b) of that section.

(4) Unless the court makes an order under subsection (2), the property is to be taken into the possession of the police (if it is not already in their possession).

157 Property to which a deprivation order applies: orders by magistrates' court

(1) This section applies where property to which a deprivation order relates is in the possession of the police by virtue of section 156(4).

(2) A magistrates' court may, on the application of a police officer or a claimant of the property—

(a) order the delivery of the property to the person appearing to the court to be its owner, or

(b) if its owner cannot be ascertained, make any other order about the property.

This is subject to subsection (3).

(3) If the application is made by a claimant of the property, the court may make an order under subsection (2) only if—

(a) the application is made before the end of the period of 6 months beginning with the day after the deprivation order is made, and

(b) the claimant satisfies the court—

(i) that the claimant did not consent to the offender's possession of the property, or

(ii) if the deprivation order was made by virtue of section 153(3) (property used for purposes of offence), that the claimant did not know, and had no reason to suspect, that the property was likely to be used for a purpose mentioned in section 153(3).

(4) Any right of a person to take legal proceedings against a person in possession of property by virtue of an order under subsection (2)—

(a) ceases at the end of the 6 month period mentioned in subsection (3)(a), but

(b) is not otherwise affected by the order.

158 Regulations about unclaimed property to which deprivation order applies

(1) The property about which regulations under section 2 of the Police (Property) Act 1897 (disposal of unclaimed property in possession of the police) may be made includes property which is in the possession of the police by virtue of section 156(4) and in respect of which—

(a) no application under section 157 was made by a claimant of the property during the 6 month period mentioned in subsection (3)(a) of that section, or

(b) no such application has succeeded.

(2) Where section 2 of the Police (Property) Act 1897 applies by virtue of this section the restrictions in subsection (2A)(a) and (3) of that section (restrictions about dealing with property within a year) do not apply.

(3) Regulations made by virtue of this section may not provide for the local policing body to become the owner of property which is the subject of an order under section 159 (court order as to application of property subject to deprivation order).

159 Application of proceeds of property subject to deprivation order

(1) This section applies where a court makes a deprivation order in respect of any property and—

(a) the offence was one which resulted in a person suffering personal injury, loss or damage, or

(b) any such offence is taken into consideration by the court in determining sentence.

(2) The court may also make an order that any proceeds which—

(a) arise out of the disposal of the property, and

(b) do not exceed a sum specified by the court,

are to be paid to the person.

(3) The court may make an order under this section only if it is satisfied that, but for the inadequacy of the offender's means, it would have made a compensation order under which the offender would have been required to pay compensation of an amount not less than the amount specified under subsection (2)(b).

(4) An order under this section has no effect—

(a) before the end of the 6 month period mentioned in section 157(3)(a), or

(b) if a successful application under—

(i) section 157, or

(ii) section 1(1) of the Police (Property) Act 1897,

has been made.

160 Orders for forfeiture etc under other Acts

(1) For circumstances in which the court may be required to order forfeiture of certain material, see—

Function of making order	*Description of order*
section 4A(1) of the Dangerous Dogs Act 1991	contingent destruction order relating to dog on conviction of certain offences under that Act
section 25 or 29I of the Public Order Act 1986	power to order forfeiture of written material or recordings to which certain offences under Part 3 or 3A of that Act apply (racial hatred and hatred against persons on religious grounds or grounds of sexual orientation)

Function of making order	*Description of order*
section 1(4) of the Obscene Publications Act 1964	forfeiture of articles seized under section 3 of the Obscene Publications Act 1959 where person convicted under section 2 of that Act.

(2) For provision about other forfeiture orders and deprivation orders etc that are available to courts dealing with offenders for particular offences, see—

Power to make order	*Description of order*
section 18 of the Cultural Property (Armed Conflicts) Act 2017	offence under section 17 of that Act: forfeiture of unlawfully exported property
section 11 of the Modern Slavery Act 2015	forfeiture of vehicle, ship or aircraft on conviction of offence under section 2 of that Act (human trafficking)
sections 7 and 11A of the Terrorism Act 2006	forfeiture of certain things in offender's possession for purposes of offence under— (a) section 6 of that Act (training for terrorism), or (b) section 9 or 10 of that Act (misuse of or threats connected with radioactive device or material)
sections 33, 35, 37, 38 and 40 of the Animal Welfare Act 2006	power with respect to deprivation and destruction of animals and equipment on conviction of certain offences under that Act
section 23 of the Terrorism Act 2000	forfeiture of money and property on conviction of certain offences under that Act (terrorist property offences)
section 23A of the Terrorism Act 2000	forfeiture of money and property on conviction of— (a) certain offences under that Act or the Terrorism Act 2006, or (b) offences specified in Schedule 1 to this Act which have a terrorist connection
section 120A of the Terrorism Act 2000	supplementary power to forfeit items on conviction of certain offences under that Act (weapons training and possessing things and collecting information for the purposes of terrorism)
section 6 of the Knives Act 1997	offences under sections 1 and 2 of that Act: forfeiture of knives and publications
sections 4 and 4A(4) of the Dangerous Dogs Act 1991	order for destruction of dog, or contingent destruction order, on conviction of certain offences under that Act

Power to make order	*Description of order*
section 33C of the Environmental Protection Act 1990	deprivation of rights in vehicle used for certain offences under— (a) section 33 of that Act, or (b) the Environmental Permitting Regulations consisting of the disposal or deposit of waste
section 6 of the Crossbows Act 1987	offence under that Act: forfeiture or disposal of crossbow or any part
section 7 of the Forgery and Counterfeiting Act 1981	order for forfeiture of objects relating to offences under Part 1 of that Act (forgery and kindred offences)
section 24(3) of the Forgery and Counterfeiting Act 1981	forfeiture of anything related to an offence under section 19 of that Act (reproducing British currency notes or making imitation British coins)
section 42(3) of the Health and Safety at Work etc Act 1974	forfeiture of explosive article or substance (within the meaning of any of the relevant statutory provisions within the meaning of that Act) in connection with an offence under any of the relevant statutory provisions
section 25C of the Immigration Act 1971	forfeiture of ship, vehicle or aircraft connected with offence under section 25, 25A or 25B of that Act (assisting unlawful immigration to member State or entry to the UK in certain circumstances)
section 27 of the Misuse of Drugs Act 1971	forfeiture order in case of certain offences under— (a) that Act, or (b) certain provisions of the Proceeds of Crime Act 2002
section 52 of the Firearms Act 1968	forfeiture and disposal of firearm in certain cases including— (a) offences under that Act, (b) offence for which custodial sentence is imposed, (c) certain offences under the Violent Crime Reduction Act 2006, and (d) other circumstances where conditions are imposed on offender with respect to firearms
section 3 of the Children and Young Persons (Harmful Publications) Act 1955	forfeiture of copies of work to which the Act applies and other articles on conviction under section 2 of that Act

Power to make order	*Description of order*
section 1(2) of the Prevention of Crime Act 1953	offence under section 1(1) of that Act (carrying offensive weapon without reasonable excuse or lawful authority)
section 3 of the Incitement to Disaffection Act 1934	power to order destruction etc of documents connected with offence under that Act.

(3) Nothing in this section is to be taken to affect—
(a) the power of a court to make an order under this Chapter,
(b) any function of a court of making an order mentioned in the table in subsection (1) or (2), or
(c) any other power or duty of a court to make an order for the forfeiture or destruction of any material.

161 Confiscation orders under other Acts

For provision about confiscation orders, see—
(a) the Proceeds of Crime Act 2002, or
(b) in relation to an offence committed before 24 March 2003—
(i) the Drug Trafficking Act 1994;
(ii) Part 6 of the Criminal Justice Act 1988.

PART 8

DISQUALIFICATION

CHAPTER 1

DRIVING DISQUALIFICATION

162 Driving disqualification order

In this Code "driving disqualification order" means an order made under this Chapter in respect of an offender that the offender is disqualified, for the period specified in the order, for holding or obtaining a driving licence.

163 Driving disqualification: availability for any offence

(1) A driving disqualification order is available to the court by or before which an offender is convicted of an offence if—
(a) the offence was committed on or after 1 January 1998, and
(b) the court has been notified by the Secretary of State that the power to make such orders is exercisable by the court (and the notice has not been withdrawn).

(2) Where a driving disqualification order is available by virtue of this section, the court may make a driving disqualification order whether or not it also deals with the offender for the offence in any other way.

164 Driving disqualification order: availability where vehicle used for purposes of crime

(1) A driving disqualification order is available also where—
  (a) an offender is convicted on indictment of an offence,
  (b) the offence is punishable on indictment with imprisonment for a term of 2 years or more, and
  (c) the Crown Court is satisfied that a motor vehicle was used (by the offender or by anyone else) for the purpose of committing, or facilitating the commission of, the offence.

(2) For the purposes of subsection (1), facilitating the commission of an offence includes taking any steps after it has been committed for the purpose of—
  (a) disposing of any property to which the offence relates, or
  (b) avoiding apprehension or detection.

(3) A driving disqualification order is available to the court by or before which an offender is convicted of an offence also where—
  (a) the offence is—
    (i) common assault, or
    (ii) any other offence involving an assault (including an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting) related to, or incitement to commit, an offence),
  (b) the offence was committed on or after 1 July 1992, and
  (c) the court is satisfied that the assault was committed by driving a motor vehicle.

165 Disqualification period

Where a court makes a driving disqualification order in respect of an offender for an offence, the disqualification period must be such period as the court considers appropriate.

But this is subject to sections 167 and 168.

166 Requirement to produce licences where driving disqualification order made

A court which makes a driving disqualification order in respect of an offender must require the offender to produce any (and, if more than one, all) of the following held by the offender—
  (a) a driving licence;
  (b) a Northern Ireland licence (within the meaning of Part 3 of the Road Traffic Act 1988);
  (c) a Community licence (within the meaning of Part 3 of the Road Traffic Act 1988).

167 Extension of disqualification where custodial sentence also imposed

(1) This section applies where a court—
  (a) imposes a custodial sentence on an offender for an offence, and
  (b) makes a driving disqualification order in respect of the offender for the same offence.

(2) But this section does not apply where the custodial sentence is—

(a) a suspended sentence, or
(b) a life sentence in relation to which the court makes a whole life order under section 321(3).

(3) The disqualification period must be—
(a) the discretionary disqualification period, and
(b) the appropriate extension period.

(4) The discretionary disqualification period is the period which the court would, in the absence of this section, have specified in the driving disqualification order.

(5) The appropriate extension period for a sentence specified in column 2 is equal to the period calculated in accordance with column 3—

	Sentence	*Length of appropriate extension period*
1	a detention and training order under section 233 (offenders under 18: detention and training orders)	half the term of the detention and training order
2	an extended sentence of detention under section 254 (persons under 18)	two-thirds of the term imposed pursuant to section 254(a) (the appropriate custodial term)
3	a sentence under section 265 (special custodial sentence for certain offenders of particular concern: adults aged 18 to 20)	half the term imposed pursuant to section 265(2)(a) (the appropriate custodial term)
4	an extended sentence of detention in a young offender institution	two-thirds of the term imposed pursuant to section 266(a) (the appropriate custodial term)
5	a sentence under section 278 (special custodial sentence for certain offenders of particular concern: adults aged 21 and over)	half the term imposed pursuant to section 278(2)(a) (the appropriate custodial term)
6	an extended sentence of imprisonment	two-thirds of the term imposed pursuant to section 279(a) (the appropriate custodial term)
7	a life sentence in relation to which a minimum term order is made under section 321(2)	the term specified in the minimum term order
8	any other case	half the custodial sentence imposed.

(6) Any period determined under subsection (5) which includes a fraction of a day must be rounded up to the nearest number of whole days.

(7) Where—

(a) an order ("the amending order") is made under section 267 of the Criminal Justice Act 2003 (alteration by order of relevant proportion of sentence), and

(b) the amending order provides that the proportion of a custodial sentence for the time being referred to in section 243A(3)(a) or 244(3)(a) of that Act (release of prisoners in certain circumstances) is to be read as a reference to another proportion (the "new proportion"),

the Secretary of State may by regulations provide that the table in subsection (5) is to be read as if, in relation to such a sentence, paragraph 8 specified the new proportion.

(8) Regulations under subsection (7) are subject to the affirmative resolution procedure.

(9) Subsections (4) and (6) of section 406 (general powers to make provision in regulations) do not apply to the power conferred by subsection (7).

168 Effect of custodial sentence in other cases

(1) This section applies where a court makes a driving disqualification order in respect of an offender for an offence, and—

(a) it imposes a custodial sentence (other than a suspended sentence) on the offender for another offence, or

(b) a custodial sentence previously imposed on the offender has not expired.

(2) In determining the disqualification period, the court must, so far as it is appropriate to do so, have regard to the diminished effect of disqualification as a distinct punishment if the person who is disqualified is also detained in pursuance of a custodial sentence.

But the court may not take into account for this purpose any custodial sentence that it imposes on the offender for the offence.

(3) In this section, "custodial sentence" includes a pre-Code custodial sentence (see section 222(4)).

169 Driving disqualification orders: interpretation

In this Chapter—

"disqualification period", in relation to a driving disqualification order made in respect of an offender, means the period specified in the order as the period for which the offender is disqualified for holding or obtaining a driving licence;

"driving licence" means a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988.

170 Driving disqualification etc under the Road Traffic Offenders Act 1988

See Part 2 of the Road Traffic Offenders Act 1988 for sentences available on conviction of certain road traffic offences and, in particular, the following provisions of that Act—

(a) section 34 (disqualification);

(b) section 35 (disqualification for repeated offences);

(c) section 36 (disqualification until test is passed);

(d) section 44 (endorsement of driving record).

CHAPTER 2

DISQUALIFICATION ETC UNDER OTHER ACTS

171 Offences relating to animals

(1) For orders relating to disqualification and licensing in the case of offences under the Animal Welfare Act 2006, see the following provisions of that Act—

(a) section 34 (disqualification);

(b) section 42 (orders with respect to licences).

(2) See section 4 of the Dangerous Dogs Act 1991 for orders relating to disqualification in the case of offences under that Act.

172 Company directors

See sections 2 and 5 of the Company Directors Disqualification Act 1986 (company director disqualification orders) for provision about orders available in relation to certain offences relating to companies, building societies and other bodies.

PART 9

COMMUNITY SENTENCES

CHAPTER 1

YOUTH REHABILITATION ORDERS

What a youth rehabilitation order is

173 Youth rehabilitation order

(1) In this Code, "youth rehabilitation order" means an order imposing one or more youth rehabilitation requirements.

(2) The youth rehabilitation requirements are listed in column 1 of the youth rehabilitation requirements table (see section 174).

(3) Provision about each requirement is made by the Part of Schedule 6 mentioned in the corresponding entry in column 2 of that table.

174 Youth rehabilitation requirements table

The youth rehabilitation requirements table referred to in sections 173, 183 and 185 is—

Requirement	*Part of Schedule 6 relating to requirement*	*Restrictions on availability*
activity requirement	Part 1	
extended activity requirement	Part 1	section 184(1)
supervision requirement	Part 2	
unpaid work requirement	Part 3	section 184(2)
programme requirement	Part 4	
attendance centre requirement	Part 5	
prohibited activity requirement	Part 6	
curfew requirement	Part 7	
exclusion requirement	Part 8	
residence requirement	Part 9	
local authority residence requirement	Part 10	
fostering requirement	Part 11	section 175(2)(b), section 184(3)
mental health treatment requirement	Part 12	
drug treatment requirement	Part 13	
drug testing requirement	Part 14	
intoxicating substance treatment requirement	Part 15	
education requirement	Part 16	
electronic monitoring requirement	Part 17	section 184(4)

175 Youth rehabilitation order with intensive supervision and surveillance

(1) In this Code "youth rehabilitation order with intensive supervision and surveillance" means a youth rehabilitation order which imposes—

(a) an extended activity requirement (see paragraph 2 of Schedule 6),

(b) a supervision requirement, and
(c) a curfew requirement (and, accordingly, if so required by paragraph 19(3) of Schedule 6, an electronic monitoring requirement).

(2) A youth rehabilitation order with intensive supervision and surveillance—
(a) may impose other youth rehabilitation requirements, but
(b) may not impose a fostering requirement.

176 Youth rehabilitation order with fostering

(1) In this Code "youth rehabilitation order with fostering" means a youth rehabilitation order which imposes—
(a) a fostering requirement (see Part 11 of Schedule 6), and
(b) a supervision requirement.

(2) A youth rehabilitation order with fostering may also impose other requirements.
But this is subject to section 175(2) (fostering requirement not available with intensive supervision and surveillance).

Availability

177 Youth rehabilitation orders: availability

(1) A youth rehabilitation order is available to a court by or before which an offender is convicted of an offence if the offender is aged under 18 at the time of the conviction.

(2) Subsection (1) is subject to—
(a) subsection (3), and
(b) section 37(8) of the Mental Health Act 1983 (youth rehabilitation order not to be made in combination with hospital order or guardianship order in respect of same offence).

(3) A youth rehabilitation order is not available if a mandatory sentence requirement applies in relation to the offence (see section 399)—
(a) because the sentence is fixed by law, or
(b) by virtue of—
(i) section 258 (required sentence of detention for life), or
(ii) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).
But this is subject to section 74 and Chapter 4 of Part 12 (reduction of sentence for assistance to prosecution).

178 Youth rehabilitation orders with intensive supervision and surveillance or fostering: availability

(1) A youth rehabilitation order which is—
(a) a youth rehabilitation order with intensive supervision and surveillance, or
(b) a youth rehabilitation order with fostering,
is available only in respect of an imprisonable offence.

(2) This is subject to paragraph 11(2) of Schedule 7 (powers of court in case of wilful and persistent failure to comply with youth rehabilitation order).

Exercise of power to make youth rehabilitation order

179 Exercise of power to make youth rehabilitation order: general considerations

(1) This section applies where a court is dealing with an offender for an offence and a youth rehabilitation order is available.

(2) The court must not make a youth rehabilitation order unless it is of the opinion that—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it,

was serious enough to warrant the making of such an order.

(3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and any associated offence or offences, including any aggravating or mitigating factors.

(4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

(5) Where the court is of the opinion mentioned in subsection (2), the fact that it is does not require it to make a youth rehabilitation order in relation to the offence.

(6) Before making a youth rehabilitation order, the court must obtain and consider information about—

(a) the offender's family circumstances, and

(b) the likely effect of a youth rehabilitation order on those circumstances.

180 Making youth rehabilitation order with intensive supervision and surveillance or fostering

(1) This section applies where either of the following orders is available to a court dealing with an offender for an offence—

(a) a youth rehabilitation order with intensive supervision and surveillance;

(b) a youth rehabilitation order with fostering.

(2) The court must not make an order of either of those kinds unless it is of the opinion—

(a) that the offence, or the combination of the offence and one or more offences associated with it, was so serious that, if such an order were not available—

(i) a custodial sentence would be appropriate, or

(ii) if the offender is aged under 12 when convicted, a custodial sentence would have been appropriate if the offender had been 12, and

(b) if the offender is aged under 15 when convicted, that the offender is a persistent offender.

(3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

(4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

181 Making youth rehabilitation order where offender subject to other order

Offender subject to detention and training order

(1) Where a court makes a youth rehabilitation order in respect of an offender who is subject to a detention and training order, the court may order that the youth rehabilitation order is to take effect—

(a) when the period of supervision in respect of the detention and training order begins in accordance with section 242 (the period of supervision), or

(b) on the expiry of the detention and training order.

(2) For the purposes of subsection (1)—

(a) the references to a detention and training order include an order made under section 211 of the Armed Forces Act 2006 (detention and training orders made by service courts), and

(b) the reference to section 242 includes that provision as applied by section 213 of that Act.

(3) For those purposes the references in subsections (1) and (2) to a detention and training order include an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (and references to section 242 include references to section 103 of that Act).

Offender subject to youth rehabilitation order or reparation order

(4) A court must not make a youth rehabilitation order in respect of an offender when—

(a) another youth rehabilitation order, or

(b) a reparation order,

is in force in respect of the offender, unless when it makes the order it revokes the earlier order.

(5) Where the earlier order is revoked under subsection (4), paragraph 27 of Schedule 7 applies to the revocation as it applies to the revocation of a youth rehabilitation order.

(6) For the purposes of subsection (4)—

(a) the reference in paragraph (a) to another youth rehabilitation order includes an order under section 1 of the Criminal Justice and Immigration Act 2008, and

(b) the reference in paragraph (b) to a reparation order includes an order under section 73 of the Powers of Criminal Courts (Sentencing) Act 2000.

182 Concurrent and consecutive orders

(1) This section applies where a court is dealing with an offender for two or more offences.

(2) If the court makes an order of any of the following kinds in respect of one of the offences—

(a) a youth rehabilitation order with intensive supervision and surveillance,

(b) a youth rehabilitation order with fostering, or

(c) any other youth rehabilitation order,

it may not make a youth rehabilitation order of another of those kinds in respect of the other offence, or any of the other offences.

(3) If the court makes—

(a) two or more youth rehabilitation orders with intensive supervision and surveillance, or

(b) two or more youth rehabilitation orders with fostering,

those orders must take effect at the same time (in accordance with section 198).

(4) Subsections (5) to (7) apply where the court includes requirements of the same kind in two or more youth rehabilitation orders.

(5) The court must direct, for each kind of requirement—

(a) whether the requirements are to be concurrent or consecutive, or

(b) if more than two requirements of that kind are imposed, which are to be concurrent and which consecutive.

(6) But the court may not direct that two or more fostering requirements are to be consecutive.

(7) Where the court directs that two or more requirements of the same kind are to be consecutive, the numbers of hours, days or months specified in relation to each of them—

(a) are to be aggregated, but

(b) in aggregate, must not exceed the maximum number which may be specified in relation to any one of them.

(8) For the purposes of subsections (4) to (7), requirements are of the same kind if they fall within the same Part of Schedule 6.

Available requirements

183 Youth rehabilitation orders: available requirements

(1) Any youth rehabilitation requirement imposed by a youth rehabilitation order must be a requirement that is available to the court which makes the order.

(2) A youth rehabilitation requirement is available unless a provision mentioned in column 3 of the entry for that requirement in the youth rehabilitation requirements table (see section 174) provides otherwise.

184 Youth rehabilitation order: availability of particular requirements

Extended activity requirement

(1) An extended activity requirement is not available for a youth rehabilitation order other than a youth rehabilitation order with intensive supervision and surveillance.

Unpaid work requirement

(2) An unpaid work requirement is not available for a youth rehabilitation order in respect of an offence unless the offender is aged 16 or 17 when convicted of the offence.

Fostering requirement

(3) A fostering requirement is not available for a youth rehabilitation order other than a youth rehabilitation order with fostering.

Electronic monitoring requirement

(4) An electronic monitoring requirement is not available for a youth rehabilitation order unless the order imposes at least one other youth rehabilitation requirement.

Exercise of power to impose particular requirements

185 Youth rehabilitation order: exercise of power to impose particular requirements

(1) This section applies where a court makes a youth rehabilitation order in respect of an offence.

Restrictions and obligations relating to imposing particular requirements

(2) The power to impose a particular youth rehabilitation requirement is subject to the provisions of the Part of Schedule 6 relating to requirements of that kind (see column 2 of the table in section 174).

Suitability

(3) The particular youth rehabilitation requirement or combination of youth rehabilitation requirements imposed by the order must, in the opinion of the court, be the most suitable for the offender.

In the case of a youth rehabilitation order with intensive supervision and surveillance, this is subject to section 175 (by virtue of which the order must impose certain requirements).

(4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming any opinion on whether a particular youth rehabilitation requirement or combination of youth rehabilitation requirements is suitable for the offender.

(5) In forming its opinion for the purposes of subsection (3) on which requirement or combination of requirements is the most suitable for the offender, the court may take into account any information about the offender which is before it.

Restrictions on liberty to be commensurate with seriousness

(6) The restrictions on liberty imposed by the order must be such as are in the opinion of the court commensurate with the seriousness of—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it.

In the case of a youth rehabilitation order with intensive supervision and surveillance, this is subject to section 175 (by virtue of which the order must impose certain requirements).

(7) In forming its opinion for the purposes of subsection (6), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

(8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

(9) The fact that, by virtue of subsection (6), particular restrictions on liberty may be imposed by a youth rehabilitation order does not require the court to impose those restrictions.

Compatibility with other requirements and other matters

(10) If the order imposes two or more requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.

This is subject to sections 175 and 176 and paragraphs 19(3) and 21 of Schedule 6 (certain types of youth rehabilitation order to contain certain requirements).

(11) The court must ensure, as far as practicable, that any requirement imposed by the order is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and

(c) any conflict with the requirements of any other court order to which the offender may be subject,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(12) Regulations under subsection (11) are subject to the negative resolution procedure.

186 Youth rehabilitation order: effect of remand in custody

(1) In determining the restrictions on liberty to be imposed by a youth rehabilitation order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with—

(a) the offence, or

(b) any other offence the charge for which was founded on the same facts or evidence.

(2) For this purpose a person is remanded in custody if—

(a) remanded in or committed to custody by order of a court,

(b) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail), or

(c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.

Making a youth rehabilitation order: contents

187 Youth rehabilitation order to specify end date

(1) A youth rehabilitation order must specify a date (the "end date") by which all the requirements in it must have been complied with.

(2) The end date must be—

(a) not more than 3 years, and

(b) in the case of a youth rehabilitation order with intensive supervision and surveillance, not less than 6 months,

after the date on which the order takes effect.

(3) If a youth rehabilitation order imposes two or more different youth rehabilitation requirements—

(a) the order may also specify, for each of the requirements, a date by which the requirement must have been complied with;

(b) if it does so, the last of those dates must be the same as the end date.

188 Youth rehabilitation order to specify offender's home local justice area

(1) A youth rehabilitation order must specify the local justice area which is the offender's home local justice area.

(2) The area specified must be the local justice area in which the offender resides or will reside.

189 Power for Crown Court to direct magistrates' court supervision

(1) This section applies where the Crown Court makes a youth rehabilitation order otherwise than on appeal from a magistrates' court.

(2) The Crown Court may include a direction that the order is to be subject to magistrates' court supervision.

For the effect of such a direction see Schedule 7 (breach, revocation or amendment of youth rehabilitation order).

190 Provision of copies of youth rehabilitation order and related documents

(1) This section applies when a court makes a youth rehabilitation order.

(2) The court must forthwith provide copies of the order—

(a) to the offender,

(b) if the offender is aged under 14, to the offender's parent or guardian,

(c) to a member of a youth offending team assigned to the court or to an officer who is acting at the court and is an officer of a provider of probation services, and

(d) if the court does not act in the offender's home local justice area, to a provider of probation services operating in that area.

(3) If the order imposes any requirement specified in column 1 of the following Table, the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

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
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

Requirement	*Person to whom copy of requirement is to be given*
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 36(3)(b)(i) of Schedule 6
An education requirement	The relevant authority specified under paragraph 39(2)(a) of Schedule 6
An electronic 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.

(4) If the court does not act in the offender's local justice area, it must provide to the magistrates' court acting in the offender's home local justice area—
  (a) a copy of the order, and
  (b) 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.

Obligations of responsible officer and offender

191 Meaning of "the responsible officer"

(1) For the purposes of this Chapter, "the responsible officer", in relation to an offender to whom a youth rehabilitation order relates, means the person identified in subsection (2), (3) or (4).

(2) If the order imposes the following requirements, and no other youth rehabilitation requirements—
  (a) an electronic monitoring requirement, and
  (b) a curfew requirement or an exclusion requirement (or both),

the responsible officer is the person who under paragraph 42(1) of Schedule 6 is responsible for the electronic monitoring required by the order.

(3) If the only youth rehabilitation requirement imposed by the order is an attendance centre requirement, the responsible officer is the officer in charge of the attendance centre specified in the order.

(4) In any other case the responsible officer is the qualifying officer who, as respects the offender, is for the time being responsible for discharging the functions conferred by this Chapter on the responsible officer.

(5) In subsection (4) "qualifying officer", means—

(a) a member of a youth offending team established by a local authority specified in the order for the purposes of this section, or

(b) an officer of a provider of probation services acting in the offender's home local justice area.

192 Obligations of responsible officer

(1) This section applies where a youth rehabilitation order is in force.

Functions of the responsible officer

(2) The responsible officer must—

(a) make any arrangements that are necessary in connection with the requirements imposed by the order,

(b) promote the offender's compliance with those requirements, and

(c) where appropriate, take steps to enforce those requirements.

(3) But subsection (2) does not apply to a person who is a responsible officer by virtue of section 191(2) (person responsible for electronic monitoring).

Exercise of functions by responsible officer

(4) In giving instructions to the offender in pursuance of the order, the responsible officer must ensure, as far as practicable, that any instruction is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any interference with the times, if any, at which the offender normally works, or attends school or any other educational establishment, and

(c) any conflict with the requirements of any other court order to which the offender may be subject,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(5) Regulations under subsection (4) are subject to the negative resolution procedure.

193 Duty of offender to keep in touch with responsible officer etc

(1) This section applies where a youth rehabilitation order is in force.

(2) The offender—

(a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time, and

(b) must notify the responsible officer of any change of address.

(3) This obligation is enforceable as if it were a youth rehabilitation requirement of the youth rehabilitation order.

Review

194 Power to provide for court review of youth rehabilitation orders

(1) The Secretary of State may by regulations—

(a) enable or require a court making a youth rehabilitation order to provide for the order to be reviewed periodically by that or another court,
(b) enable a court to amend a youth rehabilitation order so as to include or remove a provision for review by a court, and
(c) make provision as to the timing and conduct of reviews and as to the powers of the court on a review.

(2) Regulations under this section may, in particular, make provision in relation to youth rehabilitation orders corresponding to any provision made by sections 293 to 295 in relation to suspended sentence orders.

(3) Regulations under this section may repeal or amend any provision of—
(a) this Chapter, or
(b) any other provision of this Code derived from Chapter 1 of Part 12 of the Criminal Justice Act 2003.

(4) Regulations under this section are subject to the affirmative resolution procedure.

Breach, revocation or amendment of order

195 Breach, revocation or amendment of youth rehabilitation orders

Schedule 7 makes provision about—
(a) failures to comply with the requirements of youth rehabilitation orders, and
(b) revocation and amendment of youth rehabilitation orders.

Transferring order to Northern Ireland

196 Transfer of youth rehabilitation orders to Northern Ireland

Schedule 8 makes provision about the transfer of youth rehabilitation orders to Northern Ireland.

Youth rehabilitation orders: supplementary

197 Youth rehabilitation orders: interpretation

(1) In this Chapter, except where the contrary intention appears—
"end date", in relation to a youth rehabilitation order, means the date for the time being specified in the order under—
(a) section 187 (youth rehabilitation order to specify end date),
(b) paragraph 10(4) of Schedule 7 (power to substitute later end date on breach), or
(c) paragraph 18(1) of that Schedule (extension of order);
"home local justice area", in relation to a youth rehabilitation order, means the local justice area for the time being specified in the order under—
(a) section 188, or
(b) paragraph 15(2) of Schedule 7;
"the responsible officer", in relation to an offender to whom a youth rehabilitation order relates, has the meaning given by section 191;

"youth rehabilitation order" has the meaning given by section 173;

"youth rehabilitation order with fostering" has the meaning given by section 176;

"youth rehabilitation order with intensive supervision and surveillance" has the meaning given by section 175;

"youth rehabilitation requirement" has the meaning given by section 173.

(2) In this Code, each of the expressions listed in column 1 of the table in section 174 has, in relation to a youth rehabilitation order, the meaning given for it by the Part of Schedule 6 mentioned in the entry for it in column 2 of that table.

198 When a youth rehabilitation order is in force

(1) A youth rehabilitation order takes effect from the beginning of the day on which it is made.

(2) But a court making a youth rehabilitation order may order that it is to take effect instead on a later date (and see, in particular, section 181(1)).

(3) A youth rehabilitation order is in force for the period—

(a) beginning when it takes effect, and

(b) ending—

(i) with the end date, or

(ii) if later, when the offender has completed any unpaid work requirement imposed by the order.

(4) But a youth rehabilitation order ceases to be in force when it is revoked.

(5) An unpaid work requirement is completed when the offender has worked under it for the number of hours specified in the order.

199 Youth rehabilitation orders: Isles of Scilly

(1) This Chapter has effect in relation to the Isles of Scilly with such exceptions, adaptations and modifications as the Secretary of State may by regulations specify.

(2) Regulations under this section are subject to the negative resolution procedure.

CHAPTER 2

COMMUNITY ORDERS

What a community order is

200 Community order

(1) In this Code "community order" means an order imposing one or more community order requirements.

(2) The community order requirements are listed in column 1 of the community order requirements table (see section 201).

(3) Provision about each requirement is made by the provisions of Schedule 9 mentioned in the corresponding entry in column 2 of that table.

201 Community order requirements table

The community order requirements table referred to in sections 200, 206 and 208 is—

Requirement	*Part of Schedule 9 relating to requirement*	*Restrictions on availability*
unpaid work requirement	Part 1	
rehabilitation activity requirement	Part 2	
programme requirement	Part 3	
prohibited activity requirement	Part 4	
curfew requirement	Part 5	
exclusion requirement	Part 6	
residence requirement	Part 7	
foreign travel prohibition requirement	Part 8	
mental health treatment requirement	Part 9	
drug rehabilitation requirement	Part 10	
alcohol treatment requirement	Part 11	
alcohol abstinence and monitoring requirement	Part 12	section 207(1), (2) or (3)
attendance centre requirement	Part 13	section 207(4)
electronic compliance monitoring requirement	Part 14	section 207(5)
electronic whereabouts monitoring requirement	Part 14	section 207(6)

Availability

202 Availability of community order

(1) A community order is available to a court by or before which an offender is convicted of an offence if—

(a) the offender is aged 18 or over when convicted, and

(b) the offence is punishable with imprisonment by that court.

(2) Subsection (1) is subject to—

(a) subsection (3),

(b) section 203 (restriction on making both community order and suspended sentence order), and

(c) section 37(8) of the Mental Health Act 1983 (community order not to be made in combination with hospital order or guardianship order in respect of same offence).

(3) A community order is not available in respect of an offence in relation to which a mandatory sentence requirement applies (see section 399).

But this is subject to section 74 and Chapter 4 of Part 12 (reduction of sentence for assistance to prosecution).

203 Restriction on making both community order and suspended sentence order

A court may not make a community order in respect of an offence if it makes a suspended sentence order in respect of—

(a) the offence,

(b) any other offence of which the offender is convicted by or before it, or

(c) any other offence for which it deals with the offender.

Exercise of power to make community order

204 Exercise of power to impose community order: general considerations

(1) This section applies where a community order is available.

(2) The court must not make a community order unless it is of the opinion that—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it,

was serious enough to warrant the making of such an order.

(3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

(4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

(5) The fact that, by virtue of subsection (2), the court may make a community order does not require it to do so.

205 Community order: effect of remand in custody

(1) In determining the restrictions on liberty to be imposed by a community order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with—

(a) the offence, or

(b) any other offence the charge for which was founded on the same facts or evidence.

(2) For this purpose a person is remanded in custody if—

(a) remanded in or committed to custody by order of a court,

(b) remanded to youth detention accommodation (see subsection (3)), or

(c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.

(3) The reference in subsection (2)(b) to being remanded to youth detention accommodation—

(a) has the same meaning as in Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail): see, in particular, section 91 of that Act, but

(b) also includes a reference to being remanded or committed before 3 December 2012 to local authority accommodation under section 23 of the Children and Young Persons Act 1969 and—

(i) kept in secure accommodation (within the meaning of that section), or

(ii) detained in a secure training centre pursuant to arrangements under subsection (7A) of that section.

Available requirements

206 Community orders: available requirements

(1) A court may not make a community order which imposes a community order requirement that is not an available requirement.

(2) A community order requirement is an available requirement unless a provision mentioned in column 3 of the entry for that requirement in the community order requirements table (see section 201) provides otherwise.

207 Community order: availability of particular requirements

Alcohol abstinence and monitoring requirement

(1) An alcohol abstinence and monitoring requirement is not an available requirement unless it is available by virtue of regulations under paragraph 1 of Schedule 24 (pilot schemes).

(2) An alcohol abstinence and monitoring requirement is not an available requirement unless regulations are in force under paragraph 25(7)(c) of Schedule 9 (prescribed arrangements for monitoring).

(3) An alcohol abstinence and monitoring requirement imposing a requirement within paragraph 25(1)(a)(ii) of Schedule 9 (alcohol level to be kept below specified level) is not an available requirement unless regulations are in force under 25(7)(b) of that Schedule (prescribed alcohol level).

Attendance centre requirement

(4) An attendance centre requirement is not an available requirement unless the offender is aged under 25 when convicted of the offence.

Electronic compliance monitoring requirement

(5) An electronic compliance monitoring requirement is not an available requirement in relation to a community order unless the community order imposes at least one other available requirement, other than—

(a) an alcohol abstinence and monitoring requirement;

(b) an electronic whereabouts monitoring requirement.

Electronic whereabouts monitoring requirement

(6) An electronic whereabouts monitoring requirement is available only if regulations under paragraph 6 of Schedule 24 (pilot schemes) so provide.

Exercise of power to impose requirements

208 Community order: exercise of power to impose particular requirements

(1) This section applies where a court makes a community order in respect of an offence.

Restrictions and obligations relating to imposing particular requirements

(2) The power to impose a particular community order requirement is subject to the provisions of the Part of Schedule 9 relating to requirements of that kind (see column 2 of the table in section 201).

Suitability of requirements

(3) The particular community order requirement or community order requirements imposed by the order must, in the opinion of the court, be the most suitable for the offender.

This is subject to subsection (10).

(4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming any opinion on whether a particular requirement or combination of requirements is suitable for the offender.

(5) In forming the opinion under subsection (3) on which requirement or combination of requirements is most suitable for the offender, the court may take into account any information about the offender which is before it.

Considerations of seriousness and punishment etc

(6) The restrictions on liberty imposed by the order must be such as are in the opinion of the court commensurate with the seriousness of—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it.

This is subject to subsection (10).

(7) In forming its opinion for the purposes of subsection (6), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

(8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

(9) The fact that, by virtue of subsection (6), particular restrictions on liberty may be imposed by a community order does not require the court to impose those restrictions.

(10) The order must include at least one community order requirement imposed for the purpose of punishment.

(11) Subsection (10) does not apply where—

(a) the court also imposes a fine, or

(b) there are exceptional circumstances relating to the offence or to the offender which—

(i) would make it unjust in all the circumstances for the court to impose a requirement for the purpose of punishment in the particular case, and

(ii) would make it unjust in all the circumstances for the court to impose a fine for the offence concerned.

Compatibility with other matters

(12) If the order imposes two or more different community order requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.

(13) The court must ensure, so far as practicable, that any community order requirement imposed by the order is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any conflict with the requirements of any other court order to which the offender may be subject, and

(c) any interference with the times, if any, at which the offender normally—

(i) works, or

(ii) attends any educational establishment,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(14) Regulations under subsection (13) are subject to the negative resolution procedure.

Making a community order

209 Community order to specify end date etc

(1) A community order must specify a date (the "end date") by which all the requirements in it must have been complied with.

(2) The end date must not be more than 3 years after the date of the order.

(3) If a community order imposes two or more different community order requirements—

(a) the order may also specify, for each of the requirements, a date by which the requirement must have been complied with;

(b) if it does so, the last of those dates must be the same as the end date.

(4) Section 220 sets out the effect of the end date.

210 Community order to specify offender's home local justice area

(1) A community order must specify which local justice area is the offender's home local justice area.

(2) The area specified must be the local justice area in which the offender resides or will reside.

211 Power for Crown Court to direct magistrates' court supervision

Where the Crown Court makes a community order, it may include a direction that the order is to be subject to magistrates' court supervision.

For the effect of such a direction see Schedule 10 (breach, revocation or amendment of community order).

212 Power to provide for court review of community orders

(1) The Secretary of State may by regulations—

(a) enable or require a court making a community order to provide for the community order to be reviewed periodically by that or another court,

(b) enable a court to amend a community order so as to include or remove a provision for review by a court, and

(c) make provision as to the timing and conduct of reviews and as to the powers of the court on a review.

(2) Regulations under this section may, in particular, make provision in relation to community orders corresponding to any provision made by sections 293 to 295 in relation to suspended sentence orders.

(3) Regulations under this section may repeal or amend any provision of this Chapter.

(4) Regulations under this section are subject to the affirmative resolution procedure.

213 Provision of copies of community order and related documents

(1) This section applies when a court makes a community order.

(2) The court must forthwith provide copies of the order—

(a) to the offender,

(b) to the responsible officer,

(c) to an officer of a provider of probation services that is a public sector provider who is acting at the court, and

(d) if the court does not act in the offender's home local justice area, to a provider of probation services that is a public sector provider and is operating in that area.

(3) If the order imposes any requirement specified in column 1 of the following table, the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

The requirement	*The person to whom a copy must be provided*
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 relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(4) If the court does not act in the offender's home local justice area, it must provide to the magistrates' court acting in that area—
  (a) a copy of the order, and
  (b) 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.

(5) In subsection (2) "public sector provider" means—
  (a) a probation trust or other public body, or
  (b) the Secretary of State.

Obligations of responsible officer and offender

214 The responsible officer

(1) For the purposes of this Chapter, "the responsible officer", in relation to an offender to whom a community order relates, means the person who is for the time being responsible for discharging the functions conferred by this Code on the responsible officer in accordance with arrangements made by the Secretary of State.

(2) The responsible officer must be—

(a) an officer of a provider of probation services, or

(b) a person responsible for monitoring the offender in accordance with an electronic monitoring requirement imposed by the community order.

215 Obligations of responsible officer

(1) This section applies where a community order is in force.

Functions of the responsible officer

(2) The responsible officer must—

(a) make any arrangements that are necessary in connection with the requirements imposed by the order, and

(b) promote the offender's compliance with those requirements.

(3) This is subject to paragraph 16(6) of Schedule 9 (in-patient treatment under mental health treatment requirement).

Exercise of functions by responsible officer

(4) The responsible officer must ensure, as far as practicable, that any instruction given by the responsible officer is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any conflict with the requirements of any other court order to which the offender may be subject, and

(c) any interference with the times, if any, at which the offender normally—

(i) works, or

(ii) attends any educational establishment,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(5) Regulations under subsection (4) are subject to the negative resolution procedure.

216 Duty of offender to keep in touch with responsible officer

(1) This section applies where a community order is in force.

(2) The offender must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time.

(3) This obligation is enforceable as if it were a community order requirement of the community order.

217 Duty of offender to obtain permission before changing residence

(1) This section applies where a community order—
  (a) is in force, and
  (b) does not include a residence requirement imposed under paragraph 13 of Schedule 9.

(2) The offender must not change residence except with permission given in accordance with this section by—
  (a) the responsible officer, or
  (b) a court.

(3) This obligation has effect as if it were a community order requirement of the community order.

(4) The appropriate court may, on an application made by the offender, give permission in a case in which the responsible officer has refused.
For this purpose "appropriate court" has the same meaning as in Schedule 10 (see paragraph 1 of that Schedule).

(5) A court may also give permission in any proceedings before it under Schedule 10 (breach or amendment of orders etc).

(6) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—
  (a) is likely to prevent the offender complying with a requirement imposed by the community order, or
  (b) would hinder the offender's rehabilitation.

(7) The responsible officer must refuse an application for permission if—
  (a) the offender's present residence is in England or Wales, and
  (b) the offender's proposed residence is outside England and Wales.

(8) For cases in which a community order has to be amended because of permission given under this section, see paragraph 16 of Schedule 10 (amendment to reflect change in local justice area).

Breach, amendment etc of community order

218 Breach, revocation or amendment of community order

Schedule 10 makes provision about—
  (a) failures to comply with the requirements of community orders;
  (b) revocation of community orders;
  (c) amendment of community orders.

Transferring order to Scotland or Northern Ireland

219 Transfer of community orders to Scotland or Northern Ireland

Schedule 11 makes provision about transfers of community orders to Scotland or Northern Ireland.

Community orders: supplementary

220 When a community order ceases to be in force

(1) A community order ceases to be in force—
  (a) at the end of the end date (see section 209), or
  (b) if later, when the offender has completed any unpaid work requirement imposed by the order.

(2) But a community order ceases to be in force when it is revoked.

(3) An unpaid work requirement is completed when the offender has worked under it for the number of hours specified in the order.

PART 10

CUSTODIAL SENTENCES

CHAPTER 1

CUSTODY: GENERAL PROVISIONS

Introductory

221 Overview of Part

(1) This Chapter applies generally for the purposes of determining whether a custodial sentence should be passed and, if so, what its term should be.
In particular—
  (a) section 222 defines "custodial sentence";
  (b) sections 228 to 227 make provision about when a custodial sentence is not available or subject to restrictions;
  (c) section 229 permits a magistrates' court to impose imprisonment for less than the term specified;
  (d) sections 230 to 232 make provision about how a court should decide whether to impose a custodial sentence and the term of such a sentence.

(2) Chapter 2 is about the kinds of custodial sentence that are available for an offender aged under 18—
  (a) detention and training orders (sections 233 to 248);
  (b) sentences of detention under section 249, including—
    (i) extended sentences of detention (sections 254 to 257);
    (ii) life sentences (section 258);
  (c) detention at Her Majesty's pleasure for murder etc where the offender is under 18 at the time of the offence (section 259).

(3) Chapter 3 is about the kinds of custodial sentence that are available for an offender aged 18, 19 or 20—
  (a) sentences of detention in a young offender institution (sections 262 to 271), including—
    (i) suspended sentences,
    (ii) special sentences for offenders of particular concern, and
    (iii) extended sentences,

(b) sentences of custody for life (sections 272 to 276).

(4) Chapter 4 is about imprisonment in the case of an adult aged at least 21 at the time of conviction, including—
(a) suspended sentences,
(b) special sentences for offenders of particular concern,
(c) extended sentences, and
(d) imprisonment for life.

(5) Chapter 5 is about suspended sentences.

(6) Chapter 6 is about dangerous offenders.

(7) Chapter 7 is about mandatory minimum sentences.

(8) Chapter 8 is about life sentences and in particular about when minimum term orders and whole life orders must be passed.

(9) Chapter 9 is about certain powers and duties of a sentencing court that are relevant to an offender's release from custody.

222 Meaning of "custodial sentence"

(1) In this Code "custodial sentence" means—
(a) a detention and training order (under section 233),
(b) a sentence of detention under section 249, including one under section 254 (extended sentence: offenders aged under 18),
(c) a sentence of detention under section 259 (detention during Her Majesty's pleasure),
(d) a sentence of detention in a young offender institution under this Code,
(e) a sentence of custody for life under this Code (see sections 272 and 275), or
(f) a sentence of imprisonment.
This is subject to subsection (3).

(2) In subsection (1) "sentence of imprisonment" does not include a committal for contempt of court or any kindred offence.

(3) Subsection (1)—
(a) does not apply to "custodial sentence" in the following expressions—
(a) "appropriate custodial sentence";
(b) "current custodial sentence";
(c) "pre-Code custodial sentence";
(d) "relevant custodial sentence", and
(b) is subject to express provision to the contrary.

(4) In this Code, "pre-Code custodial sentence" means—
(a) an order made under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders),
(b) a sentence of detention imposed under any of the following (sentences of detention for children)—
(i) section 90 or 91 of that Act, or
(ii) section 53(1) or (3) of the Children and Young Persons Act 1933,
(c) a sentence imposed under any of the following (custody for life)—

(i) section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(ii) section 8 of the Criminal Justice Act 1982,

(d) a sentence imposed under either of the following (detention in a young offender institution)—

(i) section 96 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(ii) section 1A of the Criminal Justice Act 1982,

(e) a sentence of detention imposed under section 226B or 228 of the Criminal Justice Act 2003, or

(f) a sentence of detention for public protection imposed under section 226 of that Act.

General limits on powers to impose custodial sentences

223 Two year limit on imprisonment for statutory offence if no maximum specified

Where—

(a) a person is convicted on indictment of an offence under any enactment which is punishable with imprisonment, and

(b) no enactment—

(i) limits the sentence to a specified term, or

(ii) expresses it to extend to imprisonment for life,

the person is liable to imprisonment for not more than 2 years.

224 General limit on magistrates' court's power to impose imprisonment or detention in a young offender institution

(1) A magistrates' court does not have power to impose—

(a) imprisonment, or

(b) detention in a young offender institution,

for more than 6 months in respect of any one offence.

(2) Unless expressly excluded, subsection (1) applies even if the offence in question is one for which a person would otherwise be liable on summary conviction to imprisonment or detention in a young offender institution for more than 6 months.

(3) Nothing in subsection (1) affects section 133 of the Magistrates' Courts Act 1980 (consecutive terms of imprisonment).

(4) Subsection (1) does not limit any power of a magistrates' court to impose a term of imprisonment for—

(a) non-payment of a fine, or

(b) want of sufficient goods to satisfy a fine.

(5) In subsection (4)—

(a) "fine"—

(i) includes a pecuniary penalty, but

(ii) does not include a pecuniary forfeiture or pecuniary compensation.

(b) the reference to want of sufficient goods to satisfy a fine is a reference to circumstances where—

(i) there is power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to recover the fine from a person, but

(ii) it appears, after an attempt has been made to exercise the power, that the person's goods are insufficient to pay the amount outstanding (as defined by paragraph 50(3) of that Schedule).

(6) In this section "impose imprisonment" means—

(a) pass a sentence of imprisonment, or

(b) fix a term of imprisonment for—

(i) failure to pay any sum of money,

(ii) want of sufficient distress to satisfy any sum of money (see section 397(3)), or

(iii) failure to do or abstain from doing anything required to be done or left undone.

(7) Section 132 of the Magistrates' Courts Act 1980 (5 day minimum term) provides for the minimum term of imprisonment that a magistrates' court may impose.

225 Restriction on consecutive sentences for released prisoners

(1) A court sentencing a person to a relevant custodial term may not order or direct that the term is to commence on the expiry of any current custodial sentence from which the offender has been released under—

(a) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall), or

(b) Part 2 of the Criminal Justice Act 1991 (early release of prisoners).

(2) In this section "relevant custodial term" means—

(a) a sentence of detention under section 249, including one under section 254 (extended sentence),

(b) a sentence of detention in a young offender institution (under this Code), or

(c) a sentence of imprisonment.

(3) In this section, "current custodial sentence" means a sentence that has not yet expired which is—

(a) a relevant custodial term,

(b) a sentence imposed under either of the following (sentences of detention for children)—

(i) section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(ii) section 53(3) of the Children and Young Persons Act 1933,

(c) a sentence imposed under either of the following (detention in a young offender institution)—

(i) section 96 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(ii) section 1A of the Criminal Justice Act 1982,

(d) a sentence of detention imposed under section 226A, 226B, 227, 228 or 236A of the Criminal Justice Act 2003 (including one passed as a result of section 219A, 221A, 220, 222 or 224A of the Armed Forces Act 2006),

(e) a sentence of imprisonment passed by a service court (including one passed by a court-martial or Standing Civilian Court), or

(f) a sentence of detention imposed under—

(i) section 209 of the Armed Forces Act 2006, or

(ii) section 71A(4) of the Army Act 1955 or the Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957.

226 Custodial sentence: restrictions in certain cases where offender not legally represented

(1) This section applies where—

(a) a magistrates' court is dealing with an offender on summary conviction, or

(b) the Crown Court is dealing with an offender—

(i) on committal for sentence, or

(ii) on conviction on indictment.

Offenders aged under 21

(2) The court may not—

(a) make a detention and training order,

(b) pass a sentence of detention under section 249 (or 254) or under section 259 (offenders under 18),

(c) pass a sentence of detention in a young offender institution, or

(d) pass a sentence of custody for life (see sections 272 and 275),

unless the offender is legally represented in that court, or has failed, or is ineligible on financial grounds, to benefit from relevant representation (see subsections (7) and (8)).

Offenders aged 21 or over

(3) The court may not pass a sentence of imprisonment unless—

(a) the offender—

(i) is legally represented in that court, or

(ii) has failed, or is ineligible on financial grounds, to benefit from relevant representation (see subsections (7) and (8)), or

(b) the offender has previously been sentenced to imprisonment by a court in any part of the United Kingdom.

(4) For the purposes of subsection (3) a previous sentence of imprisonment which has been suspended and which has not taken effect under—

(a) paragraph 8 of Schedule 16,

(b) paragraph 8 of Schedule 12 to the Criminal Justice Act 2003,

(c) section 119 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(d) section 19 of the Treatment of Offenders Act (Northern Ireland) 1968

is to be disregarded.

(5) For those purposes, "sentence of imprisonment" does not include a committal for contempt of court or any kindred offence (and "sentenced to imprisonment" is to be read accordingly).

When a person is legally represented

(6) For the purposes of this section an offender is legally represented in a court if the offender has the assistance of counsel or a solicitor to represent him or her in the proceedings in that court at some time after being found guilty and before being sentenced.

Relevant representation: failure or ineligibility to benefit

(7) For the purposes of subsections (2) and (3), "relevant representation", in relation to proceedings in a court, means representation under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid) for the purposes of the proceedings.

(8) For those purposes an offender has failed, or is ineligible on financial grounds, to benefit from relevant representation if—

(a) the offender has refused or failed to apply for relevant representation, having—

(i) been informed of the right to apply for it, and

(ii) had the opportunity to do so,

(b) the offender's application for relevant representation was refused on financial grounds, or

(c) relevant representation was made available to the offender but withdrawn—

(i) because of the offender's conduct, or

(ii) on financial grounds.

Relevant representation is refused or withdrawn on financial grounds if it appears that the offender's financial resources are such that the offender is not eligible for such representation.

227 Restriction on imposing imprisonment on persons under 21

Sentence of imprisonment

(1) No court may pass a sentence of imprisonment on an offender for an offence if the offender is aged under 21 when convicted of the offence.

Committal to prison

(2) No court may commit a person who is aged under 21 to prison for any reason, except as provided by subsection (3).

(3) Subsection (2) does not prevent the committal to prison of a person aged under 21 who is—

(a) remanded in custody,

(b) committed in custody for sentence, or

(c) sent in custody for trial under section 51 or 51A of the Crime and Disorder Act 1998.

228 Hospital order or guardianship order: restriction on custodial sentence

For restrictions on a custodial sentence where a hospital order or guardianship order is made, see section 37(8) of the Mental Health Act 1983.

Power for magistrates' court to imprison for less than specified term

229 Power of magistrates' court to imprison for less than specified term

(1) Where a magistrates' court has power to sentence an offender to imprisonment for a period specified by an enactment (whether passed before or made or after this Act), the court may sentence the offender to imprisonment for less than that period.

(2) This is subject to—

(a) section 132 of the Magistrates' Courts Act 1980 (5 day minimum term);

(b) express provision to the contrary in an Act passed after 31 December 1879.

(3) In this section "enactment" includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

Exercise of powers to impose discretionary custodial sentences

230 Threshold for imposing discretionary custodial sentence

(1) Subsection (2) applies where a person is convicted of an offence which is punishable with a custodial sentence.
This is subject to subsection (3).

(2) The court must not pass a custodial sentence unless it is of the opinion that—

(a) the offence, or

(b) the combination of the offence and one or more offences associated with it,

was so serious that neither a fine alone nor a community sentence can be justified for the offence.

Threshold generally not applicable where mandatory sentence requirement applies

(3) This section does not apply if the offence is one in relation to which a mandatory sentence requirement applies (see section 399), except as provided in sections 273(4) and 283(4) (pre-condition for life sentence for second listed offence).

Exceptions to subsection (2) relating to community sentences

(4) Nothing in subsection (2) prevents the court from passing a custodial sentence on the offender if the offender fails to express willingness to comply with a requirement—

(a) which the court proposes to include in a community order, but

(b) which may be included only if the offender expresses willingness to comply with it.

(5) Subsection (2) is also subject to—

(a) paragraph 11(3) of Schedule 7 (power to impose custodial sentence in case involving wilful and persistent breach of youth rehabilitation order with intensive supervision and surveillance);

(b) paragraph 22(5)(b) of Schedule 9 (power to deal with offender who does not express willingness to comply with amended drug rehabilitation requirement);

(c) paragraph 10(9) of Schedule 10 (power of magistrates' court to impose custodial sentence following wilful and persistent breach of community order);
(d) paragraph 11(6) of that Schedule (corresponding power of Crown Court);
(e) paragraph 18(9)(b) of that Schedule (power to deal with offender who does not express willingness to comply with amended treatment requirement).

Procedure for forming opinion

(6) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated or offence or offences, including any aggravating or mitigating factors.

(7) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

(8) See also—
(a) section 77(2) (effect of mitigation: community sentence not precluded even if threshold for custodial sentence met);
(b) section 232 (additional requirements for offender suffering from mental disorder).

231 Length of discretionary custodial sentences: general provision

(1) Subsection (2) applies where a court passes a custodial sentence in respect of an offence.
This is subject to subsections (3) to (5).

(2) The custodial sentence must be for the shortest term (not exceeding the permitted maximum) that in the opinion of the court is commensurate with the seriousness of—
(a) the offence, or
(b) the combination of the offence and one or more offences associated with it.

Application of subsection (2) to mandatory sentences and extended sentences

(3) Subsection (2) does not apply where the sentence is—
(a) fixed by law, or
(b) a required life sentence,
except as provided in sections 273(4) and 283(4) (pre-condition for life sentence for second listed offence).

(4) Subsection (2) is subject to the provisions listed in section 399(1)(c) (minimum sentences).

(5) Subsection (2) does not apply where the custodial sentence is an extended sentence, except as provided in sections 256(2), 268(2) and 281(2) (determination of appropriate custodial term).

Procedure for forming opinion

(6) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances

of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.

(7) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion, except where the sentence is an extended sentence.

(8) See section 232 for additional requirements in the case of an offender suffering from a mental disorder.

232 Additional requirements in case of offender suffering from mental disorder

(1) This section applies where—

(a) the offender is or appears to be suffering from a mental disorder, and

(b) the court passes a custodial sentence other than one fixed by law ("the sentence").

(2) Before passing the sentence, the court must obtain and consider a medical report unless, in the circumstances of the case, it considers that it is unnecessary to obtain a medical report.

(3) Before passing the sentence, the court must consider—

(a) any information before it which relates to the offender's mental condition (whether given in a medical report, a pre-sentence report or otherwise), and

(b) the likely effect of such a sentence on that condition and on any treatment which may be available for it.

(4) If the court did not obtain a medical report where required to do so by this section, the sentence is not invalidated by the fact that it did not do so.

(5) Any court, on an appeal against the sentence, must—

(a) obtain a medical report if none was obtained by the court below, and

(b) consider any such report obtained by it or by that court.

(6) In this section—

"medical report" means a report as to an offender's mental condition made or submitted orally or in writing by a registered medical practitioner who is approved for the purposes of section 12 of the Mental Health Act 1983—

(a) by the Secretary of State, or

(b) by another person by virtue of section 12ZA or 12ZB of that Act,

as having special experience in the diagnosis or treatment of mental disorder;

"mental disorder" has the same meaning as in the Mental Health Act 1983.

(7) Nothing in this section is to be taken to limit the generality of—

(a) the pre-sentence report requirements (see section 30), or

(b) any requirement for a court to take into account all information that is available to it about the circumstances of any offence, including any aggravating or mitigating factors.

CHAPTER 2

OFFENDERS AGED UNDER 18

Detention and training orders

233 Detention and training order

A detention and training order in respect of an offender is an order that the offender is subject, for the term specified in the order, to a period of detention and training followed by a period of supervision.

234 Detention and training orders: availability

(1) A detention and training order is available where a court is dealing with an offender for an offence if—

(a) the offender is aged under 18, but at least 12, when convicted,

(b) the offence is an imprisonable offence, and

(c) the court is not required to pass—

(i) a sentence of detention under section 249 (see section 250(2)), or

(ii) a sentence of detention at Her Majesty's pleasure under section 259.

(2) For circumstances in which the court is required to impose a detention and training order, see—

(a) section 312 (minimum sentence for offences of threatening with weapon);

(b) section 315(2) (minimum sentences for certain repeated offences involving weapons or sharp or bladed articles).

235 Exercise of power to make a detention and training order

(1) This section applies where a detention and training order is available.

(2) The court may not make a detention and training order if it imposes—

(a) a sentence of detention under section 249, or

(b) an extended sentence of detention under section 254,

in respect of the offence.

(3) If the offender is aged under 15 when convicted the court may not make a detention and training order unless it is of the opinion that the offender is a persistent offender.

(4) The court's power to make a detention and training order is subject to (in particular) section 230 (threshold for imposing discretionary custodial sentence).

236 Term of detention and training order

(1) The term of a detention and training order made in respect of an offence (whether by a magistrates' court or otherwise) must be 4, 6, 8, 10, 12, 18 or 24 months.

This is subject to subsection (2).

(2) The term of a detention and training order in respect of an offence may not exceed—

(a) in the case of a summary offence, the maximum sentence of imprisonment that could be imposed (in the case of an offender aged 21 or over) for the offence;

(b) in the case of any other offence, the maximum term of imprisonment that the Crown Court could impose (in the case of an offender aged 21 or over) for the offence.

(3) Section 231 (length of discretionary custodial sentences: general provision), in particular, applies in determining the term of a detention and training order.

(4) A detention and training order takes effect at the beginning of the day on which it is made, unless the court orders otherwise under section 237.

237 Making of order where offender subject to other order or sentence of detention

(1) This section applies where a court makes a detention and training order.

(2) The court may order that the term of the detention and training order is to take effect on the expiry of any other detention and training order which it imposes on the same occasion.

This is subject to section 238(1).

(3) If the offender—

(a) is subject to another detention and training order ("the existing order"), and

(b) has not at any time been released for supervision under the existing order,

the court may order that the detention and training order is to take effect on the expiry of the existing order.

This is subject to section 238(1).

(4) If the offender—

(a) is subject to a relevant sentence of detention (see section 248), and

(b) has not at any time been released under Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release on licence of fixed-term prisoners),

the court may order that the detention and training order is to take effect at the time when the offender would otherwise be released under that Chapter.

(5) Section 246 of that Act (power of Secretary of State to release prisoners on licence earlier than required to do so) is to be disregarded in determining for this purpose when an offender would otherwise be released under that Chapter.

(6) If the offender is subject to a further period of detention imposed under paragraph 3(2)(a) of Schedule 12 (breach of supervision requirement of existing detention and training order), the court may order that the detention and training order is to take effect at the end of the further period of detention.

(7) In subsection (3)—

(a) the reference in paragraph (a) to another detention and training order includes a reference to an order made under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000, and

(b) in relation to such an order, the reference to being released for supervision is a reference to being released by virtue of section 102(2), (3), (4) or (5) of that Act.

(8) In subsection (6), the reference to a further period of detention includes a reference to an order made under section 104(3)(a) of the Powers of Criminal Courts (Sentencing) Act 2000.

238 Offender subject to more than one order: maximum overall term

(1) A court may not make a detention and training order as a result of which the offender would be subject to detention and training orders for a term exceeding 24 months.

(2) Where the term of the detention and training orders to which an offender would otherwise be subject exceeds 24 months, the excess is to be treated as remitted.

(3) Any detention and training order under which the offender has been released for supervision is to be disregarded for the purposes of subsections (1) and (2).

(4) Subsection (5) applies where an offender is subject to two or more detention and training orders.

(5) The terms of those orders are to be treated for the purposes of sections 241 to 243 and 247 and Schedule 12 as a single term if—

(a) the orders were made on the same occasion, or

(b) the offender has not been released for supervision at any time during the period beginning when the first of those orders was made and ending when the last of them was made.

(6) Where an offender is subject to—

(a) one or more detention and training orders, and

(b) one or more orders made under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention and training orders under that Act),

references in this section to detention and training orders are to be read as including references to orders under that section.

In relation to an order under that section, references to being released for supervision are to being released by virtue of subsection (2), (3), (4) or (5) of section 102 of that Act.

239 Period on remand etc: effect on term of detention and training order

(1) Subsection (2) applies where—

(a) a court proposes to make a detention and training order in respect of an offence, and

(b) the offender has been remanded—

(i) in custody, or

(ii) on bail subject to a qualifying curfew condition and an electronic monitoring condition,

in connection with the offence or any other offence the charge for which was founded on the same facts or evidence.

(2) In determining the term of the detention and training order, the court must take account of the period for which the offender was so remanded.

(3) If the court proposes to make two or more detention and training orders in respect of two or more offences—

(a) subsection (2) does not apply, but

(b) in determining the total term of those detention and training orders, the court must take account of the total period for which the offender has been remanded as mentioned in subsection (1)(b)(i) and (ii) in connection with—

(i) any of those offences, or

(ii) any other offence the charge for which was founded on the same facts or evidence.

(4) A period of remand may be taken account of under this section only once.

(5) For the purposes of this section an offender is remanded in custody when—

(a) in police detention for the purposes of the Police and Criminal Evidence Act 1984,

(b) detained under section 41 of the Terrorism Act 2000 (arrest without warrant),

(c) remanded in or committed to custody by an order of a court,

(d) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, or

(e) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.

(6) For the purposes of this section, "qualifying curfew condition" and "electronic monitoring condition" have the same meanings as in section 325 (direction for time on bail under certain conditions to count as time served): see section 326(4).

240 Period of custody awaiting extradition: effect on term of detention and training order

(1) This section applies where—

(a) a court proposes to make a detention and training order in respect of an offence,

(b) the offender was tried for the offence, or is to be sentenced—

(i) after having been extradited to the United Kingdom, and

(ii) without having first been restored or had an opportunity of leaving the United Kingdom, and

(c) the offender was kept in custody for any period while awaiting extradition to the United Kingdom.

(2) The court must—

(a) specify in open court the number of days for which the offender was kept in custody while awaiting extradition, and

(b) take account of those days in determining the term of the detention and training order.

241 The period of detention and training

(1) An offender must serve the period of detention and training under a detention and training order in such youth detention accommodation as may be determined by the Secretary of State.

Release at half-way point

(2) Subject to subsections (3) to (5), the period of detention and training under a detention and training order is half of the term of the order.

Early release on compassionate grounds

(3) The Secretary of State may release the offender at any time if satisfied that exceptional circumstances exist which justify the offender's release on compassionate grounds.

Release before half-way point

(4) The Secretary of State may release the offender—

(a) in the case of an order for a term of—

(i) 8 months or more, but

(ii) less than 18 months,

at any time during the period of 1 month ending with the half-way point of the term of the order, and

(b) in the case of an order for a term of 18 months or more, at any time during the period of 2 months ending with that point.

Release after half-way point

(5) If a youth court so orders on an application made by the Secretary of State for the purpose, the Secretary of State must release the offender—

(a) in the case of an order for a term of—

(i) 8 months or more, but

(ii) less than 18 months,

1 month after the half-way point of the term of the order, and

(b) in the case of an order for a term of 18 months or more, 1 month or 2 months after that point.

(6) Where—

(a) the court makes an order under subsection (5), and

(b) the offender is also subject to a sentence of any of the following kinds that is to take effect, by virtue of an order to which subsection (7) applies, when the offender would otherwise be released for supervision—

(i) a sentence of detention under section 249,

(ii) a sentence of detention under section 209 of the Armed Forces Act 2006, or

(iii) an extended sentence of detention under section 254 (including one passed as a result of section 221A of the Armed Forces Act 2006),

the order under subsection (5) must be expressed as an order that the period of detention and training attributable to the detention and training order is to end at the time determined under that subsection.

(7) This subsection applies to orders under the following provisions (which provide for sentences of detention to take effect when an offender is released for supervision under a detention and training order)—

(a) section 253(2) (offender under 18: sentence of detention to take effect on release for supervision under detention and training order),

(b) section 257(2) (offender under 18: extended sentence of detention), or

(c) any corresponding provision relating to an order under section 209 of, or made as a result of section 221A of, the Armed Forces Act 2006.

Detention to be legal custody

(8) An offender detained under a detention and training order is in legal custody.

242 The period of supervision

(1) The period of supervision of an offender who is subject to a detention and training order—

(a) begins when the offender is released for supervision (whether at the half-way point of the term of the order or otherwise), and

(b) ends when the term of the order ends.

(2) During the period of supervision, the offender—

(a) is to be under the supervision of—

(i) an officer of a provider of probation services, or

(ii) a member of a youth offending team, and

(b) may be required to comply with particular requirements.

(3) Any such requirements, and the category of person to supervise the offender, are to be determined from time to time by the Secretary of State.

(4) The offender must be notified by the Secretary of State of—

(a) the category of person responsible for the offender's supervision, and

(b) any requirements with which the offender must comply.

(5) A notice under subsection (4) must be given to the offender—

(a) before the period of supervision begins, and

(b) before any change in the matters mentioned in that subsection.

(6) Where the supervision is to be provided by an officer of a provider of probation services, the officer must be an officer acting in the local justice area within which the offender resides for the time being.

(7) Where the supervision is to be provided by a member of a youth offending team, the member must be a member of a youth offending team established by the local authority in whose area the offender resides for the time being.

243 Breach of supervision requirement and further offences during order

Schedule 12 makes provision about—

(a) breach of supervision requirements imposed under a detention and training order etc, and

(b) offences committed during the term of a detention and training order.

244 Offender subject concurrently to detention and training order and sentence of detention in a young offender institution

(1) This section applies where an offender is subject concurrently—
  (a) to a detention and training order, and
  (b) to a sentence of detention in a young offender institution.

(2) The offender is to be treated for the purposes of the following provisions as if subject only to the sentence of detention in a young offender institution—
  (a) sections 241 to 243 and Schedule 12 (periods of detention and training and supervision, breach of supervision requirements and further offences);
  (b) section 271 (detention in a young offender institution: place of detention);
  (c) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences, supervision and recall).

This is subject to subsection (3).

(3) Nothing in subsection (2) requires the offender to be released in respect of either the order or the sentence unless and until the offender is required to be released in respect of each of them.

(4) Where an offender is subject to a detention and training order, or a sentence of detention in a young offender institution, imposed under this Code, subsections (1) to (3) apply as follows—
  (a) references to a detention and training order include references to an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000;
  (b) references to a sentence of detention in a young offender institution include references to a sentence under section 96 of that Act;
  (c) in relation to an order or sentence under that Act subsection (2) has effect as if the provisions referred to in paragraphs (a) to (c) were the provisions referred to in section 106(4) of that Act;
  (d) in relation to an order under section 100 of that Act the reference in subsection (3) to being released is a reference to being released by virtue of subsection (2), (3), (4) or (5) of section 102 of that Act.

245 Offender subject concurrently to detention and training order and other sentence of detention

(1) This section applies where an offender is subject concurrently—
  (a) to a detention and training order, and
  (b) to a relevant sentence of detention (see section 248).

(2) The offender is to be treated as if subject only to the relevant sentence of detention for the purposes of the following provisions—
  (a) sections 241 to 243 and Schedule 12 (periods of detention and training and supervision, breach of supervision requirements and further offences);
  (b) section 260 and section 261 (place of detention);
  (c) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release and supervision following release);
  (d) section 210 of the Armed Forces Act 2006 (place of detention etc);

(e) section 214 of the Armed Forces Act 2006 (offences committed during a detention and training order under that Act).

This is subject to subsection (3).

(3) Nothing in subsection (1) requires the offender to be released in respect of either the order or the sentence unless and until the offender is required to be released in respect of each of them.

(4) Where an offender is subject to a detention and training order, or a relevant sentence of detention, imposed under this Code, subsections (1) to (3) apply as follows—

(a) references to a detention and training order include an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000;

(b) in relation to—

(i) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000,

(ii) an extended sentence under section 226B or 228 of the Criminal Justice Act 2003 (including one imposed as a result of section 221A or 222 of the Armed Forces Act 2006), or

(iii) an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000,

subsection (2) has effect as if the provisions referred to in paragraphs (a) to (e) were the provisions referred to in section 106A(8) of the Powers of Criminal Courts (Sentencing) Act 2000;

(c) in relation to an order under section 100 of that Act the reference in subsection (3) to being released is a reference to being released by virtue of subsection (2), (3), (4) or (5) of section 102 of that Act.

246 Effect of detention and training order made where offender has reached 18

(1) This section applies where—

(a) a court has power, by virtue of any enactment, to deal with a person for an offence in any way in which—

(i) a court could have dealt with the person on a previous occasion, or

(ii) a court could deal with the person if the person were the same age as when convicted,

(b) in exercise of the power, the court makes a detention and training order for any term, and

(c) the person has reached the age of 18.

(2) The person is to be treated as if sentenced to detention in a young offender institution for the same term.

247 Further supervision after end of term of detention and training order

(1) This section applies where a detention and training order is made in respect of an offender if—

(a) the offender is aged 18 or over at the half-way point of the term of the order,

(b) the term of the order is less than 24 months, and

(c) the order was imposed in respect of an offence committed on or after 1 February 2015.

(2) The following provisions of the Criminal Justice Act 2003 (which relate to supervision after end of sentence) apply as they apply in cases described in section 256AA(1) of that Act—

(a) sections 256AA(2) to (11), 256AB and 256AC,

(b) sections 256D and 256E, and

(c) Schedule 19A,

but with the following modifications.

(3) "The supervision period", in relation to the offender, is the period which—

(a) begins on the expiry of the term of the detention and training order, and

(b) ends on the expiry of the period of 12 months beginning immediately after the half-way point of the term of the order.

(4) "The supervisor", in relation to the offender, must be—

(a) an officer of a provider of probation services, or

(b) a member of a youth offending team established by the local authority in whose area the offender resides for the time being.

(5) The power in section 256AB(4) of the Criminal Justice Act 2003 (power of Secretary of State to amend requirements that may be imposed) includes power—

(a) to make provision about the supervision requirements that may be imposed under section 256AA of that Act as applied by this section, and

(b) to amend any provision of the Powers of Criminal Courts (Sentencing) Act 2000 or any provision of this Code derived from that Act.

(6) Subsection (7) applies where the term of the detention and training order is determined by section 238(5) (offender subject to two or more detention and training orders).

(7) The offender is subject to supervision under section 256AA of the Criminal Justice Act 2003 (as applied by this section) if that section (as applied) so requires in respect of one or more of the detention and training orders.

(8) For the purposes of subsection (1), where an offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is taken to have been committed on the last of those days.

248 Detention and training orders: interpretation

(1) In section 241 and Schedule 12 "youth detention accommodation" means—

(a) a secure training centre,

(b) a secure college,

(c) a young offender institution,

(d) accommodation provided by or on behalf of a local authority for the purpose of restricting the liberty of children and young persons,

(e) accommodation provided for that purpose under section 82(5) of the Children Act 1989 (financial support by the Secretary of State), or

(f) such other accommodation or descriptions of accommodation as the Secretary of State may specify by regulations.

(2) In sections 241, 242 and 247 and in Schedule 12, references to the term of a detention and training order are to be read in accordance with section 238(5).

(3) For the purposes of this Code, an offender who is subject to a detention and training order is released for supervision when released by virtue of section 241(2), (3), (4) or (5).

(4) In sections 237 and 245, "relevant sentence of detention" means—

(a) a sentence of detention under section 249,

(b) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (offenders under 18 convicted of certain serious offences: power to detain for specified period),

(c) a sentence of detention under section 209 of the Armed Forces Act 2006 (whether passed before or after this Code comes into force),

(d) an extended sentence of detention under section 254 (including one passed as a result of section 221A of the Armed Forces Act 2006), or

(e) a sentence under section 226B or 228 of the Criminal Justice Act 2003 (extended sentence of detention: offenders aged under 18), including one passed as a result of section 221A or 222 of the Armed Forces Act 2006.

(5) Regulations under subsection (1)(f) are subject to the affirmative resolution procedure.

(6) Subsections (4) and (6) of section 406 (general powers to make provision in regulations) do not apply to the power conferred by subsection (1)(f).

Detention for specified period

249 Sentence of detention

A sentence of detention under this section is a sentence requiring the offender to be detained for the period specified in the sentence.

250 Sentence of detention under section 249: availability

(1) A sentence of detention under section 249 is available where a person aged under 18 is convicted on indictment of an offence listed in the following table—

Offences punishable with imprisonment for at least 14 years

(a) an offence which—

(i) is not an offence for which the sentence is fixed by law, and

(ii) is punishable in the case of a person aged 21 or over with imprisonment for 14 years or more;

Sexual offences

(b) an offence under any of the following provisions of the Sexual Offences Act 2003—

(i) section 3 (sexual assault);

(ii) section 13 (child sex offences committed by children or young persons);

(iii) section 25 (sexual activity with a child family member);

(iv) section 26 (inciting a child family member to engage in sexual activity);

Offences related to firearms

(c) an offence (other than one within paragraph (a)) which—

(i) is listed in Schedule 20 (firearms offences to which minimum sentence applies), and

(ii) was committed when the offender was aged 16 or over.

(2) For circumstances in which a court is required to impose a sentence of detention under section 249, see—

(a) section 258 (required sentence of detention for life);

(b) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).

(3) Section 320 (determination of day when offence committed) applies for the purposes of paragraph (c)(ii) of the table in subsection (1).

251 Power to detain for specified period: offender convicted of certain serious offences

(1) Subsection (2) applies where a sentence of detention under section 249 is available by virtue of section 250(1).

(2) The court may impose such a sentence if it is of the opinion that neither a youth rehabilitation order nor a detention and training order is suitable.

(3) This is subject to (in particular) section 230 (threshold for imposing discretionary custodial sentence) and section 231 (length of discretionary custodial sentences: general provision).

252 Maximum sentence

(1) This section applies where the court imposes a sentence of detention under section 249 by virtue of—

(a) section 251, or

(b) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).

(2) The period of detention specified in the sentence must not exceed—

(a) the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over, or

(b) life, if the offence is punishable with imprisonment for life in the case of a person aged 21 or over.

253 Sentence of detention passed on offender subject to detention and training order

(1) This section applies where a court imposes a sentence of detention under section 249 in the case of an offender who is subject to a detention and training order.

(2) If the offender has not at any time been released for supervision under the detention and training order, the court may order that the sentence of detention is to take effect at the time when the offender would otherwise be released for supervision under the detention and training order.

(3) Otherwise, the sentence of detention takes effect at the beginning of the day on which it is passed.

(4) In this section—

(a) references to a detention and training order include references to an order passed under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000, and

(b) in relation to such an order, references to being released for supervision are references to being released by virtue of subsection (2), (3), (4) or (5) of section 102 of that Act.

Extended sentences

254 Extended sentence for certain violent or sexual offences

An extended sentence of detention under this section is a sentence of detention the term of which is equal to the aggregate of—

(a) the appropriate custodial term (see section 256), and

(b) a further period (the "extension period") for which the offender is to be subject to a licence.

255 Extended sentence of detention: availability

(1) An extended sentence of detention under section 254 is available where a court is dealing with an offender for an offence if—

(a) the offence is a specified offence (see section 306(1)) and is listed in the table in section 250(1) (sentence of detention under section 249: availability),

(b) the offender is aged under 18 when convicted,

(c) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see section 308),

(d) the court is not required by section 258(2) to impose a sentence of detention for life under section 249, and

(e) if the court were to impose an extended sentence, the term that it would specify as the appropriate custodial term would be at least 4 years.

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion referred to in subsection (1)(c).

256 Term of extended sentence of detention under section 254

(1) This section applies where a court is determining—

(a) the appropriate custodial term, and

(b) the extension period,

of an extended sentence of detention under section 254 to be imposed on an offender in respect of an offence.

(2) The appropriate custodial term is the term of detention that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences: general provision) if the court did not impose an extended sentence.

(3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.

This is subject to subsections (4) and (5).

(4) The extension period must—

(a) be at least 1 year, and

(b) not exceed—

(i) 5 years in the case of a specified violent offence, or

(ii) 8 years in the case of a specified sexual offence.

See section 306(2) for the meanings of "specified violent offence" and "specified sexual offence".

(5) The term of the extended sentence of detention under section 254 must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

257 Extended sentence under section 254 where offender subject to detention and training order

(1) This section applies where the court imposes an extended sentence of detention under section 254 in the case of an offender who is subject to a detention and training order.

(2) If the offender has not at any time been released for supervision under the detention and training order, the court may order that the extended sentence of detention is to take effect at the time when the offender would otherwise be released for supervision under the detention and training order.

(3) Otherwise, the extended sentence of detention takes effect at the beginning of the day on which it is passed.

(4) In this section—

(a) references to a detention and training order include references to an order passed under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000, and

(b) in relation to an order under that section, references to being released for supervision are references to being released by virtue of subsection (2), (3), (4) or (5) of section 102 of that Act.

Detention for life etc

258 Required sentence of detention for life for offence carrying life sentence

(1) This section applies where—

(a) a person aged under 18 is convicted of a Schedule 19 offence (see section 307) which was committed on or after 4 April 2005,

(b) the court considers that the seriousness of—

(i) the offence, or

(ii) the offence and one or more offences associated with it,

is such as to justify the imposition of a sentence of detention for life, and

(c) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see sections 306(1) and 308).

(2) The court must impose a sentence of detention for life under section 249.

(3) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).

(4) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

259 Offenders who commit murder etc when under 18: duty to detain at Her Majesty's pleasure

(1) This section applies where—

(a) a court is dealing with a person convicted of—

(i) murder, or

(ii) any other offence the sentence for which is fixed by law as life imprisonment, and

(b) the person appears to the court to have been aged under 18 at the time the offence was committed.

(2) The court must sentence the offender to be detained during Her Majesty's pleasure.

(3) Subsection (2) applies notwithstanding anything in this or any other Act.

Detention under this Chapter

260 Detention under section 249 or 259

(1) Detention under section 249 or 259 is to be in such place and under such conditions—

(a) as the Secretary of State may direct, or

(b) as the Secretary of State may arrange with any person,

except in the case of a sentence of detention under section 249 imposed by virtue of section 258 (required sentence of detention for life).

(2) A person detained pursuant to directions or arrangements made by the Secretary of State under this section is in legal custody.

261 Detention in pursuance of extended sentence or required life sentence

(1) This section applies to detention—
  (a) under section 254 (extended sentence of detention), or
  (b) in pursuance of a sentence of detention under section 249 imposed by virtue of section 258 (required sentence of detention for life).

(2) Detention to which this section applies is to be in a place and under conditions determined by, or by a person authorised for the purpose by, the Secretary of State.

CHAPTER 3

ADULTS AGED UNDER 21

Detention in a young offender institution

262 Detention in a young offender institution for offender at least 18 but under 21

(1) A sentence of detention in a young offender institution is available to a court dealing with an offender for an offence where—
  (a) the offender is aged at least 18 but under 21 when convicted,
  (b) the offence is punishable by that court with imprisonment in the case of a person aged 21 or over, and
  (c) the court is not required to pass a sentence of—
    (i) detention at Her Majesty's pleasure (see section 259), or
    (ii) custody for life (see sections 272 and 275).

(2) Where—
  (a) a sentence of detention in a young offender institution is available, and
  (b) the court is not required to impose such a sentence,

the power of the court to impose such a sentence is subject (in particular) to section 230 (threshold for imposing discretionary custodial sentence).

(3) For circumstances in which a court is required to impose a sentence of detention in a young offender institution see the provisions mentioned in section 399(1)(c) (mandatory minimum sentences).

263 Term of detention in a young offender institution

(1) The maximum term of detention in a young offender institution that a court may impose for an offence is the same as the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

(2) The minimum term of a sentence of detention in a young offender institution is 21 days.

(3) Section 231 (length of discretionary custodial sentences: general provision), in particular, applies in determining the term of a sentence of detention in a young offender institution.

(4) For further provision about the term of a sentence of detention in a young offender institution, see—

(a) section 265 (special sentence for certain offenders of particular concern);
(b) section 268 (extended sentence).

Suspended sentence of detention in a young offender institution

264 Suspended sentence order for offender under 21: availability

(1) This section applies where, in dealing with an offender for an offence, the court imposes a sentence of detention in a young offender institution.

(2) A suspended sentence order (see section 286) is available in relation to that sentence if the term of the sentence of detention in a young offender institution is not more than 2 years.

(3) But a suspended sentence order is not available in relation to that sentence if—
(a) the sentence of detention in a young offender institution is one of two or more sentences imposed on the same occasion which are to be served consecutively, and
(b) the terms of those sentences are in aggregate more than 2 years.

(4) For provision about suspended sentences see Chapter 5.

Special custodial sentence for certain offenders of particular concern

265 Required special sentence for certain offenders of particular concern

(1) This section applies where a court imposes a sentence of detention in a young offender institution for an offence where—
(a) the offence is listed in Schedule 13,
(b) the offender—
(i) was aged 18 or over when the offence was committed, and
(ii) is aged under 21 when convicted of the offence, and
(c) the court does not impose either of the following for the offence (or for an offence associated with it)—
(i) an extended sentence under section 266, or
(ii) a sentence of custody for life under section 272.

(2) The term of the sentence must be equal to the aggregate of—
(a) the appropriate custodial term, and
(b) a further period of 1 year for which the offender is to be subject to a licence,
and must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

(3) For the purposes of subsection (2), the "appropriate custodial term" is the term that, in the opinion of the court, ensures that the sentence is appropriate.

Extended sentence of detention in a young offender institution

266 Extended sentence of detention in a young offender institution for certain violent or sexual offences

An extended sentence of detention in a young offender institution is a sentence of detention in a young offender institution the term of which is equal to the aggregate of—

(a) the appropriate custodial term (see section 268), and

(b) a further period (the "extension period") for which the offender is to be subject to a licence.

267 Extended sentence of detention in a young offender institution: availability

(1) An extended sentence of detention in a young offender institution is available in respect of an offence where—

(a) the offence is a specified offence (see section 306(1)),

(b) the offender is aged at least 18 but under 21 when convicted of the offence,

(c) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see section 308),

(d) the court is not required by section 273 or 274 to impose a sentence of custody for life, and

(e) the earlier offence condition or the 4 year term condition is met.

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).

(3) The earlier offence condition is that, at the time the offence was committed, the offender had been convicted of an offence listed in Schedule 14.

(4) The 4 year term condition is that, if the court were to impose an extended sentence, the term that it would specify as the appropriate custodial term would be at least 4 years.

268 Term of extended sentence of detention in a young offender institution

(1) This section applies where a court dealing with an offender for an offence imposes, or is considering whether to impose, an extended sentence of detention in a young offender institution under section 266.

(2) The appropriate custodial term is the term of detention in a young offender institution that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences: general provision) if the court did not impose an extended sentence.

(3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.

This is subject to subsections (4) and (5).

(4) The extension period must—

(a) be at least 1 year, and

(b) not exceed—

(i) 5 years if the offence was a specified violent offence, or

(ii) 8 years if the offence was a specified sexual offence.

See section 306(2) for the meanings of "specified violent offence" and "specified sexual offence".

(5) The term of the extended sentence must not exceed the maximum term of imprisonment with which the offence is punishable in the case of a person aged 21 or over.

Detention in a young offender institution: consecutive sentences etc

269 Detention in a young offender institution: consecutive sentences

(1) Where—

(a) an offender is convicted of more than one offence for which a sentence of detention in a young offender institution is available, or

(b) an offender who is serving a sentence of detention in a young offender institution is convicted of one or more further offences for which a sentence of detention in a young offender institution is available,

the court has the same power to pass consecutive sentences of detention in a young offender institution as if they were sentences of imprisonment.

(2) Where an offender who—

(a) is serving a sentence of detention in a young offender institution, and

(b) is aged 21 or over,

is convicted of one or more further offences for which the offender is liable to imprisonment, the court has the power to pass one or more sentences of imprisonment to run consecutively upon the sentence of detention in a young offender institution.

This is subject to section 225 (restriction on consecutive sentences for released prisoners).

270 Sentence of detention in a young offender institution where offender subject to detention and training order

(1) This section applies where the court imposes a sentence of detention in a young offender institution in the case of an offender who is subject to a detention and training order.

(2) If the offender has not at any time been released for supervision under the detention and training order, the court may order that the sentence of detention in a young offender institution is to take effect at the time when the offender would otherwise be released under the detention and training order.

(3) Otherwise, the sentence of detention in a young offender institution takes effect at the beginning of the day on which it is passed.

(4) In this section—

(a) references to a detention and training order include references to an order made under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000, and

(b) in relation to an order under that section, references to being released for supervision are references to being released by virtue of subsection (2), (3), (4) or (5) of section 102 of that Act.

Detention in a young offender institution: further provision

271 Detention in a young offender institution: place of detention

(1) An offender sentenced to detention in a young offender institution is to be detained in a young offender institution unless a direction under subsection (2) is in force in relation to the offender.

This is subject to section 22(2)(b) of the Prison Act 1952 (removal to hospital etc).

(2) The Secretary of State may from time to time direct that an offender sentenced to detention in a young offender institution is to be detained in a prison instead of a young offender institution.

Custody for life

272 Offences other than murder

(1) This section applies where a person aged at least 18 but under 21 is convicted of an offence—

(a) for which the sentence is not fixed by law, but

(b) which is punishable in the case a person aged 21 or over with imprisonment for life.

(2) If the court considers that a sentence for life would be appropriate, it is to sentence the offender to custody for life.

Sections 230 (threshold for imposing discretionary custodial sentence) and 231 (length of discretionary custodial sentences: general provision), in particular, apply for this purpose.

273 Custody for life for second listed offence

(1) Subsection (3) applies where a court is dealing with an offender for an offence ("the index offence") where—

(a) the index offence is listed in Part 1 of Schedule 15,

(b) the index offence was committed on or after the relevant date,

(c) the offender is aged 18 or over but under 21 when convicted of the index offence, and

(d) the sentence condition and the previous offence condition are met.

(2) In subsection (1)(b), "relevant date", in relation to an offence, means—

(a) if a date is specified for that offence in Part 1 of Schedule 15, that date;

(b) otherwise, 3 December 2012.

(3) The court must impose a sentence of custody for life (see section 272) unless the court is of the opinion that there are particular circumstances which—

(a) relate to—

(i) the index offence,

(ii) the previous offence referred to in subsection (5), or

(iii) the offender, and

(b) would make it unjust to do so in all the circumstances.

(4) The sentence condition is that, but for this section, the court would impose a sentence of detention in a young offender institution for 10 years or more, disregarding any extension period that it would impose under section 266.

Sections 230(2) and 231(2) apply for this purpose.

(5) The previous offence condition is that—

(a) at the time the index offence was committed, the offender had been convicted of an offence ("the previous offence") listed in Schedule 15, and

(b) a relevant life sentence or a relevant sentence of detention for a determinate period was imposed on the offender for the previous offence.

(6) Schedule 15 is to be read for the purposes of subsection (5) as if Part 1 omitted any offence added after the index offence was committed.

For this purpose an offence is added after the index offence was committed if that Part of that Schedule specifies a date in relation to that offence which is later than the date on which the index offence was committed.

(7) A life sentence is relevant for the purposes of subsection (5)(b) if—

(a) the offender was not eligible for release during the first 5 years of the sentence, or

(b) the offender would not have been eligible for release during that period but for the reduction of the period of ineligibility to take account of a relevant pre-sentence period.

(8) An extended sentence imposed under the Criminal Justice Act 2003 or this Code (including one imposed as a result of the Armed Forces Act 2006) is relevant for the purposes of subsection (5)(b) if the appropriate custodial term imposed was 10 years or more.

(9) Any other extended sentence is relevant for the purposes of subsection (5)(b) if the custodial term imposed was 10 years or more.

(10) Any other sentence of detention for a determinate period is relevant for the purposes of subsection (5)(b) if it was for a period of 10 years or more.

(11) An extended sentence or other sentence of detention is also relevant if it would have been relevant under subsection (9) or (10) but for the reduction of the sentence, or any part of the sentence, to take account of a relevant pre-sentence period.

(12) For the purposes of subsections (5) to (11)—

"extended sentence" means—

(a) a sentence imposed under—

(i) section 254 or 266, or

(ii) section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003,

(including one imposed as a result of section 219A, 220, 221A or 222 of the Armed Forces Act 2006), or

(b) an equivalent sentence imposed under the law of Scotland, Northern Ireland or a member State (other than the United Kingdom);

"life sentence" means—

(a) a sentence of detention for life under—

(i) section 249,

(ii) section 91 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(iii) section 209 of the Armed Forces Act 2006,

(b) a sentence of detention during Her Majesty's pleasure under—

(i) section 259,

(ii) section 90 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(iii) section 218 of the Armed Forces Act 2006, or

(c) a sentence of custody for life under—

(i) section 272 or 275, or

(ii) section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000,

or an equivalent sentence imposed under the law of Scotland, Northern Ireland or a member State (other than the United Kingdom);

"relevant pre-sentence period", in relation to the previous offence referred to in subsection (5), means any period which the offender spent in custody or on bail before the sentence for that offence was imposed;

"sentence of detention" includes any sentence of a period in custody (however expressed).

(13) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

(14) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (1)(b) and (5)(a) to have been committed on the last of those days.

274 Required sentence of custody for life for offence carrying life sentence

(1) This section applies where a court is dealing with an offender for an offence where—

(a) the offender is aged 18 or over but under 21 when convicted of the offence,

(b) the offence is a Schedule 19 offence (see section 307),

(c) the offence was committed on or after 4 April 2005, and

(d) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see sections 306(1) and 308).

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(d).

(3) If the court considers that the seriousness of—

(a) the offence, or

(b) the offence and one or more offences associated with it,

is such as to justify the imposition of a sentence of custody for life, the court must impose a sentence of custody for life (see section 272).

(4) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

275 Duty to impose custody for life for offence of murder

(1) Where a person aged under 21 is convicted of—

(a) murder, or

(b) any other offence the sentence for which is fixed by law as life imprisonment,

the court must sentence the offender to custody for life.

(2) Subsection (1) does not apply where the offender is liable to be detained under section 259 (detention at Her Majesty's pleasure for offender under 18).

276 Custody for life: place of detention

(1) An offender sentenced to custody for life is to be detained in a young offender institution unless a direction under subsection (2) is in force in relation to the offender.

This is subject to section 22(2)(b) of the Prison Act 1952 (removal to hospital etc).

(2) The Secretary of State may from time to time direct that an offender sentenced to custody for life is to be detained in a prison instead of a young offender institution.

CHAPTER 4

ADULTS AGED 21 AND OVER

Suspended sentences of imprisonment

277 Suspended sentence order for person aged 21 or over: availability

(1) This section applies where, in dealing with an offender for an offence, a court passes a sentence of imprisonment.

(2) A suspended sentence order (see section 286) is available in relation to that sentence if the term of the sentence of imprisonment is—

(a) at least 14 days, but

(b) not more than 2 years.

(3) But a suspended sentence order is not available in relation to that sentence if—

(a) the sentence of imprisonment is one of two or more sentences imposed on the same occasion which are to be served consecutively, and

(b) the terms of those sentences are in aggregate more than 2 years.

(4) For provision about suspended sentences see Chapter 5.

Special custodial sentence for certain offenders of particular concern

278 Required special custodial sentence for certain offenders of particular concern

(1) This section applies where the court imposes a sentence of imprisonment for an offence where—

(a) the offence is listed in Schedule 13,

(b) the person—

(i) was aged 18 or over when the offence was committed, and

(ii) is aged 21 or over when convicted of the offence, and

(c) the court does not impose either of the following for the offence (or for an offence associated with it)—

(i) an extended sentence under section 279, or

(ii) a sentence of imprisonment for life.

(2) The term of the sentence must be equal to the aggregate of—

(a) the appropriate custodial term, and

(b) a further period of 1 year for which the offender is to be subject to a licence,

and must not exceed the maximum term of imprisonment with which the offence is punishable.

(3) For the purposes of subsection (2), the "appropriate custodial term" is the term that, in the opinion of the court, ensures that the sentence is appropriate.

Extended sentences

279 Extended sentence of imprisonment for certain violent or sexual offences: persons 21 or over

An extended sentence of imprisonment is a sentence of imprisonment the term of which is equal to the aggregate of—

(a) the appropriate custodial term (see section 281), and

(b) a further period (the "extension period") for which the offender is to be subject to a licence.

280 Extended sentence of imprisonment: availability

(1) An extended sentence of imprisonment is available in respect of an offence where—

(a) the offence is a specified offence (see section 306(1)),

(b) the offender is aged 21 or over when convicted of the offence,

(c) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see section 308),

(d) the court is not required by section 283 or 285 to impose a sentence of imprisonment for life, and

(e) the earlier offence condition or the 4 year term condition is met.

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(c).

(3) The earlier offence condition is that, at the time the offence was committed, the offender had been convicted of an offence listed in Schedule 14.

(4) The 4 year term condition is that, if the court were to impose an extended sentence of imprisonment, the term that it would specify as the appropriate custodial term (see section 281) would be at least 4 years.

281 Term of extended sentence of imprisonment

(1) This section applies where the court dealing with an offender for an offence imposes, or is considering whether to impose, an extended sentence of imprisonment under section 279.

(2) The appropriate custodial term is the term of imprisonment that would be imposed in respect of the offence in compliance with section 231(2) (length of discretionary custodial sentences: general provision) if the court did not impose an extended sentence of imprisonment.

(3) The extension period must be a period of such length as the court considers necessary for the purpose of protecting members of the public from serious harm occasioned by the commission by the offender of further specified offences.

This is subject to subsections (4) and (5).

(4) The extension period must—

(a) be at least 1 year, and

(b) not exceed—

(i) 5 years if the index offence was a specified violent offence, or

(ii) 8 years if the index offence was a specified sexual offence.

See section 306(2) for the meanings of "specified violent offence" and "specified sexual offence".

(5) The term of the extended sentence of imprisonment must not exceed the maximum term of imprisonment with which the offence is punishable.

282 Extended sentences for offences committed before 4 April 2005

In section 280(1)(a) and section 281(4)(b), references to a specified offence, a specified violent offence and a specified sexual offence include an offence that—

(a) was abolished before 4 April 2005, and

(b) would have constituted such an offence if committed on the day on which the offender is convicted of the index offence.

Life sentences

283 Life sentence for second listed offence

(1) Subsection (3) applies where a court is dealing with an offender for an offence ("the index offence") where—

(a) the index offence is listed in Part 1 of Schedule 15,

(b) the index offence was committed on or after the relevant date,

(c) the offender is aged 21 or over when convicted of the index offence, and

(d) the sentence condition and the previous offence condition are met.

(2) In subsection (1)(b), "relevant date", in relation to an offence, means—
  (a) if a date is specified for that offence in Part 1 of Schedule 15, that date;
  (b) otherwise, 3 December 2012.

(3) The court must impose a sentence of imprisonment for life unless the court is of the opinion that there are particular circumstances which—
  (a) relate to—
    (i) the index offence,
    (ii) the previous offence referred to in subsection (5), or
    (iii) the offender, and
  (b) would make it unjust to do so in all the circumstances.

(4) The sentence condition is that, but for this section, the court would impose a sentence of imprisonment for 10 years or more, disregarding any extension period it would impose under section 279.
Sections 230(2) and 231(2) apply for this purpose.

(5) The previous offence condition is that—
  (a) at the time the index offence was committed, the offender had been convicted of an offence ("the previous offence") listed in Schedule 15, and
  (b) a relevant life sentence or a relevant sentence of imprisonment or detention for a determinate period was imposed on the offender for the previous offence.

(6) Schedule 15 is to be read for the purposes of subsection (5) as if Part 1 omitted any offence added after the index offence was committed.
For this purpose an offence is added after the index offence was committed if that Part of that Schedule specifies a date in relation to that offence which is later than the date on which the index offence was committed.

(7) A life sentence is relevant for the purposes of subsection (5)(b) if—
  (a) the offender was not eligible for release during the first 5 years of the sentence, or
  (b) the offender would not have been eligible for release during that period but for the reduction of the period of ineligibility to take account of a relevant pre-sentence period.

(8) An extended sentence imposed under the Criminal Justice Act 2003 or this Code (including one imposed as a result of the Armed Forces Act 2006) is relevant for the purposes of subsection (5)(b) if the appropriate custodial term imposed was 10 years or more.

(9) Any other extended sentence is relevant for the purposes of subsection (5)(b) if the custodial term imposed was 10 years or more.

(10) Any other sentence of imprisonment or detention for a determinate period is relevant for the purposes of subsection (5)(b) if it was for a period of 10 years or more.

(11) An extended sentence or other sentence of imprisonment or detention is also relevant if it would have been relevant under subsection (9) or (10) but for the reduction of the sentence, or any part of the sentence, to take account of a relevant pre-sentence period.

(12) For the purposes of subsections (5) to (11)—

"extended sentence" means—

(a) a sentence imposed under—

(i) section 254, 266 or 279,

(ii) section 226A, 226B, 227 or 228 of the Criminal Justice Act 2003,

(iii) section 85 of the Powers of Criminal Courts (Sentencing) Act 2000, or

(iv) section 58 of the Crime and Disorder Act 1998,

(including one imposed as a result of section 219A, 220, 221A or 222 of the Armed Forces Act 2006), or

(b) an equivalent sentence imposed under the law of Scotland, Northern Ireland or a member State (other than the United Kingdom);

"life sentence" means—

(a) a sentence of imprisonment for life;

(b) a sentence of detention for life under—

(i) section 249,

(ii) section 91 of the Powers of Criminal Courts (Sentencing) Act 2000;

(iii) section 53(3) of the Children and Young Persons Act 1933;

(iv) section 209 of the Armed Forces Act 2006;

(v) section 71A(4) of the Army Act 1955 or Air Force Act 1955 or section 43A(4) of the Naval Discipline Act 1957;

(c) a sentence of detention during Her Majesty's pleasure under—

(i) section 259,

(ii) section 90 of the Powers of Criminal Courts (Sentencing) Act 2000,

(iii) section 53(1) of the Children and Young Persons Act 1933,

(iv) section 218 of the Armed Forces Act 2006, or

(v) section 71A(3) of the Army Act 1955 or Air Force Act 1955 or section 43A(3) of the Naval Discipline Act 1957;

(d) a sentence of custody for life under—

(i) section 272 or 275,

(ii) section 93 or 94 of the Powers of Criminal Courts (Sentencing) Act 2000,

(iii) section 8 of the Criminal Justice Act 1982, or

(iv) section 71A(1A) or (1B) of the Army Act 1955 or Air Force Act 1955 or section 43(1A) or (1B) of the Naval Discipline Act 1957;

(e) a sentence of imprisonment or detention in a young offender institution for public protection imposed under section 225 of the Criminal Justice Act 2003 (including one passed as a result of section 219 of the Armed Forces Act 2006);

(f) a sentence of detention for public protection imposed under section 226 of the Criminal Justice Act 2003 (including one passed as a result of section 221 of the Armed Forces Act 2006);

or an equivalent sentence imposed under the law of Scotland, Northern Ireland or a member State (other than the United Kingdom);

"relevant pre-sentence period", in relation to the previous offence referred to in subsection (5), means any period which the offender spent in custody or on bail before the sentence for that offence was imposed;

"sentence of imprisonment or detention" includes any sentence of a period in custody (however expressed).

(13) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

(14) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsections (1)(b) and (5)(a) to have been committed on the last of those days.

284 Required life sentence where second offence committed before 4 April 2005

For cases in which a sentence of life imprisonment must be imposed for an offence which—

(a) is a second offence, and

(b) was committed on or after 1 October 1997 but before 4 April 2005,

see section 109 of the Powers of Criminal Courts (Sentencing) Act 2000 (life sentence for second serious offence), as it has effect by virtue of paragraph 5(2) of Schedule 2 to the Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950).

285 Required life sentence for offence carrying life sentence

(1) This section applies where a court is dealing with an offender for an offence where—

(a) the offender is aged 21 or over at the time of conviction,

(b) the offence is a Schedule 19 offence (see section 307),

(c) the offence was committed on or after 4 April 2005, and

(d) the court is of the opinion that there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences (see sections 306(1) and 308).

(2) The pre-sentence report requirements (see section 30) apply to the court in relation to forming the opinion mentioned in subsection (1)(d).

(3) If the court considers that the seriousness of—

(a) the offence, or

(b) the offence and one or more offences associated with it,

is such as to justify the imposition of a sentence of imprisonment for life, the court must impose a sentence of imprisonment for life.

(4) An offence the sentence for which is imposed under this section is not to be regarded as an offence the sentence for which is fixed by law.

CHAPTER 5

SUSPENDED SENTENCES

What a suspended sentence order is

286 Suspended sentence order

(1) A suspended sentence order is an order providing that a sentence of imprisonment or detention in a young offender institution in respect of an offence is not to take effect unless—

(a) an activation event occurs, and

(b) a court having power to do so subsequently orders under paragraph 13 of Schedule 16 that the sentence is to take effect.

(2) A suspended sentence order may also specify one or more available community requirements with which the offender must comply during the supervision period.

(3) An activation event occurs if the offender—

(a) commits another offence in the United Kingdom during the operational period (whether or not punishable with imprisonment), or

(b) during the supervision period, contravenes any community requirement imposed by the order.

(4) The community requirements are listed in column 1 of the community requirements table (see section 287).

(5) Provision about each requirement is made by the provisions of Schedule 9 mentioned in the corresponding entry in column 2 of that table.

(6) In this Code—

"suspended sentence order" has the meaning given by subsection (1);

"suspended sentence" means a sentence to which a suspended sentence order relates.

(7) In this Code, references to a community requirement of, or imposed by, a suspended sentence order are to a requirement specified in the order under subsection (2).

287 Suspended sentence order: community requirements table

The community requirements table referred to in sections 286, 290 and 292 is—

Requirement	*Part of Schedule 9 relating to requirement*	*Restrictions on availability*
unpaid work requirement	Part 1	
rehabilitation activity requirement	Part 2	

Requirement	*Part of Schedule 9 relating to requirement*	*Restrictions on availability*
programme requirement	Part 3	
prohibited activity requirement	Part 4	
curfew requirement	Part 5	
exclusion requirement	Part 6	
residence requirement	Part 7	
foreign travel prohibition requirement	Part 8	
mental health treatment requirement	Part 9	
drug rehabilitation requirement	Part 10	
alcohol treatment requirement	Part 11	
alcohol abstinence and monitoring requirement	Part 12	section 291(1), (2) or (3)
attendance centre requirement	Part 13	section 291(4),
electronic compliance monitoring requirement	Part 14	section 291(5)
electronic whereabouts monitoring requirement	Part 14	section 291(6)

288 Operational period and supervision period

(1) A suspended sentence order must specify the operational period (see section 286(3)(a)).

(2) The operational period must be a period, beginning with the day on which the order is made, of—

(a) at least 6 months, and

(b) not more than 2 years.

(3) If a suspended sentence order imposes any community requirement or requirements, the order must specify the supervision period (see section 286(2)).

(4) The supervision period specified must be a period, beginning with the day on which the order is made, of—

(a) at least 6 months, and

(b) not more than—
(i) 2 years, or
(ii) if less, the operational period.

(5) But if the suspended sentence order imposes an unpaid work requirement, the supervision period—
(a) continues until the offender has worked under the order for the number of hours specified in the order under paragraph 2(1) of Schedule 9, but
(b) does not continue beyond the end of the operational period.

289 Suspended sentence to be treated generally as sentence of imprisonment etc

(1) A suspended sentence which has not taken effect under paragraph 13 of Schedule 16 is to be treated as—
(a) a sentence of imprisonment, or
(b) as the case may be, a sentence of detention in a young offender institution,
for the purposes of all enactments and instruments made under enactments.

(2) Subsection (1) is subject to any provision to the contrary contained in—
(a) the Criminal Justice Act 1967,
(b) any enactment passed or instrument made under any enactment after 31 December 1967.

Available community requirements

290 Suspended sentence order: available community requirements

(1) A suspended sentence order may not impose a community requirement that is not an available requirement.

(2) A community requirement is an available requirement in relation to a suspended sentence order unless a provision mentioned in column 3 of the entry for that requirement in the table in section 287 provides otherwise.

291 Suspended sentence order: availability of particular requirements

Alcohol abstinence and monitoring requirement

(1) An alcohol abstinence and monitoring requirement is not an available requirement unless it is available by virtue of regulations under paragraph 1 of Schedule 24 (pilot schemes).

(2) An alcohol abstinence and monitoring requirement is not an available requirement unless regulations are in force under paragraph 25(7)(c) of Schedule 9 (prescribed arrangements for monitoring).

(3) An alcohol abstinence and monitoring requirement imposing a requirement within paragraph 25(1)(a)(ii) of Schedule 9 (alcohol level to be kept below specified level) is not an available requirement unless regulations are in force under 25(7)(b) of that Schedule (prescribed alcohol level).

Attendance centre requirement

(4) An attendance centre requirement is not an available requirement unless the offender is aged under 25 when convicted of the offence.

Electronic compliance monitoring requirement

(5) An electronic compliance monitoring requirement is not an available requirement in relation to a suspended sentence order unless the suspended sentence order imposes at least one other available requirement, other than—

(a) an alcohol abstinence and monitoring requirement;

(b) an electronic whereabouts monitoring requirement.

Electronic whereabouts monitoring requirement

(6) An electronic whereabouts monitoring requirement is available only if regulations under paragraph 6 of Schedule 24 (pilot schemes) so provide.

Exercise of power to impose community requirements

292 Suspended sentence order: exercise of power to impose requirements

(1) This section applies where a court makes a suspended sentence order which imposes community requirements.

(2) The power to impose a particular community requirement is subject to the provisions of the Part of Schedule 9 relating to requirements of that kind (see column 2 of the table in section 287).

(3) If the suspended sentence order imposes two or more different community requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.

(4) The court must also ensure, so far as practicable, that any community requirement imposed by a suspended sentence order is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any conflict with any other court order to which the offender may be subject, and

(c) any interference with the times, if any, at which the offender normally—

(i) works, or

(ii) attends any educational establishment,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(5) Regulations under subsection (4) are subject to the negative resolution procedure.

Provision for review of suspended sentence order with community requirements

293 Power to provide for review of suspended sentence order

(1) A suspended sentence order which imposes one or more community requirements may make provision for the order to be reviewed periodically ("provision for review").

This is subject to subsection (3).

(2) Where an order contains provision for review, it must—
  (a) specify the intervals at which the order is to be reviewed,
  (b) provide for each review to be made, subject to section 295, at a hearing held for the purpose by the responsible court (a "review hearing"),
  (c) require the offender to attend each review hearing, and
  (d) provide for a report by an officer of a provider of probation services on the offender's progress in complying with the community requirements of the order ("a progress report") to be made to the responsible court before each review.

(3) If the suspended sentence order—
  (a) imposes a drug rehabilitation requirement, and
  (b) contains provision for review under this section,

the provision for review must not include provision relating to that requirement (but see paragraph 22 of Schedule 9 for separate provision about review of such a requirement).

(4) In this section "the responsible court" in relation to a suspended sentence order means—
  (a) if a court is specified in the order in accordance with subsection (5), that court;
  (b) otherwise, the court by which the order is made.

(5) Where—
  (a) a suspended sentence order is made by a magistrates' court, and
  (b) the offender's home local justice area is not the area in which the court acts,

the order may specify that the responsible court is to be a magistrates' court which acts in the offender's home local justice area.

(6) A suspended sentence order made on an appeal from—
  (a) the Crown Court, or
  (b) the Court of Appeal,

is to be taken for the purposes of subsection (4)(b) to have been made by the Crown Court.

294 Review hearings: power to amend community requirements etc

(1) This section applies where a review hearing is held on a review of a suspended sentence order by virtue of section 293.

(2) The court may, after considering the progress report, amend—
  (a) the community requirements of the suspended sentence order, or
  (b) any provision of the order which relates to those requirements.

(3) But the court—
  (a) may not amend the community requirements of the order so as to impose a requirement of a different kind unless the offender expresses willingness to comply with that requirement,
  (b) may not amend—
    (i) a mental health treatment requirement,
    (ii) a drug rehabilitation requirement, or
    (iii) an alcohol treatment requirement,

unless the offender expresses willingness to comply with the requirement as amended,

(c) may amend the supervision period only if the period as amended complies with section 288(4),

(d) may not amend the operational period, and

(e) except with the consent of the offender, may not amend the order while an appeal against the order is pending.

(4) For the purposes of subsection (3)(a)—

(a) a community requirement of a kind within any entry in the table in section 287 is of the same kind as any other community requirement within that entry, and

(b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.

(5) If the court is of the opinion that the offender has without reasonable excuse breached a community requirement of the order, the court may adjourn the hearing so that it can deal with the case under paragraph 13 of Schedule 16 (powers of court to deal with offender on breach of requirement or subsequent conviction).

(6) In this section—

"review hearing", and

"progress report",

have the meanings given by section 293(2).

295 Suspended sentence order: alteration of periodic review arrangements

(1) Subsections (2) and (3) apply where the court—

(a) considers the progress report relating to a review (the "current review"), and

(b) forms the opinion that the offender's progress in complying with the community requirements of the order is satisfactory.

(2) If the court forms that opinion before a review hearing is held at the current review—

(a) it may order that no review hearing is to be held at the current review, and

(b) it may amend the suspended sentence order so as to provide for each subsequent review to be held without a review hearing.

(3) If a review hearing is held at the current review, the court may at the hearing amend the suspended sentence order so as to provide for each subsequent review to be held without a review hearing.

(4) If at a review held without a review hearing the court—

(a) considers the progress report, and

(b) forms the opinion that the offender's progress under the order is no longer satisfactory,

it may require the offender to attend a hearing of the court at a specified time and place.

(5) At a review hearing the court may amend the suspended sentence order so as to vary the intervals specified under section 293(2)(a).

(6) The functions of a court under this section that are exercisable in relation to a review without a hearing are to be exercised—

(a) in the case of the Crown Court, by a judge of the court, and

(b) in the case of a magistrates' court, by a justice of the peace.

(7) In this section—

"review hearing", and

"progress report",

have the meanings given by section 293(2).

Making a suspended sentence order with community requirements

296 Order to specify offender's home local justice area

(1) A suspended sentence order which imposes any community requirement must specify the area which is the offender's home local justice area.

(2) That area must be the local justice area in which the offender resides or will reside.

297 Power to direct magistrates' court supervision of order

Where the Crown Court makes a suspended sentence order which imposes any community requirement, it may make a direction that the order is to be subject to magistrates' court supervision.

For the effect of such a direction see Parts 2 and 3 of Schedule 16 (breach or amendment of a community requirement of a suspended sentence order).

298 Provision of copies of order and related documents

(1) This section applies on the making by a court of a suspended sentence order which imposes one or more community requirements.

(2) The court must forthwith provide copies of the order—

(a) to the offender,

(b) to the responsible officer,

(c) to an officer of a provider of probation services that is a public sector provider who is acting at the court, and

(d) if the court does not act in the offender's home local justice area, to a provider of probation services that is a public sector provider and is operating in that area.

(3) If the order imposes any requirement specified in column 1 of the following table the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

The requirement	*The person to whom a copy must be provided*
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 relating to residence in an institution.	The person in charge of the institution
A mental health treatment requirement.	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring
	Any person without whose consent the requirement could not be included in the order.

(4) If the court does not act in the offender's home local justice area, it must provide to the magistrates' court acting in that area—
  (a) a copy of the order, and
  (b) 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.

(5) In subsection (1) "public sector provider" means—
  (a) a probation trust or other public body, or
  (b) the Secretary of State.

Suspended sentence order with community requirement: obligations of responsible officer and offender

299 Responsible officer

(1) This section applies for the purposes of this Chapter in relation to a suspended sentence order made in respect of an offender which imposes one or more community requirements.

(2) "The responsible officer", in relation to the offender, means the person who for the time being is responsible for discharging the functions conferred by this Chapter on the responsible officer in accordance with arrangements made by the Secretary of State.

(3) The responsible officer must be—

(a) an officer of a provider of probation services, or

(b) a person responsible for monitoring the offender in accordance with an electronic monitoring requirement imposed by the order.

300 Obligations of responsible officer

(1) This section applies during the supervision period of a suspended sentence order which imposes any community requirement.

Functions of the responsible officer

(2) The responsible officer must—

(a) make any arrangements that are necessary in connection with the requirements imposed by the order, and

(b) promote the offender's compliance with those requirements.

(3) This is subject to paragraph 16(6) of Schedule 9 (in-patient treatment under mental health treatment requirement).

Exercise of functions by responsible officer

(4) The responsible officer must also ensure, as far as practicable, that any instruction given or requirement imposed by the responsible officer is such as to avoid—

(a) any conflict with the offender's religious beliefs,

(b) any conflict with the requirements of any other court order to which the offender may be subject, and

(c) any interference with the times, if any, at which the offender normally—

(i) works, or

(ii) attends any educational establishment,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(5) Regulations under subsection (4) are subject to the negative resolution procedure.

301 Duty of offender to keep in touch with responsible officer

(1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.

(2) The offender must keep in touch with the responsible officer in accordance with such instructions as the responsible officer may give the offender from time to time.

(3) That obligation is enforceable as if it were a community requirement imposed by the suspended sentence order.

302 Duty to obtain permission before changing residence

(1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.

But it does not apply if the order includes a residence requirement (see paragraph 13 of Schedule 9).

(2) The offender must not change residence without permission given in accordance with this section by—

(a) the responsible officer, or

(b) a court.

(3) The obligation imposed by subsection (2) has effect as if it were a community requirement imposed by the suspended sentence order.

(4) The appropriate court may, on an application made by the offender, give permission in a case in which the responsible officer has refused.

(5) A court may also give permission in any proceedings before it under Schedule 16 (breach or amendment of orders etc).

(6) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—

(a) is likely to prevent the offender complying with a requirement imposed by the suspended sentence order, or

(b) would hinder the offender's rehabilitation.

(7) The responsible officer must refuse an application for permission if—

(a) the offender's present residence is in England or Wales, and

(b) the offender's proposed residence is outside England and Wales.

(8) For cases in which a suspended sentence order has to be amended because of permission given under this section, see paragraph 23 of Schedule 16 (amendment to reflect change in local justice area).

(9) In this section "the appropriate court" has the same meaning as in Schedule 16.

Activation of sentence, amendment and revocation of order etc

303 Breach, revocation or amendment of suspended sentence order, and effect of further conviction

Schedule 16 makes provision about—

(a) the effect of any further conviction where an offender is subject to a suspended sentence order, and

(b) breach, revocation or amendment of the community requirements of suspended sentence orders.

Transferring order with community requirements to Scotland or Northern Ireland

304 Transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements

Schedule 17 makes provision about the transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements.

Interpretation

305 Suspended sentences: interpretation

In this Chapter—

"the operational period", in relation to a suspended sentence, means the period specified under—

(a) section 288(1), or

(b) paragraph 13(1)(d)(iii) of Schedule 16 (extension of operational period on breach of order);

"sentence of imprisonment" does not include a committal for contempt of court or any kindred offence;

"the supervision period", in relation to a suspended sentence, means the period (if any) specified under—

(a) section 288(3),

(b) section 294 (review of order), or

(c) paragraph 13(1)(d)(ii) of Schedule 16 (extension of supervision period on breach of order),

but subject to section 288(5) (extension to allow completion of unpaid work requirement).

CHAPTER 6

DANGEROUS OFFENDERS

Interpretation

306 Extended sentences: meaning of "specified offence" etc

(1) An offence is a "specified offence" for the purposes of this Code if it is a specified violent offence or a specified sexual offence.

(2) In this Part—

"serious harm" means death or serious personal injury, whether physical or psychological;

"specified violent offence" means an offence specified in Part 1 of Schedule 18;

"specified sexual offence" means an offence specified in Part 2 of that Schedule.

307 Life sentences: meaning of "Schedule 19 offence"

(1) In this Part "Schedule 19 offence" means an offence listed in Schedule 19 (certain specified offences carrying maximum sentence on indictment of imprisonment for life).

(2) For the purposes of Schedule 19, an offence found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, must be taken to have been committed on the last of those days.

The assessment of dangerousness

308 The assessment of dangerousness

(1) This section applies where it falls to a court to assess under any of the following provisions (which apply where an offender has committed a specified offence, however described) whether there is a significant risk to members of the public of serious harm occasioned by the commission by the offender of further specified offences—

(a) section 255, 267 or 280 (extended sentence for certain violent or sexual offences);

(b) section 258, 274 or 285 (required life sentence for Schedule 19 offence).

(2) In making that assessment, the court—

(a) must take into account all the information that is available to it about the nature and circumstances of the offence,

(b) may take into account all the information that is available to it about the nature and circumstances of any other offences of which the offender has been convicted by a court anywhere in the world,

(c) may take into account any information which is before it about any pattern of behaviour of which any of the offences mentioned in paragraph (a) or (b) forms part, and

(d) may take into account any information about the offender which is before it.

(3) The reference in subsection (2)(b) to a conviction by a court includes a reference to—

(a) a conviction of an offence in any service disciplinary proceedings, and

(b) a conviction of a service offence within the meaning of the Armed Forces Act 2006 ("conviction" here including anything that under section 376(1) and (2) of that Act is to be treated as a conviction).

(4) For the purposes of subsection (3)(a) "service disciplinary proceedings" means—

(a) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), and

(b) any proceedings before a Standing Civilian Court;

and "conviction" includes the recording of a finding that a charge in respect of the offence has been proved.

Supplementary

309 Appeals where previous convictions set aside or previous sentences modified

(1) Subsection (3) applies where—

(a) a sentence has been imposed on a person under section 273 or 283 (life sentence for second listed offence),

(b) a previous conviction of that person has been subsequently set aside on appeal, and

(c) without that conviction, the previous offence condition in section 273(5) or 283(5) would not have been met.

(2) Subsection (3) also applies where—

(a) a sentence has been imposed on a person under section 266 or 279 (extended sentences for adults),

(b) the earlier offence condition was met but the 4 year term condition was not, and

(c) any previous conviction of that person's without which the earlier offence condition would not have been met has been subsequently set aside on appeal.

For this purpose, references to the earlier offence condition and the 4 year term condition are to be read in accordance with 267 or 280 (as the case may be).

(3) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968, notice of appeal against the sentence may be given at any time within 28 days from the date on which the previous conviction was set aside.

(4) Subsection (5) applies where—

(a) a sentence has been imposed on a person under section 273 or 283,

(b) a previous sentence imposed on that person has been subsequently modified on appeal, and

(c) taking account of that modification, the previous offence condition in section 273(5) or 283(5) would not have been met.

(5) Notwithstanding anything in section 18 of the Criminal Appeal Act 1968, notice of appeal against the sentence mentioned in subsection (4)(a) may be given at any time within 28 days from the date on which the previous sentence was modified.

310 Certificates of conviction

Where—

(a) a person is convicted in England and Wales of an offence listed in Schedule 14 or 15,

(b) the court by or before which the person is so convicted states in open court that the person has been convicted of such an offence on that day, and

(c) that court subsequently certifies that fact,

that certificate is evidence, for the purposes of section 267, 273, 280 or 283 (extended sentences for adults and life sentences for second listed offence), that the person was convicted of such an offence on that day.

CHAPTER 7

MINIMUM SENTENCES FOR PARTICULAR OFFENCES

Minimum sentence for single offence

311 Minimum sentence for certain offences involving firearms that are prohibited weapons

(1) This section applies where—

(a) an individual is convicted of an offence listed in Schedule 20 (certain offences involving firearms that are prohibited weapons), and

(b) the offender was aged 16 or over at the time that the offence was committed.

(2) The court must impose an appropriate custodial sentence for a term of at least the required minimum term unless the court is of the opinion that there are exceptional circumstances which—

(a) relate to the offence or to the offender, and

(b) justify not doing so.

(3) In this section "appropriate custodial sentence" means—

(a) in the case of a person who is aged under 18 when convicted, a sentence of detention under section 249;

(b) in the case of a person who is aged 18 or over but under 21 when convicted, a sentence of detention in a young offender institution (and, includes, if the offence is an offence for which a person aged 21 or over would be liable to imprisonment for life, a sentence of custody for life);

(c) in the case of a person who is aged 21 or over when convicted, a sentence of imprisonment.

(4) In this section "the required minimum term" means—

(a) in the case of an offender who was aged under 18 when the offence was committed, 3 years;

(b) in the case of an offender who was aged 18 or over when the offence was committed, 5 years.

312 Minimum sentence for offences of threatening with weapon

(1) This section applies where a person aged 16 or over is convicted of an offence under—

(a) section 1A of the Prevention of Crime Act 1953 (offence of threatening with offensive weapon in public), or

(b) section 139AA of the Criminal Justice Act 1988 (offence of threatening with article with blade or point or offensive weapon).

(2) The court must impose an appropriate custodial sentence unless the court is of the opinion that there are particular circumstances which—

(a) relate to the offence or to the offender, and

(b) would make it unjust to do so in all the circumstances.

(3) In this section "appropriate custodial sentence" means—

(a) in the case of a person who is aged 16 or over but under 18 when convicted, a detention and training order of at least 4 months;

(b) in the case of a person who is aged 18 or over but under 21 when convicted, a sentence of detention in a young offender institution for a term of at least 6 months;

(c) in the case of a person who is aged 21 or over when convicted, a sentence of imprisonment for a term of at least 6 months.

Minimum sentences for repeat offences

313 Minimum sentence of 7 years for third class A drug trafficking offence

(1) This section applies where—

(a) an offender is convicted of a class A drug trafficking offence ("the index offence") committed on or after 1 October 1997,

(b) at the time when the index offence was committed, the offender—

(i) was aged 18 or over, and

(ii) had 2 other relevant drug convictions, and

(c) one of the offences to which those other relevant drug convictions related was committed after the offender had been convicted of the other.

(2) The court must impose an appropriate custodial sentence for a term of at least 7 years except where the court is of the opinion that there are particular circumstances which—

(a) relate to any of the offences or to the offender, and

(b) would make it unjust to do so in all the circumstances.

(3) For the purposes of subsection (1) "relevant drug conviction" means—

(a) a conviction in any part of the United Kingdom of a class A drug trafficking offence,

(b) a conviction in another member State of an offence committed on or after 16 August 2010 which would, if committed in the United Kingdom at the time of the conviction, have constituted a class A drug trafficking offence,

(c) a conviction of an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a class A drug trafficking offence,

(d) a conviction of an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 in respect of which the corresponding civil offence (within the meaning of the Act in question) is a class A drug trafficking offence, or

(e) a conviction of a member State service offence committed on or after 16 August 2010 which would have constituted a class A drug trafficking offence if committed in England and Wales at the time of conviction.

(4) Where—

(a) a person is charged with a class A drug trafficking offence (which, apart from this subsection, would be triable either way), and

(b) the circumstances are such that, if convicted of the offence, the person could be sentenced for it under subsection (2),

the offence is to be triable only on indictment.

(5) In this section "class A drug trafficking offence" means a drug trafficking offence committed in respect of a class A drug; and for this purpose—

"class A drug" has the same meaning as in the Misuse of Drugs Act 1971;

"drug trafficking offence" means an offence which is specified in—

(a) paragraph 1 of Schedule 2 to the Proceeds of Crime Act 2002 (drug trafficking offences), or

(b) so far as it relates to that paragraph, paragraph 10 of that Schedule.

(6) In this section "an appropriate custodial sentence" means—

(a) in relation to an offender who is aged 21 or over when convicted of the index offence, a sentence of imprisonment;

(b) in relation to an offender who is aged under 21 when convicted of the index offence, a sentence of detention in a young offender institution (and includes, if the index offence is an offence for which a person aged 21 or over would be liable to imprisonment for life, a sentence of custody for life).

314 Minimum sentence of 3 years for third domestic burglary

(1) This section applies where—

(a) an offender is convicted of a domestic burglary ("the index offence") committed on or after 1 December 1999,

(b) at the time when the index offence was committed—

(i) the offender was aged 18 or over, and

(ii) had 2 other relevant domestic burglary convictions, and

(c) one of the burglaries to which those other relevant domestic burglary convictions relate was committed after the person had been convicted of the other.

(2) The court must impose an appropriate custodial sentence for a term of at least 3 years except where the court is of the opinion that there are particular circumstances which—

(a) relate to any of the offences or to the offender, and

(b) would make it unjust to do so in all the circumstances.

(3) For the purposes of subsection (1), "relevant domestic burglary conviction" means—

(a) a conviction in England and Wales of a domestic burglary committed on or after 1 December 1999, or

(b) a conviction in any other part of the United Kingdom or any other member State of an offence committed on or after 16 August 2010 which would have constituted an offence of domestic burglary, if committed in England and Wales at the time of the conviction,

(c) a conviction of an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is an offence of domestic burglary,

(d) a conviction of an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 committed on or after 1 December 1999 in respect of which the corresponding civil offence (within the meaning of the Act in question) is an offence of domestic burglary, or

(e) a conviction of a member State service offence committed on or after 16 August 2010 which would have constituted an offence of domestic burglary if committed in England and Wales at the time of conviction.

(4) Where—

(a) a person is charged with a domestic burglary which, apart from this subsection, would be triable either way, and

(b) the circumstances are such that, if convicted of the burglary, the person could be sentenced for it under subsection (2),

the burglary is to be triable only on indictment.

(5) In this section "domestic burglary" means a burglary committed in respect of a building or part of a building which is a dwelling.

(6) In this section "an appropriate custodial sentence" means—

(a) in relation to a person who is aged 21 or over when convicted of the index offence, a sentence of imprisonment;

(b) in relation to a person who is aged under 21 when convicted of the index offence, a sentence of detention in a young offender institution.

315 Minimum sentence for repeat offence involving weapon

(1) This section applies where—

(a) an offender is convicted of an offence (the "index offence") under—

(i) section 1(1) of the Prevention of Crime Act 1953 (carrying offensive weapon without lawful authority or reasonable excuse);

(ii) section 139(1) of the Criminal Justice Act 1988 (having article with blade or point in public place);

(iii) section 139A(1) or (2) of that Act (having article with blade or point or offensive weapon on school premises),

(b) the offence was committed on or after 17 July 2015, and

(c) when the offence was committed, the offender—

(i) was aged at least 16, and

(ii) had at least one relevant conviction.

(2) The court must impose an appropriate custodial sentence unless the court is of the opinion that there are particular circumstances which—

(a) relate to the offence, to the previous offence or to the offender, and

(b) would make it unjust to do so in all the circumstances.

(3) In subsection (2) "appropriate custodial sentence" means—

(a) in the case of a person aged under 18 when convicted of the index offence, a detention and training order of at least 4 months;

(b) in the case of a person aged 18 or over but under 21 when convicted of the index offence, a sentence of detention in a young offender institution for a term of at least 6 months;

(c) in the case of a person aged 21 or over when convicted of the index offence, a sentence of imprisonment for a term of at least 6 months.

(4) In this section, "relevant conviction" means—

(a) a conviction of a relevant offence,

(b) a conviction in another part of the United Kingdom or another member State of a civilian offence which would have constituted a relevant

offence if committed in England and Wales at the time of the conviction (whenever the offence was in fact committed),

(c) a conviction of an offence under section 42 of the Armed Forces Act 2006 in respect of which the corresponding offence under the law of England and Wales (within the meaning of that section) is a relevant offence,

(d) a conviction of an offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 in respect of which the corresponding civil offence (within the meaning of the Act in question) is a relevant offence, or

(e) a conviction of a member State service offence which would have constituted a relevant offence if committed in England and Wales at the time of conviction (whenever the offence was in fact committed).

(5) In this section, "relevant offence" means an offence under—

(a) section 1 or 1A of the Prevention of Crime Act 1953 (offences involving offensive weapons), or

(b) section 139, 139A or 139AA of the Criminal Justice Act 1988 (offences involving article with blade or point or offensive weapon).

316 Appeals where previous convictions set aside

(1) This section applies where—

(a) a sentence has been imposed on an offender under subsection (2) of any of the following sections—

(i) section 313,

(ii) section 314, or

(iii) section 315,

(b) a previous conviction of the offender is subsequently set aside on appeal, and

(c) without the previous conviction the section would not have applied.

(2) Notice of appeal against the sentence may be given at any time within the period of 28 days beginning with the day after the day on which the previous conviction was set aside (despite anything in section 18 of the Criminal Appeal Act 1968).

317 Certificates of conviction for purposes of sections 313 and 314

(1) This section applies where an offender is convicted—

(a) in England and Wales of—

(i) a class A drug trafficking offence, or

(ii) a domestic burglary,

(b) in any part of the United Kingdom other than England and Wales of a class A drug trafficking offence,

(c) in any member State other than the United Kingdom of a corresponding drug trafficking offence, or

(d) in any part of the United Kingdom other than England and Wales, or in any other member State, of a corresponding domestic burglary offence.

(2) A certificate, given in accordance with subsection (3), of either or both of the following—

(a) that the offender was convicted of that offence on that day;

(b) that the offence was committed on a particular day, or over, or at some time during, a particular period,

is evidence for the purposes of section 313 or 314 of the facts so certified.

(3) A certificate is given in accordance with this subsection if it is—

(a) given—

(i) by the court by or before which the offender was convicted of the offence, and

(ii) in the case of a court in the United Kingdom, after the court has stated in open court the facts certified by it, and

(b) in the case of a certificate given by a court outside the United Kingdom, signed by the proper officer of the court.

(4) In this section—

"proper officer" means the clerk of the court, that clerk's deputy or any other person having custody of the court record;

"class A drug trafficking offence" and "domestic burglary" have the same meanings as in sections 313 and 314 respectively;

"corresponding drug trafficking offence" means an offence within section 313(3)(b);

"corresponding domestic burglary offence" means an offence within section 314(3)(b).

318 Offences under service law

(1) In sections 313 to 315 and this section—

"civilian offence" means an offence other than—

(a) an offence under section 42 of the Armed Forces Act 2006,

(b) an offence under section 70 of the Army Act 1995, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957, or

(c) a member State service offence;

"conviction" includes—

(a) in relation to an offence under section 42 of the Armed Forces Act 2006, anything which by virtue of section 376(1) and (2) of that Act is to be treated as a conviction, and

(b) in relation to an offence under section 42 of the Naval Discipline Act 1957 and a member State service offence, a finding of guilt in respect of the person;

"member State service offence" means an offence which was the subject of proceedings under the law of a member State other than the United Kingdom governing all or any of the naval, military or air forces of that State.

(2) For the purposes of section 313(3)(c) and (e) (class A drug trafficking which is an offence under section 42 of Armed Forces Act 2006 and corresponding member State service offences), where the offence was committed in a way described in paragraph 10 of Schedule 2 to the Proceeds of Crime Act 2002 (attempting, conspiring, encouraging, assisting, aiding, abetting, etc) in relation to an act that, if done in England and Wales, would have constituted another offence listed in paragraph 1 of that Schedule, it must be assumed that that act was done (or would have been done) in England and Wales.

(3) For the purposes of—

(a) section 314(3)(c) and (e) (domestic burglary convictions under section 42 of Armed Forces Act 2006 or corresponding member State service offences), and

(b) section 315(4)(c) and (d) (relevant weapons offences under that section or corresponding offences under previous legislation relating to the armed forces),

where the offence was committed by aiding, abetting, counselling or procuring, it must be assumed that the act aided, abetted, counselled or procured was done in England and Wales.

Minimum sentences: supplementary

319 Mandatory sentence requirement not to affect power to impose fine

Nothing in this Chapter which requires the court to impose a particular term of imprisonment or other custodial sentence is to be taken to preclude the court from exercising any power to impose a fine in addition to the custodial sentence.

320 Determination of day when offence committed

Where an offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is to be taken for the purposes of sections 311, 313, 314 and 315 to have been committed on the last of those days.

CHAPTER 8

EFFECT OF LIFE SENTENCES

321 Life sentence: minimum term order or whole life order

(1) Where a court passes a life sentence, it must make an order under this section.

(2) The order must be a minimum term order unless the court is required to make a whole life order under subsection (3).

(3) The order must be a whole life order if—

(a) the offender was 21 or over when the offence was committed, and

(b) the court is of the opinion that, because of the seriousness of—

(i) the offence, or

(ii) the combination of the offence and one or more offences associated with it,

it should not make a minimum term order.

(4) A minimum term order is an order that the early release provisions (see section 324) are to apply to the offender as soon as the offender has served the part of the sentence which is specified in the order in accordance with section 322 or 323 ("the minimum term").

(5) A whole life order is an order that the early release provisions are not to apply to the offender.

322 Mandatory life sentences: further provision

(1) This section applies where a court passes a life sentence for an offence the sentence for which is fixed by law.

Minimum term

(2) If the court makes a minimum term order, the minimum term must be such part of the offender's sentence as the court considers appropriate taking into account—

(a) the seriousness of—

(i) the offence, or

(ii) the combination of the offence and any one or more offences associated with it, and

(b) the effect that the following would have if the court had sentenced the offender to a term of imprisonment—

(i) section 240ZA of the Criminal Justice Act 2003 (crediting periods of remand in custody),

(ii) any direction which the court would have given under section 325 or 327 (crediting periods of remand on certain types of bail or in custody pending extradition).

Determination of seriousness

(3) In considering the seriousness of the offence, or of the combination of the offence and one or more offences associated with it, under—

(a) section 321(3) (determining whether to make a whole life order), or

(b) subsection (2) (determining the minimum term),

the court must have regard to—

(a) the general principles set out in Schedule 21, and

(b) any guidelines relating to offences in general which are relevant to the case and are not incompatible with the provisions of Schedule 21.

Duty to give reasons for minimum term order or whole life order

(4) Where the court makes a minimum term order or a whole life order, in complying with the duty under section 52(2) to state its reasons for deciding on the order made, the court must in particular—

(a) state which of the starting points in Schedule 21 it has chosen and its reasons for doing so, and

(b) state its reasons for any departure from that starting point.

323 Minimum term order: other life sentences

(1) This section applies where a court—

(a) passes a life sentence in circumstances in which the sentence is not fixed by law, and

(b) makes a minimum term order.

(2) The minimum term must be such as the court considers appropriate, taking into account—

(a) the seriousness of—
  (i) the offence, or
  (ii) the combination of the offence and one or more offences associated with it,
(b) the early release provisions as compared with section 244(1) of the Criminal Justice Act 2003 (duty to release prisoners), and
(c) the effect that the following would have if the court had sentenced the offender to a term of imprisonment—
  (i) section 240ZA of the Criminal Justice Act 2003 (crediting periods of remand in custody);
  (ii) any direction which the court would have given under section 325 or 327 (crediting periods of remand on bail subject to certain types of condition or in custody pending extradition).

324 Life sentences: interpretation

In this Chapter—

"the early release provisions" means section 28(5) to (8) of the Crime (Sentences) Act 1997;

"guidelines" means sentencing guidelines issued by the Sentencing Council for England and Wales as definitive guidelines under section 120 of the Coroners and Justice Act 2009, as revised by any subsequent guidelines so issued;

"life sentence" means—
  (a) a sentence of imprisonment for life,
  (b) a sentence of detention for life or during Her Majesty's pleasure (see sections 249 and 259), or
  (c) a sentence of custody for life (see sections 272 and 275);

"minimum term order" and "minimum term" have the meanings given by section 321(4);

"whole life order" has the meaning given by section 321(5).

CHAPTER 9

SENTENCE ADMINISTRATION

Declaration about time to count as served

325 Direction for time on bail under certain conditions to count as time served

(1) This section applies where—
  (a) a court passes a determinate sentence on an offender in respect of an offence (see subsection (5)),
  (b) the offender was remanded on bail by a court in course of or in connection with proceedings for the offence, or any related offence, and
  (c) the offender's bail was subject to a qualifying curfew condition and an electronic monitoring condition ("the relevant conditions").

(2) The court must give a direction specifying the credit period for the purposes of section 240A of the Criminal Justice Act 2003 (time remanded on bail to count towards time served) in relation to the sentence.

(3) The credit period is calculated by taking the following steps.

Step 1

Add—

(a) the day on which the offender's bail was first subject to the relevant conditions (and for this purpose a condition is not prevented from being a relevant condition by the fact that it does not apply for the whole of the day in question), and

(b) the number of other days on which the offender's bail was subject to those conditions (but exclude the last of those days if the offender spends the last part of it in custody).

Step 2

Deduct the number of days on which the offender, whilst on bail subject to the relevant conditions, was also—

(a) subject to any requirement imposed for the purpose of securing the electronic monitoring of the offender's compliance with a curfew requirement, or

(b) on temporary release under rules made under section 47 of the Prison Act 1952.

Step 3

From the remainder, deduct the number of days during that remainder on which the offender has broken either or both of the relevant conditions.

Step 4

Divide the result by 2.

Step 5

If necessary, round up to the nearest whole number.

(4) Where the court gives a direction under subsection (2) it must state in open court—

(a) the number of days on which the offender was subject to the relevant conditions, and

(b) the number of days (if any) which it deducted under each of steps 2 and 3.

(5) For the purposes of subsection (1)(a) a court passes a determinate sentence if it—

(a) sentences the offender to imprisonment for a term, or

(b) passes a determinate sentence of detention in a young offender institution, or

(c) passes a determinate sentence of detention under section 249 or 254 (offenders aged under 18).

(6) Section 240ZA of the Criminal Justice Act 2003 makes provision about time remanded in custody which is to count as time served.

326 Section 325: interpretation

(1) For the purposes of section 325, "sentence of imprisonment" does not include a committal—

(a) in default of payment of any sum of money, other than one adjudged to be paid on a conviction,

(b) for want of sufficient distress to satisfy any sum of money, or

(c) for failure to do or abstain from doing anything required to be done or left undone,

and references to sentencing an offender to imprisonment are to be read accordingly.

This definition has effect in place of the definition of "sentence of imprisonment" in section 397 for those purposes.

(2) For the purposes of section 325, a suspended sentence—

(a) is to be treated as a sentence of imprisonment when it is activated under paragraph 13(1)(a) or (b) of Schedule 16, and

(b) is to be treated as being imposed by the order under which it is activated.

(3) For the purposes of the reference in section 325(2) to the term to which a person has been sentenced (that is to say, the reference to the offender's "sentence"), consecutive terms and terms which are wholly or partly concurrent are to be treated as a single term if—

(a) the sentences were passed on the same occasion, or

(b) where they were passed on different occasions, the person has not been released at any time during the period beginning with the first and ending with the last of those occasions.

(4) In section 325—

"curfew requirement" means a requirement (however described) to remain at one or more specified places for a specified number of hours in any given day, which—

(a) is imposed by a court or the Secretary of State, and

(b) arises as a result of a conviction;

"electronic monitoring condition" means any electronic monitoring requirements imposed under section 3(6ZAA) of the Bail Act 1976 for the purpose of securing the electronic monitoring of a person's compliance with a qualifying curfew condition;

"qualifying curfew condition" means a condition of bail which requires the person granted bail to remain at one or more specified places for a total of not less than 9 hours in any given day.

327 Period in custody awaiting extradition: declaration by court

(1) This section applies where a court imposes a fixed-term sentence on a person who—

(a) was tried for the offence in respect of which the sentence was imposed, or received the sentence—

(i) after having been extradited to the United Kingdom, and

(ii) without having first been restored or had an opportunity of leaving the United Kingdom, and

(b) was for any period kept in custody while awaiting extradition to the United Kingdom as mentioned in paragraph (a).

(2) In this section "fixed term sentence" means—

(a) a sentence of imprisonment for a determinate term,

(b) a determinate sentence of detention in a young offender institution, or

(c) a determinate sentence of detention under section 249 or 254.

(3) The court must specify in open court the number of days for which the prisoner was kept in custody while awaiting extradition.

Recommendations

328 Power of court to recommend licence conditions for adults sentenced to term of 12 months or more

(1) This section applies where a court sentences an offender to—

(a) a term of imprisonment, or

(b) a term of detention in a young offender institution,

of 12 months or more in respect of any offence.

(2) The court may, when passing sentence, recommend to the Secretary of State particular conditions which in its view should be included in any licence granted to the offender under Chapter 6 of Part 12 of the Criminal Justice Act 2003 on the offender's release from prison or detention.

(3) A recommendation under subsection (2) is not to be treated for any purpose as part of the sentence passed on the offender.

Conversion of sentence of detention or custody to sentence of imprisonment

329 Conversion of sentence of detention to sentence of imprisonment

(1) This section applies where an offender has been sentenced to a term of detention by a relevant custodial sentence and—

(a) has reached the age of 21, or

(b) has reached the age of 18 and has been reported to the Secretary of State by the independent monitoring board of the institution in which the offender is detained as—

(i) exercising a bad influence on the other inmates of the institution, or

(ii) behaving in a disruptive manner to the detriment of those inmates.

(2) The Secretary of State may direct that the offender is to be treated as if sentenced to imprisonment for the same term.

This is subject to the following provisions of this section.

Effect of direction

(3) Subsections (4) and (5) apply where the Secretary of State gives a direction under subsection (2) in relation to the offender.

(4) The portion of the term of detention imposed under the relevant sentence of detention which the offender has already served is to be deemed to have been a portion of a term of imprisonment.

(5) If the relevant custodial sentence is—

(a) an extended sentence of detention under section 254, or

(b) an extended sentence of detention in a young offender institution,

the offender is to be treated as if sentenced to an extended sentence of imprisonment under section 279.

(6) Rules under section 47 of the Prison Act 1952 may provide that any award for an offence against discipline made in respect of an offender serving a relevant sentence of detention is to continue to have effect after a direction under subsection (2) has been given in relation to the offender.

"Relevant custodial sentence"

(7) In this section "relevant custodial sentence" means any of the following—

(a) a sentence of detention under section 249 (including one imposed under section 258 (detention for life));
(b) an extended sentence of detention under section 254;
(c) a sentence of detention during Her Majesty's pleasure (see section 259);
(d) a sentence of detention in a young offender institution;
(e) an extended sentence of detention in a young offender institution (see section 266);
(f) a sentence of custody for life (see sections 272 and275).

FOURTH GROUP OF PARTS

FURTHER POWERS RELATING TO SENTENCING

PART 11

BEHAVIOUR ORDERS

CHAPTER 1

CRIMINAL BEHAVIOUR ORDERS

330 Criminal behaviour order

In this Code "criminal behaviour order" means an order which, for the purpose of preventing an offender from engaging in behaviour that is likely to cause harassment, alarm or distress to any person—

(a) prohibits the offender from doing anything described in the order;
(b) requires the offender to do anything described in the order.

331 Power to make criminal behaviour orders

(1) This section applies where—

(a) an offender is convicted of an offence, and
(b) the prosecution makes an application to the court for a criminal behaviour order to be made against the offender.

(2) The court may make a criminal behaviour order against the offender if it—

(a) is satisfied that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person, and
(b) considers that making the order will help in preventing the offender from engaging in such behaviour.

(3) But the court may make a criminal behaviour order only if it—

(a) does so in addition to dealing with the offender for the offence, and

(b) does not make an order for absolute discharge under section 79 in respect of the offence.

(4) Prohibitions and requirements in a criminal behaviour order must, so far as practicable, be such as to avoid—

(a) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment;

(b) any conflict with the requirements of any other court order to which the offender may be subject.

(5) The prosecution must find out the views of the local youth offending team before applying for a criminal behaviour order to be made if the offender will be under the age of 18 when the application is made.

(6) In this section "local youth offending team" means the youth offending team in whose area it appears to the prosecution that the offender resides.

332 Proceedings on an application for an order

(1) For the purpose of deciding whether to make a criminal behaviour order the court may consider evidence led by the prosecution and evidence led by the offender.

(2) It does not matter whether the evidence would have been admissible in the proceedings in which the offender was convicted.

(3) The court may adjourn any proceedings on an application for a criminal behaviour order even after sentencing the offender.

(4) If the offender does not appear for any adjourned proceedings the court may—

(a) further adjourn the proceedings,

(b) issue a warrant for the offender's arrest, or

(c) hear the proceedings in the offender's absence.

(5) The court may not act under paragraph (b) of subsection (4) unless it is satisfied that the offender has had adequate notice of the time and place of the adjourned proceedings.

(6) The court may not act under paragraph (c) of subsection (4) unless it is satisfied that the offender—

(a) has had adequate notice of the time and place of the adjourned proceedings, and

(b) has been informed that if the offender does not appear for those proceedings the court may hear the proceedings in the offender's absence.

(7) Subsection (8) applies in relation to proceedings in which a criminal behaviour order is made against an offender who is under the age of 18.

(8) In so far as the proceedings relate to the making of the order—

(a) section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children and young persons are concerned) does not apply in respect of the offender;

(b) section 39 of that Act (power to prohibit publication of certain matters) does so apply.

333 Requirements included in orders

(1) A criminal behaviour order that includes a requirement must specify the person who is to be responsible for supervising compliance with the requirement.

The person may be an individual or an organisation.

(2) Before including a requirement, the court must receive evidence about its suitability and enforceability from—

(a) the individual to be specified under subsection (1), if an individual is to be specified;

(b) an individual representing the organisation to be specified under subsection (1), if an organisation is to be specified.

(3) Before including two or more requirements, the court must consider their compatibility with each other.

(4) A person specified under subsection (1) must—

(a) make any necessary arrangements in connection with the requirements for which the person has responsibility (the "relevant requirements");

(b) promote the offender's compliance with the relevant requirements;

(c) if the person considers that the offender—

(i) has complied with all the relevant requirements, or

(ii) has failed to comply with a relevant requirement,

inform the prosecution and the appropriate chief officer of police.

(5) In subsection (4)(c) "the appropriate chief officer of police" means the chief officer of police for the police area in which it appears to the person specified under subsection (1) that the offender resides.

(6) An offender subject to a requirement in a criminal behaviour order must—

(a) keep in touch with the person specified under subsection (1) in relation to that requirement, in accordance with any instructions given by that person from time to time;

(b) notify the person of any change of address.

These obligations have effect as requirements of the order.

334 Duration of order etc

(1) A criminal behaviour order takes effect on the day it is made, subject to subsection (2).

(2) If on the day a criminal behaviour order ("the new order") is made the offender is subject to another criminal behaviour order ("the previous order"), the new order may be made so as to take effect on the day on which the previous order ceases to have effect.

(3) A criminal behaviour order must specify the period ("the order period") for which it has effect.

(4) In the case of a criminal behaviour order made before the offender has reached the age of 18, the order period must be a fixed period of—

(a) not less than 1 year, and

(b) not more than 3 years.

(5) In the case of a criminal behaviour order made after the offender has reached the age of 18, the order period must be—

(a) a fixed period of not less than 2 years, or

(b) an indefinite period (so that the order has effect until further order).

(6) A criminal behaviour order may specify periods for which particular prohibitions or requirements have effect.

335 Interim orders

(1) This section applies where a court adjourns the hearing of an application for a criminal behaviour order.

(2) The court may make a criminal behaviour order that lasts until the final hearing of the application or until further order ("an interim order") if the court thinks it just to do so.

(3) Section 331(1)(b), (3) and (5) and section 334(3) to (5) do not apply in relation to the making of an interim order.

(4) Subject to that, the court has the same powers whether or not the criminal behaviour order is an interim order.

336 Variation or discharge of orders

(1) A criminal behaviour order may be varied or discharged by the court which made it on the application of—

(a) the offender, or

(b) the prosecution.

(2) If an application by the offender under this section is dismissed, the offender may make no further application under this section without—

(a) the consent of the court which made the order, or

(b) the agreement of the prosecution.

(3) If an application by the prosecution under this section is dismissed, the prosecution may make no further application under this section without—

(a) the consent of the court which made the order, or

(b) the agreement of the offender.

(4) The power to vary an order includes power—

(a) to include an additional prohibition or requirement in the order, or

(b) to extend the period for which a prohibition or requirement has effect.

(5) Section 333 applies to additional requirements included under subsection (4) as it applies to requirements included in a new order.

(6) In the case of a criminal behaviour order made by a magistrates' court, the references in this section to the court which made the order include a reference to any magistrates' court acting in the same local justice area as that court.

337 Review of orders: offenders aged under 18

(1) If—

(a) an offender subject to a criminal behaviour order will be under the age of 18 at the end of a review period (see subsection (2)),

(b) the term of the order runs until the end of that period or beyond, and

(c) the order is not discharged before the end of that period,

a review of the operation of the order must be carried out before the end of that period.

(2) The "review periods" are—

(a) the period of 12 months beginning with—

(i) the day on which the criminal behaviour order takes effect, or

(ii) if during that period the order is varied under section 336, the day on which it is varied (or most recently varied, if the order is varied more than once);

(b) a period of 12 months beginning with—

(i) the day after the end of the previous review period, or

(ii) if during that period of 12 months the order is varied under section 336, the day on which it is varied (or most recently varied, if the order is varied more than once).

(3) A review under this section must include consideration of—

(a) the extent to which the offender has complied with the order;

(b) the adequacy of any support available to the offender to help the offender comply with it;

(c) any matters relevant to the question whether an application should be made for the order to be varied or discharged.

(4) Those carrying out or participating in a review under this section must have regard to any relevant guidance issued by the Secretary of State under section 341 when considering—

(a) how the review should be carried out;

(b) what particular matters the review should deal with;

(c) what action (if any) it would be appropriate to take as a result of the findings of the review.

338 Carrying out and participating in reviews

(1) A review under section 337 is to be carried out by the chief officer of police of the police force maintained for the police area in which the offender resides or appears to be residing.

(2) The chief officer, in carrying out a review under section 337, must act in co-operation with the council for the local government area in which the offender resides or appears to be residing; and the council must co-operate in the carrying out of the review.

(3) The chief officer may invite the participation in the review of any other person or body.

(4) In this section "local government area" means—

(a) in relation to England, a district or London borough, the City of London, the Isle of Wight and the Isles of Scilly;

(b) in relation to Wales, a county or a county borough.

For the purposes of this section, the council for the Inner and Middle Temples is the Common Council of the City of London.

339 Breach of order

(1) It is an offence for a person without reasonable excuse—
  (a) to do anything he or she is prohibited from doing by a criminal behaviour order, or
  (b) to fail to do anything he or she is required to do by a criminal behaviour order.

(2) A person guilty of an offence under this section is liable—
  (a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine, or both;
  (b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or a fine, or both.

(3) If a person is convicted of an offence under this section, an order for conditional discharge under section 80 is not available to the court by or before which the person is convicted.

(4) In proceedings for an offence under this section, a copy of the original criminal behaviour order, certified by the proper officer of the court which made it, is admissible as evidence of its having been made and of its contents to the same extent that oral evidence of those things is admissible in those proceedings.

(5) In relation to any proceedings for an offence under this section that are brought against a person under the age of 18—
  (a) section 49 of the Children and Young Persons Act 1933 (restrictions on reports of proceedings in which children and young persons are concerned) does not apply in respect of the person;
  (b) section 45 of the Youth Justice and Criminal Evidence Act 1999 (power to restrict reporting of criminal proceedings involving persons under 18) does so apply.

(6) If, in relation to any proceedings mentioned in subsection (5), the court does exercise its power to give a direction under section 45 of the Youth Justice and Criminal Evidence Act 1999, it must give its reasons for doing so.

340 Special measures for witnesses

(1) Chapter 1 of Part 2 of the Youth Justice and Criminal Evidence Act 1999 (special measures directions in the case of vulnerable and intimidated witnesses) applies to criminal behaviour order proceedings as it applies to criminal proceedings, but with—
  (a) the omission of the provisions of that Act mentioned in subsection (2) (which make provision appropriate only in the context of criminal proceedings), and
  (b) any other necessary modifications.

(2) The provisions are—
  (a) section 17(4) to (7);
  (b) section 21(4C)(e);
  (c) section 22A;
  (d) section 27(10);
  (e) section 32.

(3) Rules of court made under or for the purposes of Chapter 1 of Part 2 of that Act apply to criminal behaviour order proceedings—
  (a) to the extent provided by rules of court, and
  (b) subject to any modifications provided by rules of court.

(4) Section 47 of that Act (restrictions on reporting special measures directions etc) applies with any necessary modifications—
  (a) to a direction under section 19 of that Act as applied by this section;
  (b) to a direction discharging or varying such a direction.

Sections 49 and 51 of that Act (offences) apply accordingly.

(5) In this section "criminal behaviour order proceedings" means proceedings in a magistrates' court or the Crown Court so far as relating to the issue whether to make a criminal behaviour order.

341 Guidance

(1) The Secretary of State may issue guidance to—
  (a) chief officers of police, and
  (b) the councils mentioned in section 338(2),

about the exercise of their functions under this Chapter.

(2) The Secretary of State may revise any guidance issued under this section.

(3) The Secretary of State must arrange for any guidance issued or revised under this section to be published.

342 Offender aged under 18: parenting order where criminal behaviour order made

See section 8(1)(b) of the Crime and Disorder Act 1998 for requirements and powers of a court to make a parenting order under that Act in a case where it makes a criminal behaviour order against an offender aged under 18.

CHAPTER 2

SEXUAL HARM PREVENTION ORDERS

343 Sexual harm prevention order

(1) In this Code "sexual harm prevention order" means an order under this Chapter made in respect of an offender which prohibits the offender from doing anything described in the order.

(2) The only prohibitions that may be included in a sexual harm prevention order are those necessary for the purpose of—
  (a) protecting the public or any particular members of the public from sexual harm from the offender, or
  (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

344 Meaning of "sexual harm"

(1) In this Chapter, "sexual harm" from a person means physical or psychological harm caused—

(a) by the person committing one or more offences listed in Schedule 3 to the Sexual Offences Act 2003 (sexual offences for the purposes of Part 2 of that Act), or

(b) (in the context of harm outside the United Kingdom) by the person doing, outside the United Kingdom, anything which would constitute an offence listed in that Schedule if done in any part of the United Kingdom.

(2) Where an offence listed in that Schedule is listed subject to a condition that relates—

(a) to the way in which the offender is dealt with in respect of an offence so listed, or

(b) to the age of any person,

that condition is to be disregarded in determining for the purposes of subsection (1) whether the offence is listed in that Schedule.

345 Sexual harm prevention order: availability on conviction

(1) Where an offender is convicted of an offence listed in Schedule 3 or 5 to the Sexual Offences Act 2003 (sexual offences, and other offences, for the purposes of Part 2 of that Act), the court dealing with the offender in respect of the offence may make a sexual harm prevention order.

(2) Where an offence listed in Schedule 3 to that Act is listed subject to a condition that relates—

(a) to the way in which the offender is dealt with in respect of an offence so listed, or

(b) to the age of any person,

that condition is to be disregarded in determining for the purposes of subsection (1) whether the offence is listed in that Schedule.

346 Exercise of power to make sexual harm prevention order

Where a sexual harm prevention order is available to a court, the court may make such an order only if satisfied that it is necessary to do so for the purpose of—

(a) protecting the public or any particular members of the public from sexual harm from the offender, or

(b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

347 Sexual harm prevention orders: matters to be specified

(1) A sexual harm prevention order must specify—

(a) the prohibitions included in the order, and

(b) for each prohibition, the period for which it is to have effect (the "prohibition period").

See section 348 for further matters to be included in the case of a prohibition on travelling to any country outside the United Kingdom.

(2) The prohibition period must be—

(a) a fixed period of not less than 5 years, or

(b) an indefinite period (so that the prohibition has effect until further order).

This is subject to section 348(1) (prohibition on foreign travel).

(3) A sexual harm prevention order—

(a) may specify fixed periods for some of its prohibitions and an indefinite period for others;

(b) may specify different periods for different prohibitions.

348 Sexual harm prevention orders: prohibitions on foreign travel

(1) A prohibition on foreign travel contained in a sexual harm prevention order must be for a fixed period of not more than 5 years.

(2) Subsection (1) does not prevent a prohibition on foreign travel from being extended for a further period (of no more than 5 years each time) under section 350.

(3) A "prohibition on foreign travel" means—

(a) a prohibition on travelling to any country outside the United Kingdom named or described in the order,

(b) a prohibition on travelling to any country outside the United Kingdom other than a country named or described in the order, or

(c) a prohibition on travelling to any country outside the United Kingdom.

(4) A sexual harm prevention order that contains a prohibition within subsection (3)(c)—

(a) must require the offender to surrender all of the offender's passports at a police station, and

(b) must specify—

(i) the police station at which the passports are to be surrendered, and

(ii) the period within which they must be surrendered (if not surrendered on or before the date when the prohibition takes effect).

(5) Any passports surrendered must be returned as soon as reasonably practicable after the offender ceases to be subject to a sexual harm prevention order containing a prohibition within subsection (3)(c) (unless the offender is subject to an equivalent prohibition under another order).

(6) Subsection (5) does not apply in relation to—

(a) a passport issued by or on behalf of the authorities of a country outside the United Kingdom if the passport has been returned to those authorities;

(b) a passport issued by or on behalf of an international organisation if the passport has been returned to that organisation.

(7) In this section "passport" means—

(a) a United Kingdom passport within the meaning of the Immigration Act 1971;
(b) a passport issued by or on behalf of the authorities of a country outside the United Kingdom, or by or on behalf of an international organisation;
(c) a document that can be used (in some or all circumstances) instead of a passport.

349 Making of sexual harm prevention order: effect on other orders

(1) Where a court makes a sexual harm prevention order in relation to an offender who is already subject to—
(a) a sexual harm prevention order, or
(b) an order under section 103A of the Sexual Offences Act 2003 (sexual harm prevention orders under that Act),
the earlier order ceases to have effect.

(2) Where a court makes a sexual harm prevention order in relation to an offender who is already subject to—
(a) a sexual offences prevention order under section 104 of the Sexual Offences Act 2003, or
(b) a foreign travel order under section 114 of that Act,
the earlier order ceases to have effect (whichever part of the United Kingdom it was made in) unless the court orders otherwise.

350 Sexual harm prevention orders: variations, renewals and discharges

(1) Where a sexual harm prevention order has been made in respect of an offender, a person within subsection (2) may apply to the appropriate court for an order varying, renewing or discharging the sexual harm prevention order.

(2) The persons are—
(a) the offender;
(b) the chief officer of police for the area in which the offender resides;
(c) a chief officer of police who believes that the offender is in, or is intending to come to, that officer's police area.

(3) An application under subsection (1) may be made—
(a) where the appropriate court is the Crown Court, in accordance with rules of court;
(b) in any other case, by complaint.

(4) Subsection (5) applies where an application under subsection (1) is made.

(5) After hearing—
(a) the person making the application, and
(b) if they wish to be heard, the other persons mentioned in subsection (2),
the court may make any order, varying, renewing or discharging the sexual harm prevention order, that it considers appropriate.
This is subject to subsections (6) and (7).

(6) An order may be renewed, or varied so as to impose additional prohibitions on the offender, only if it is necessary to do so for the purpose of—

(a) protecting the public or any particular members of the public from sexual harm from the offender, or

(b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

Any renewed or varied order may contain only such prohibitions as are necessary for this purpose.

(7) The court must not discharge an order before the end of the period of 5 years beginning with the day on which the order was made, without the consent of the offender and—

(a) where the application is made by a chief officer of police, that chief officer, or

(b) in any other case, the chief officer of police for the area in which the offender resides.

(8) Subsection (7) does not apply to an order containing a prohibition on foreign travel and no other prohibitions.

(9) In this section "the appropriate court" means—

(a) where the Crown Court or the Court of Appeal made the sexual harm prevention order, the Crown Court;

(b) where a magistrates' court made the order and the offender is aged 18 or over—

(i) the court which made the order, if it is an adult magistrates' court,

(ii) a magistrates' court acting in the local justice area in which the offender resides, or

(iii) if the application is made by a chief officer of police, any magistrates' court acting for a local justice area that includes any part of the chief officer's police area;

(c) where a youth court made the order and the offender is aged under 18—

(i) that court,

(ii) a youth court acting in the local justice area in which the offender resides, or

(iii) if the application is made by a chief officer of police, any youth court acting for a local justice area that includes any part of the chief officer's police area.

In this subsection "adult magistrates' court" means a magistrates' court that is not a youth court.

351 Variation of sexual harm prevention order by court in Northern Ireland

(1) This section applies where a sexual harm prevention order has been made in respect of an offender who—

(a) is residing in Northern Ireland, or

(b) is in or intends to come to Northern Ireland.

(2) An application may be made to the appropriate court in Northern Ireland—

(a) by the offender, or

(b) by the Chief Constable of the Police Service of Northern Ireland,

for an order varying the sexual harm prevention order.

(3) An application under subsection (2) may be made—
  (a) where the appropriate court is the Crown Court, in accordance with rules of court;
  (b) in any other case, by complaint.

(4) Subsection (5) applies where an application under subsection (2) is made.

(5) After hearing—
  (a) the person making the application, and
  (b) the other person mentioned in subsection (2) (if that person wishes to be heard),

the court may make any order varying the sexual harm prevention order that the it considers appropriate.

This is subject to subsections (6) and (7).

(6) An order may be varied so as to impose additional prohibitions on the offender only if it is necessary to do so for the purpose of—
  (a) protecting the public in Northern Ireland, or any particular members of the public in Northern Ireland, from sexual harm from the offender, or
  (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

(7) An order as varied under this section may contain only such prohibitions as are necessary for the purpose of—
  (a) protecting the public or any particular members of the public from sexual harm from the offender, or
  (b) protecting children or vulnerable adults generally, or any particular children or vulnerable adults, from sexual harm from the offender outside the United Kingdom.

(8) The offender may appeal against the making of an order under this section, or the refusal to make such an order—
  (a) where the application for such an order was made to the Crown Court, to the Court of Appeal in Northern Ireland;
  (b) in any other case, to a county court in Northern Ireland.

(9) On an appeal under subsection (8)(b), the county court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.

(10) In this section, "the appropriate court" means—
  (a) where the sexual harm prevention order was made by—
    (i) the Crown Court, otherwise than on appeal from a magistrates' court, or
    (ii) the Court of Appeal,

  the Crown Court (in Northern Ireland);
  (b) where—
    (i) the sexual harm prevention order was made by a magistrates' court, or by the Crown Court on appeal from a magistrates' court, and
    (ii) the offender is aged 18 or over,

  any court of summary jurisdiction in Northern Ireland;
  (c) where—

(i) the offender is aged under 18, and
(ii) paragraph (a) does not apply,

any youth court in Northern Ireland.

352 Sexual harm prevention orders: notification requirements

(1) Where—

(a) a sexual harm prevention order is made in respect of an offender who was subject to the notification requirements immediately before the making of the order, and

(b) the offender would (apart from this subsection) cease to be subject to the notification requirements while the order (as renewed from time to time) has effect,

the offender remains subject to the notification requirements.

(2) Where a sexual harm prevention order is made in respect of an offender who was not subject to the notification requirements immediately before the making of the order—

(a) the order causes the offender to become subject to the notification requirements from the making of the order until the order (as renewed from time to time) ceases to have effect, and

(b) Part 2 of the Sexual Offences Act 2003 (notification and orders) applies to the offender, subject to the modification set out in subsection (3).

(3) References in that Part of that Act to the "relevant date" are references to the date of service of the sexual harm prevention order.

(4) In this section, "the notification requirements" means the notification requirements of Part 2 of the Sexual Offences Act 2003.

353 Sexual harm prevention orders: appeals

(1) An offender may appeal against the making of a sexual harm prevention order as if the order were a sentence passed on the offender for the offence.

(2) An offender may appeal against the making of an order under section 350, or the refusal to make such an order—

(a) where the application for such an order was made to the Crown Court, to the Court of Appeal;

(b) in any other case, to the Crown Court.

(3) On an appeal under subsection (2)(b), the Crown Court may make such orders as may be necessary to give effect to its determination of the appeal, and may also make such incidental or consequential orders as appear to it to be just.

354 Offence: breach of sexual harm prevention order

(1) A person who, without reasonable excuse, does anything that the person is prohibited from doing by a sexual harm prevention order, commits an offence.

(2) For this purpose, prohibitions imposed by a sexual harm prevention order apply (unless expressly confined to particular localities) throughout the United Kingdom.

(3) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed under section 348(4) (requirement to surrender passports).

(4) A person guilty of an offence under this section is liable—

(a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine, or both;

(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or a fine, or both.

(5) An order for conditional discharge is not available in respect of an offence under this section.

355 Parenting order where sexual harm prevention order made in case of offender aged under 18

See section 8(1)(b) of the Crime and Disorder Act 1998 for requirements and powers of a court to make a parenting order under that Act in a case where it makes a sexual harm prevention order in respect of an offender aged under 18.

356 Sexual harm prevention orders: supplementary

(1) The Secretary of State must issue guidance to chief officers of police in relation to the exercise by them of their powers with regard to sexual harm prevention orders under this Code.

(2) The Secretary of State may revise the guidance issued under subsection (1).

(3) The Secretary of State must arrange for any guidance issued or revised under subsection (1) or (2) to be published in such manner as the Secretary of State considers appropriate.

(4) Rules of court may, in relation to a person who reaches the age of 18 after proceedings against that person by virtue of section 350, have begun—

(a) prescribe circumstances in which the proceedings may or must remain in the youth court;

(b) make provision for the transfer of the proceedings from the youth court to a magistrates' court that is not a youth court.

357 Disapplication of time limit for complaints

Section 127 of the Magistrates' Courts Act 1980 (time limits) does not apply to a complaint under any provision of this Chapter.

358 Sexual harm prevention orders: interpretation

In this Chapter—

"child" means a person under 18;

"the public" means the public in the United Kingdom;

"sexual harm" has the meaning given by section 344;

"vulnerable adult" means a person aged 18 or over whose ability to protect himself or herself from physical or psychological harm is significantly impaired through physical or mental disability or illness, through old age or otherwise.

CHAPTER 3

PROTECTION FROM HARASSMENT

359 Restraining order

(1) In this Code "restraining order" means an order made under section 360 or 361 against a person which prohibits the person from doing anything described in the order.

(2) A restraining order may have effect—
(a) for a period specified in the order, or
(b) until further order.

360 Restraining order: availability on conviction

(1) This section applies where a court is dealing with an offender for an offence.

(2) The court may make a restraining order under this section against the offender for the purpose of protecting the victim or victims of the offence, or any other person mentioned in the order, from conduct which—
(a) amounts to harassment, or
(b) will cause a fear of violence.

(3) But the court may make a restraining order under this section only if it does so in addition to dealing with the offender for the offence.

361 Restraining order on acquittal

(1) This section applies where a person ("the defendant") is acquitted of an offence by or before a court.

(2) The court may, if it considers it necessary to do so to protect a person from harassment by the defendant, make a restraining order under this section against the defendant.

(3) Where the Court of Appeal allow an appeal against conviction they may remit the case to the Crown Court to consider whether to proceed under this section.

(4) Where—
(a) the Crown Court allows an appeal against conviction, or
(b) a case is remitted to the Crown Court under subsection (3),
the reference in subsection (1) to a court before which a person is acquitted of an offence is to be read as referring to that court.

(5) A person against whom a restraining order is made under this section has the same right of appeal against the order as if—
(a) the person had been convicted of the offence in question before the court which made the order, and
(b) the order had been made under section 360.

362 Procedure for varying or discharging restraining order

(1) Where a person is subject to a restraining order—
(a) that person,

(b) the prosecution, or
(c) any other person mentioned in the order,

may apply to the court which made the order for it to be varied or discharged by a further order.

(2) Any person mentioned in the order is entitled to be heard on the hearing of an application under subsection (1).

363 Evidence in proceedings relating to restraining orders

(1) This section applies to proceedings—
(a) under section 360 or 361 for the making of a restraining order, or
(b) under section 362 or 364(6) for the variation or discharge of a restraining order.

(2) In any such proceedings, both the prosecution and the defence may lead, as further evidence, any evidence that would be admissible in proceedings for an injunction under section 3 of the Protection from Harassment Act 1997 (civil remedy).

364 Offence of breaching restraining order

(1) It is an offence for a person who is subject to a restraining order without reasonable excuse to do anything prohibited by the restraining order.

(2) A person guilty of an offence under this section is liable—
(a) on summary conviction, to imprisonment for a term not exceeding 6 months, or a fine, or both;
(b) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or a fine, or both.

(3) Subsection (1) does not apply to conduct of a person on a particular occasion if the Secretary of State certifies that, in the opinion of the Secretary of State, anything done by that person on that occasion related to—
(a) national security,
(b) the economic well-being of the United Kingdom, or
(c) the prevention or detection of serious crime,

and was done on behalf of the Crown.

(4) A certificate under subsection (3) is conclusive evidence that subsection (1) does not apply to conduct of that person on that occasion.

(5) A document purporting to be a certificate under subsection (3) is to be received in evidence and, unless the contrary is proved, to be treated as being such a certificate.

(6) A court dealing with a person for an offence under this section may vary or discharge the restraining order by a further order.

365 Restraining orders: meaning of "conduct" and "harassment"

For the purposes of this Chapter—
"conduct" includes speech;
"harassment", in relation to a person, includes—
(a) alarming the person, or

(b) causing the person distress.

CHAPTER 4

PARENTING ORDERS

What a parenting order is

366 Parenting order

(1) A parenting order under this Chapter is an order which requires the person in respect of whom it is made ("the parent")—

(a) to comply, for a period not exceeding 12 months, with requirements specified in the order, and

(b) to attend, for a concurrent period not exceeding 3 months, such counselling or guidance programme as may be specified in directions given by the responsible officer (see section 373).

(2) But a parenting order need not include a requirement under subsection (1)(b) if a parenting order (whether under this Chapter or any other enactment) has been made in respect of the parent on any previous occasion.

(3) If the parenting order so provides in accordance with a provision of this Chapter, a counselling or guidance programme specified under (1)(b) may be or include a residential course.

Parenting order for parent or guardian of offender aged under 18

367 Parenting order where offender is under 18

(1) A parenting order under this section is available to a court by or before which an offender aged under 18 is convicted of an offence.
This is subject to section 372.

(2) Subsections (3) and (4) apply where a parenting order under this section is available.

(3) If the offender is aged under 16 at the time of conviction, the court must—

(a) make a parenting order under this section in respect of a parent or guardian of the offender if it is satisfied that the order would be desirable in the interests of preventing the commission of any further offence by the offender, or

(b) state in open court that it is not so satisfied, and why not.

But this does not apply if the court makes a referral order in respect of the offender.

(4) If the offender is aged 16 or 17 at the time of conviction, the court may make a parenting order under this section in respect of a parent or guardian of the offender if it is satisfied that the order would be desirable in the interests of preventing the commission of any further offence by the offender.

(5) Subsections (6) and (7) apply where a court makes a parenting order under this section in respect of a parent or guardian of an offender.

(6) The requirements that the court may specify in the order under section 366(1)(a) are requirements that it considers desirable in the interests of preventing the commission of any further offence by the offender.

(7) If the order contains a requirement under section 366(1)(b) and the court is satisfied that—

(a) the attendance of the parent or guardian at a residential course is likely to be more effective than that person's attendance at a non-residential course in preventing the commission of any further offence by the offender, and

(b) any interference with family life which is likely to result from the parent's or guardian's attendance at a residential course is proportionate in all the circumstances,

the court may provide in the order that a counselling or guidance programme which the parent or guardian is required to attend by virtue of the requirement may be or include a residential course.

(8) Before making a parenting order under this section in respect of a parent or guardian of an offender aged under 16, the court must obtain and consider information about—

(a) the offender's family circumstances, and

(b) the likely effect of the order on those circumstances.

(9) Where a court exercises the following powers in respect of the same parent or guardian of an offender, it may do so by way of a single parenting order—

(a) the power in this section to make a parenting order in respect of a parent or guardian of an offender in respect of an offence;

(b) the power in section 8(1)(b) of the Crime and Disorder Act 1998 to make a parenting order in respect of a parent or guardian of an offender by virtue of a criminal behaviour order or sexual harm prevention order made in respect of the offender.

(10) Where a parenting order is made under this section, the person in respect of whom it is made has the same right of appeal against it as if—

(a) that person had committed the offence mentioned in subsection (1), and

(b) the order were a sentence passed on that person for the offence.

368 Report where court proposes both parenting order and referral order

(1) This section applies if a court proposes to make both—

(a) a referral order in respect of an offender, and

(b) a parenting order under section 367 (parenting order on conviction of a person aged under 18) in respect of a parent or guardian of the offender.

(2) Before making the parenting order the court must obtain and consider a report by an appropriate officer—

(a) indicating the requirements which that officer proposes should be included in the parenting order;

(b) indicating the reasons why the officer considers that those requirements would be desirable in the interests of preventing the commission of any further offence by the offender;

(c) if the offender is aged under 16, containing the information required by section 367(8).

(3) In subsection (2) "an appropriate officer" means—
(a) an officer of a provider of probation services,
(b) a social worker of a local authority, or
(c) a member of a youth offending team.

369 Parenting order where parent or guardian of offender fails to attend meetings of youth offender panel

(1) A parenting order under this section is available to a youth court where—
(a) an offender has been referred to a youth offender panel (see section 83), and
(b) a parent or guardian of the offender is referred by the panel to the youth court under section 93 in respect of a failure to comply with an order under section 90 (order requiring attendance at meetings of panel).
This is subject to section 372.

(2) Where a parenting order under this section is available, the youth court may make such an order if it is satisfied that—
(a) the parent or guardian has failed without reasonable excuse to comply with the order under section 90, and
(b) the parenting order would be desirable in the interests of preventing the commission of any further offence by the offender.

(3) Subsections (4) and (5) apply where the court makes a parenting order in respect of a parent or guardian of an offender.

(4) The requirements that the court may specify under section 366(1)(a) in an order under this section are requirements that it considers desirable in the interests of preventing the commission of any further offence by the offender.

(5) If the order contains a requirement under section 366(1)(b) and the court is satisfied that—
(a) the attendance of the parent or guardian at a residential course is likely to be more effective than that person's attendance at a non-residential course in preventing the commission of any further offence by the offender, and
(b) any interference with family life which is likely to result from the parent's or guardian's attendance at a residential course is proportionate in all the circumstances,
the court may provide in the order that a counselling or guidance programme which the parent or guardian is required to attend by virtue of the requirement may be or include a residential course.

(6) Before making a parenting order under this section where the offender is aged under 16, the court must obtain and consider information about—
(a) the offender's family circumstances, and
(b) the likely effect of the order on those circumstances.

(7) Where a parenting order is made under this section, the person in respect of whom it is made may appeal against it to the Crown Court.

(8) On an appeal under subsection (7) the Crown Court—

(a) may make such orders as may be necessary to give effect to its determination of the appeal, and

(b) may also make such incidental or consequential orders as appear to it to be just.

(9) An order of the Crown Court made on an appeal under subsection (7) is to be treated for the purposes of section 375 as having been made by the youth court.

370 Parenting order for parent or guardian of offender under 18: further provision

(1) See section 8(1)(b) of the Crime and Disorder Act 1998 for the power of a court to make a parenting order in respect of a parent or guardian of an offender in respect of whom a criminal behaviour order or sexual harm prevention order is made.

(2) Where a court exercises the following powers in respect of the same parent or guardian and the same offender, it may do so by way of a single parenting order—

(a) the power in section 367 to make a parenting order in respect of a parent or guardian of an offender in respect of an offence;

(b) the power in section 8(1)(b) of the Crime and Disorder Act 1998 to make a parenting order in respect of a parent or guardian of an offender by virtue of a criminal behaviour order or sexual harm prevention order made in respect of the offender.

(3) Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply to this Chapter.

Parenting order in case of certain offences related to school attendance

371 Parenting order in respect of certain offences under Education Act 1996

(1) A parenting order under this section is available to the court by or before which an offender is convicted of an offence under—

(a) section 443 of the Education Act 1996 (failure to comply with school attendance order), or

(b) section 444 of that Act (failure to secure regular attendance at school of registered pupil).

This is subject to section 372.

(2) Where a parenting order under this section is available, the court may make such an order in respect of the offender if satisfied that the order would be desirable in the interests of preventing the commission of any further offence under section 443 or 444 of the Education Act 1996.

(3) Subsections (4) and (5) apply where a court makes a parenting order under this section in respect of a parent or guardian of an offender.

(4) The requirements that the court may specify under section 366(1)(a) are requirements that it considers desirable in the interests of preventing the commission of any further offence under section 443 or 444 of the Education Act 1996.

(5) If the order contains a requirement under section 366(1)(b) and the court is satisfied that—

(a) the attendance of that offender at a residential course is likely to be more effective than the offender's attendance at a non-residential course in preventing the commission of any further offence under section 443 or 444 of the Education Act 1996, and

(b) any interference with family life which is likely to result from that person's attendance at a residential course is proportionate in all the circumstances,

the court may provide in the order that a counselling or guidance programme which the parent or guardian is required to attend by virtue of the requirement may be or include a residential course.

(6) Before making a parenting order under this section in a case where the offence related to a person aged under 16, the court must obtain and consider information about—

(a) that person's family circumstances, and

(b) the likely effect of the order on those circumstances.

Provisions applying generally to parenting orders under Code

372 Parenting order: availability

A court may not make a parenting order under this Chapter in respect of a person unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area in which it appears to the court that the person resides or will reside (and the notice has not been withdrawn).

373 Making a parenting order

(1) This section applies where a court makes a parenting order under this Chapter in respect of a person ("the parent").

(2) Requirements specified in a parenting order under this Chapter must, as far as practicable, be such as to avoid—

(a) any conflict with the parent's religious beliefs, and

(b) any interference with the times, if any, at which the parent normally works or attends an educational establishment.

(3) Before making a parenting order, a court must explain to the parent in ordinary language—

(a) the effect of the order and of the requirements proposed to be included in it;

(b) the consequences which may follow (under section 376) if the parent fails to comply with those requirements, and

(c) that the court has power (under section 375) to review the order on the application either of the parent or of the responsible officer.

(4) The parenting order must specify the responsible officer.

(5) The responsible officer must be—

(a) an officer of a provider of probation services acting in the local justice area in which it appears to the court that the parent resides or will reside,

(b) a social worker of the local authority in whose area it appears to the court that the parent resides or will reside,

(c) a person nominated by—

(i) a person appointed as director of children's services under section 18 of the Children Act 2004, or

(ii) a person appointed as chief education officer under section 532 of the Education Act 1996, or

(d) a member of a youth offending team established by the local authority in whose area it appears to the court that the parent resides or will reside.

(6) For the purposes of this Chapter the Inner Temple and the Middle Temple form part of the City of London.

374 The responsible officer

Directions given by a responsible officer under a parenting order under this Code must, as far as practicable, be such as to avoid—

(a) any conflict with the parent's religious beliefs, and

(b) any interference with the times, if any, at which the parent normally works or attends an educational establishment.

For this purpose "parent" means the person in respect of whom the parenting order is made.

375 Discharge and variation of parenting order

(1) This section applies where—

(a) a parenting order made under this Code is in force, and

(b) an application is made under this section by—

(i) the responsible officer, or

(ii) the person in respect of whom it is made

to the court which made the order.

(2) The court may make an order—

(a) discharging the parenting order, or

(b) varying the parenting order—

(i) by cancelling any provision included in it, or

(ii) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that it could include, if it were now making the order.

(3) Where an application under this section for the discharge of a parenting order is dismissed, no-one may make a further application under this section for its discharge except with the consent of the court which made the order.

376 Offence of failure to comply with a requirement of a parenting order

(1) It is an offence for a person in respect of whom a parenting order made under this Chapter is in force to fail to comply with any requirement—

(a) included in the order, or

(b) specified in directions given by the responsible officer.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

CHAPTER 5

BINDING OVER

377 Binding over of parent or guardian

(1) This section applies where—
  (a) a person aged under 18 is convicted of an offence, and
  (b) a court is sentencing the offender for the offence.

(2) The court has the following powers—
  (a) the court may, with the consent of the offender's parent or guardian, order the parent or guardian to enter into a recognizance to take proper care of the offender and exercise proper control over the offender, and
  (b) if—
    (i) the parent or guardian refuses consent, and
    (ii) the court considers the refusal unreasonable,
  the court may order the parent or guardian to pay a fine not exceeding £1,000.

(3) For the purposes of this section—
  (a) taking "care" of a person includes giving the person protection and guidance, and
  (b) "control" includes discipline.

(4) If the offender is aged under 16 when sentenced, the court must—
  (a) exercise its powers under subsection (2), if satisfied, having regard to the circumstances of the case, that doing so would be desirable in the interests of preventing the offender from committing further offences, or
  (b) state in open court that it is not so satisfied, and why not.

(5) Subsections (2) and (4) are subject to—
  (a) section 89(4)(a) and (4)(b), and
  (b) paragraph 16(2) of Schedule 4,
  (restrictions on the powers of a court making or extending a referral order).

(6) If the court makes a youth rehabilitation order, a recognizance under this section may include a provision that the offender's parent or guardian ensure that the offender complies with the requirements of that order.

(7) The period of a recognizance under this section—
  (a) may not be more 3 years, and
  (b) must end before the offender reaches the age of 18.

(8) A recognizance under this section may not be for an amount of more than £1,000.

(9) In fixing the amount of a recognizance under this section, the court must take into account, in particular, the means of the parent or guardian so far as they

appear or are known to the court (whether doing so has the effect of increasing or reducing the amount).

(10) Section 120 of the Magistrates' Courts Act 1980 (forfeiture of recognizances) applies in relation to a recognizance under this section as it applies in relation to a recognizance to keep the peace.

(11) A fine imposed under subsection (2)(b) is deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.

(12) Section 404 (certain references to parent or guardian to be read as references to local authority) does not apply to this section.

378 Binding over of parent or guardian: appeals, variations and revocations

(1) A parent or guardian may appeal to the Crown Court against an order under section 377 made by a magistrates' court.

(2) A parent or guardian may appeal to the Court of Appeal against an order under section 377 made by the Crown Court as if—

(a) the parent or guardian had been convicted on indictment, and

(b) the order were a sentence passed on the conviction of the parent or guardian.

(3) A court may vary or discharge an order made by it under section 377 if, on the application of the parent or guardian, it appears to the court, having regard to any change in the circumstances since the order was made, to be in the interests of justice to do so.

379 Other powers of the court to bind over to keep the peace

(1) For powers to bind over to keep the peace exercisable on conviction see, in particular—

(a) section 1 of the Justices of the Peace Act 1361;

(b) section 1(7) of the Justices of the Peace Act 1968.

(2) This section does not affect the exercise of those powers in other circumstances, or of other powers to bind over.

CHAPTER 6

OTHER ORDERS

380 Other behaviour orders etc

(1) For further orders available to a court dealing with an offender for particular offences in particular circumstances, see the following—

Provision	*Type of order*	*Type of offence*
Criminal Justice and Police Act 2001		

section 33	travel restriction order	sentence of imprisonment for certain drug-trafficking offences

Licensed Premises (Exclusion of Certain Persons) Act 1980

section 1	exclusion order	certain offences committed on licensed premises

Football Spectators Act 1989

section 14A(3)	banning order under Part 2	relevant offence within the meaning of that Part

Serious Crime Act 2007

section 19	serious crime prevention order	serious offence in England and Wales

Modern Slavery Act 2015

section 14	slavery and trafficking prevention order	slavery or human trafficking offence (see Schedule 1)

Psychoactive Substances Act 2016

section 19	prohibition order	offence under section 4 to 8 of that Act and related offences.

(2) Part 2 of the Sexual Offences Act 2003 makes provision about notification requirements in the case of a person convicted of an offence listed in Schedule 3 to that Act (sexual offences for the purposes of that Part of that Act).

FIFTH GROUP OF PARTS

MISCELLANEOUS AND SUPPLEMENTARY PROVISION

PART 12

MISCELLANEOUS PROVISION ABOUT SENTENCING

CHAPTER 1

COSTS, FINES AND OTHER FINANCIAL ORDERS WHERE OFFENDER AGED UNDER 18

381 Order for parent or guardian to pay fine, costs, compensation or surcharge

(1) Where any enactment provides that this section applies to an amount which, but for that enactment, the court would order the offender to pay, the court—

(a) must, or

(b) if the offender is aged 16 or over, may,

order that the amount is to be paid by the parent or guardian instead of by the offender himself or herself.

(2) Subsection (1) does not apply if the court is satisfied that—
  (a) the parent or guardian cannot be found, or
  (b) that it would be unreasonable to make an order for payment, having regard to the circumstances of the case.

(3) No order may be made under subsection (1) without giving the parent or guardian an opportunity of being heard.

(4) But an order under subsection (1) may be made against a parent or guardian who, having been required to attend, has failed to do so.

(5) A parent or guardian may appeal to the Crown Court against an order under subsection (1) made by a magistrates' court.

(6) A parent or guardian may appeal to the Court of Appeal against an order under subsection (1) made by the Crown Court, as if the parent or guardian had been convicted on indictment and the order were a sentence passed on the parent's or guardian's conviction.

382 Costs awarded against offender under 18: payment by parent or guardian

Where—
  (a) but for this section, a court would impose costs in respect of an offence on an offender, and
  (b) the offender was aged under 18 when convicted of the offence,

section 381 applies to the amount of the costs awarded.

383 Power to determine financial circumstances of offender's parent or guardian

(1) For the purposes of any order under section 381, where—
  (a) the parent or guardian of an offender aged under 18—
    (i) has failed to comply with a financial circumstances order imposed by virtue of section 35(4), or
    (ii) has otherwise failed to co-operate with the court in its inquiring into the parent's or guardian's financial circumstances, and
  (b) the court considers that it has insufficient information to make a proper determination of the parent's or guardian's financial circumstances,

the court may make such determination as it thinks fit.

(2) Subsections (3) to (5) apply where a court has—
  (a) made an order under section 381 in respect of a parent or guardian of an offender to pay the amount of a fine, and
  (b) in fixing the amount of the fine, determined the financial circumstances of the parent or guardian under subsection (1).

(3) If on subsequently inquiring into the financial circumstances of the parent or guardian the court is satisfied that, had it had the results of that inquiry when sentencing the offender, it—
  (a) would have fixed a smaller amount, or
  (b) would not have fined the offender,

it may remit the whole or part of the fine.

(4) Where under subsection (3) the court remits the whole or part of the fine after a term of—

(a) imprisonment, or
(b) detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,

has been fixed under section 82(5) of the Magistrates' Courts Act 1980 (magistrates' powers in relation to default) in respect of the amount ordered to be paid under section 381, the court must reduce the term by the corresponding proportion.

(5) In calculating any reduction required by subsection (4), any fraction of a day is to be ignored.

CHAPTER 2

COMMENCEMENT AND ALTERATION OF SENTENCE

384 Commencement of sentence

(1) A sentence imposed by a court when dealing with an offender takes effect from the beginning of the day on which it is imposed, unless the court otherwise directs.

(2) The power to give a direction under subsection (1) is subject to section 225 (restriction on consecutive sentences for released prisoners).

(3) This section is subject to—
(a) section 198 (when a youth rehabilitation order is in force);
(b) sections 237, 253, 257 and 270 (interaction of detention and training order with other sentences);
(c) section 334 (duration of criminal behaviour order);
(d) section 385(5) (alteration of Crown Court sentence);
(e) section 142(5) of the Magistrates' Courts Act 1980 (power of magistrates' court to re-open cases to rectify mistakes etc).

(4) In this section—
"sentence" (see section 401)—
(a) includes a recommendation for deportation made when dealing with an offender;
(b) does not include an order relating to a requirement to make a payment under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid: payment for services and enforcement), and
"imposed" includes made.

385 Alteration of Crown Court sentence

(1) Subsection (2) applies where the Crown Court has imposed a sentence when dealing with an offender.

(2) The Crown Court may vary or rescind the sentence at any time within the period of 56 days beginning with the day on which the sentence was imposed. This subsection is subject to subsections (3) and (4).

(3) Subsection (2) does not apply where an appeal, or an application for leave to appeal, against that sentence has been determined.

(4) The power in subsection (2) may be exercised only by—
  (a) the court constituted as it was when the sentence was imposed, or
  (b) where that court comprised one or more justices of the peace, a court so constituted except for the omission of any one or more of those justices.

(5) Where a sentence is varied under this section, the sentence, as so varied, is to take effect from the beginning of the day on which it was originally imposed, unless the court otherwise directs.
This is subject to subsection (6).

(6) For the purposes of—
  (a) section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or of application for leave to appeal), and
  (b) paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of an application for leave to refer a case under section 36 of that Act),
the sentence is to be regarded as imposed on the day on which it is varied under this section.

(7) Criminal Procedure Rules may—
  (a) provide for extending the period fixed by subsection (2) for cases where two or more persons are tried separately on the same or related facts alleged in one or more indictments;
  (b) subject to the other provisions of this section, prescribe the cases and circumstances in which, and the time within which, any order or other decision made by the Crown Court may be varied or rescinded by that court.

(8) In this section—
"sentence" (see section 401)—
  (a) includes a recommendation for deportation made when dealing with an offender;
  (b) does not include an order relating to a requirement to make a payment under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (legal aid: payment for services and enforcement);
"imposed" includes made.

CHAPTER 3

DEPORTATION

386 Deportation recommendations

See section 6 of the Immigration Act 1971 for provision about recommendations for deportation by a court dealing with an offender for an offence punishable with imprisonment where—
  (a) the offender is not a British citizen, and
  (b) is aged 17 or over when convicted.

CHAPTER 4

ASSISTANCE FOR PROSECUTION ETC: REVIEW OF SENTENCE

Reference back to court for review of sentence

387 Failure by offender to provide agreed assistance: review of sentence

(1) This section applies if—

(a) the Crown Court has passed a sentence on an offender in respect of an offence,

(b) the sentence ("the original sentence") is a discounted sentence in consequence of the offender's having offered in pursuance of a written agreement to give assistance to the prosecutor or investigator of an offence, and

(c) the offender knowingly fails to any extent to give assistance in accordance with the agreement.

(2) A specified prosecutor may at any time refer the case back to the Crown Court if—

(a) the offender is still serving the original sentence, and

(b) the specified prosecutor thinks it is in the interests of justice to do so.

(3) A case so referred must, if possible, be heard by the judge who passed the sentence to which the referral relates.

(4) If the court is satisfied that the offender knowingly failed to give the assistance it may substitute for the original sentence a sentence that is—

(a) greater than the original sentence, but

(b) not greater than the sentence which it would have passed but for the agreement mentioned in subsection (1)(b) ("the original maximum").

(5) Where the substitute sentence is a discounted sentence, the court must state in open court—

(a) that fact, and

(b) the original maximum.

This is subject to subsection (7).

(6) Section 52(2) or, as the case may be, 322(4) (requirement to explain reasons for sentence or other order) applies where a substitute sentence is imposed under subsection (4) unless—

(a) the court considers that it is not in the public interest to disclose that the original sentence was a discounted sentence, or

(b) subsection (7) provides otherwise.

(7) Where the substitute sentence is a discounted sentence and the court considers that it would not be in the public interest to disclose that fact—

(a) subsection (5) does not apply;

(b) the court must give a written statement of the matters specified in subsection (5)(a) and (b) to—

(i) the prosecutor, and

(ii) the offender;

(c) section 52(2) or, as the case may be, 322(4) does not apply to the extent that the explanation would disclose that the substitute sentence is a discounted sentence.

(8) Any part of the original sentence which the offender has already served must be taken into account in determining when a substitute sentence imposed under subsection (4) has been served.

(9) For the purposes of this section, a substitute sentence imposed under subsection (4) is a discounted sentence if it is lower than the original maximum because of assistance given in pursuance of the written agreement mentioned in subsection (1)(b).

388 Review of sentence following subsequent agreement for assistance by offender

(1) A case is eligible for review under this section if—

(a) the Crown Court has passed a sentence on an offender in respect of an offence,

(b) the offender is still serving the sentence, and

(c) pursuant to a written agreement subsequently made with a specified prosecutor, the offender has assisted or offered to assist the investigator or prosecutor of any offence,

but this is subject to subsection (2).

(2) A case is not eligible for review under this section if—

(a) the sentence was discounted and the offender has not given the assistance offered in accordance with the written agreement by virtue of which it was discounted, or

(b) the offence was one for which the sentence was fixed by law and the offender did not plead guilty to it.

(3) A specified prosecutor may at any time refer a case back to the Crown Court if—

(a) the case is eligible for review under this section, and

(b) the prosecutor considers that it is in the interests of justice to do so.

(4) A case so referred must, if possible, be heard by the judge who passed the sentence to which the referral relates.

(5) The court may—

(a) take into account the extent and nature of the assistance given or offered;

(b) substitute for the sentence to which the referral relates such lesser sentence as it thinks appropriate.

(6) Nothing in—

(a) section 321 (and Schedule 21) (determination of minimum term in relation to mandatory life sentence), or

(b) any of the provisions listed in section 399(1)(b) or (c) (minimum sentences in certain circumstances),

affects the court's power under subsection (5).

(7) Where a sentence is substituted under subsection (5) the court must state in open court—

(a) the fact that the substitute sentence is a discounted sentence, and
(b) the original maximum.

This is subject to subsection (9).

(8) Section 52(2) or, as the case may be, 322(4) (requirement to explain reasons for sentence or other order) applies where a sentence is imposed under subsection (5).
But this is subject to subsection (9).

(9) Where the court considers that it would not be in the public interest to disclose that the substitute sentence is a discounted sentence —
(a) subsection (7) does not apply;
(b) the court must give a written statement of the matters specified in subsection (7)(a) and (b) to—
(i) the prosecutor, and
(ii) the offender;
(c) section 52(2) or, as the case may be, 322(4) does not apply to the extent that the explanation would disclose that the substitute sentence is a discounted sentence.

(10) Any part of the sentence to which the referral relates which the offender has already served must be taken into account in determining when the substitute sentence has been served.

References under this Chapter: further provision

389 References under sections 387 and 388: appeals

(1) Where a reference is made under section 387 or 388—
(a) the person in respect of whom the reference is made, or
(b) the specified prosecutor,
may, with the leave of the Court of Appeal, appeal to the Court of Appeal against the decision of the Crown Court.

(2) Section 33(3) of the Criminal Appeal Act 1968 (limitation on appeal from the criminal division of the Court of Appeal) does not prevent an appeal to the Supreme Court under this section.

(3) In relation to any proceedings under this section, the Secretary of State may by regulations make provision corresponding to any provision in the Criminal Appeal Act 1968 (subject to any specified modifications).

(4) Regulations under this section are subject to the negative resolution procedure.

390 Proceedings under section 387 or 388: exclusion of public

(1) This section applies to—
(a) any proceedings relating to a reference made under section 387 or 388, and
(b) any other proceedings arising in consequence of such proceedings.

(2) The court in which the proceedings will be or are being heard may make such order as it considers appropriate—

(a) to exclude from the proceedings any person who does not fall within subsection (4);
(b) to prohibit the publication of any matter relating to the proceedings (including the fact that the reference has been made).

(3) The court may make an order under subsection (2) only if the court considers that the order is—
(a) necessary to protect the safety of any person, and
(b) in the interests of justice.

(4) The following persons fall within this subsection—
(a) a member or officer of the court;
(b) a party to the proceedings;
(c) counsel or a solicitor for a party to the proceedings;
(d) a person otherwise directly concerned with the proceedings.

(5) This section does not affect any other power which the court has by virtue of any rule of law or other enactment—
(a) to exclude any person from proceedings, or
(b) to restrict the publication of any matter relating to proceedings.

391 Proceedings under section 387 or 388: use of live link

Section 57E of the Crime and Disorder Act 1998 (use of live link in sentencing hearings) applies to hearings relating to a reference under section 387 or 388 as it applies to sentencing hearings.

392 Interpretation of Chapter

(1) This section applies for the purposes of this Chapter.

(2) A discounted sentence is a sentence passed in pursuance of—
(a) section 74, or
(b) section 388,
(and includes a sentence imposed under section 387(4) which is less than the original maximum (within the meaning of that section)).

(3) References—
(a) to a written agreement are to an agreement made in writing with a specified prosecutor;
(b) to a specified prosecutor must be construed in accordance with section 75.

CHAPTER 5

RECOGNIZANCES

393 Power of magistrates' court to dispense with recognizance

(1) This section applies where under an enactment, whether passed before or after the commencement of this Act, an offender sentenced on summary conviction to imprisonment or a fine is required to enter into a recognizance with or without sureties to—

(a) keep the peace, or
(b) observe any other condition.

(2) The magistrates' court which convicted the offender may dispense with or modify the requirement.

(3) In subsection (1) "enactment" includes an enactment contained in a local Act or in any order, regulation or other instrument having effect by virtue of an Act.

CHAPTER 6

ORDERS IMPOSING COMMUNITY REQUIREMENTS

394 Rules relating to community orders and suspended sentence orders

(1) The Secretary of State may make rules for regulating—
(a) the supervision of persons who are subject to community orders or suspended sentence orders,
(b) without prejudice to the generality of paragraph (a), the functions of responsible officers within the meaning of section 214 or 299 in relation to offenders subject to community orders or suspended sentence orders,
(c) the arrangements to be made by providers of probation services for—
(i) persons subject to unpaid work requirements to perform work, and
(ii) the performance of such work,
(d) the provision and carrying on of attendance centres,
(e) the attendance of persons subject to—
(i) rehabilitation activity requirements,
(ii) attendance centre requirements, or
(iii) attendance centre requirements imposed by youth rehabilitation orders,
at the places at which they are required to attend, including hours of attendance, reckoning days of attendance and the keeping of attendance records,
(f) electronic monitoring in pursuance of an electronic monitoring requirement, and
(g) without prejudice to the generality of paragraph (f), the functions of persons made responsible for securing electronic monitoring in pursuance of such a requirement.

(2) Rules under subsection (1)(c) may, in particular, make provision—
(a) limiting the number of hours of work to be done by a person on any one day,
(b) as to the reckoning of hours worked and the keeping of work records, and
(c) for the payment of travelling and other expenses in connection with the performance of work.

(3) Rules under this section are subject to the negative resolution procedure.

395 Data from electronic monitoring: code of practice

(1) The Secretary of State must issue a code of practice relating to processing of data gathered in the course of electronic monitoring of offenders under electronic monitoring requirements imposed by community orders and suspended sentence orders.

(2) A failure to observe a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.

(3) A code of practice under this section has effect only in accordance with regulations under Part 3 of Schedule 24 (community requirements: pilot schemes).

CHAPTER 7

WARRANTS

396 Execution of process between England and Wales and Scotland

Section 4 of the Summary Jurisdiction (Process) Act 1881 (execution of process of English and Welsh courts in Scotland) applies to any process issued by a magistrates' court under any of the following provisions as it applies to process issued under the Magistrates' Courts Act 1980 by a magistrates' court—

section 6(4) (effect of deferment order);

section 9(2) (failure to comply with deferment requirement);

section 10(3) (conviction of offence during period of deferment);

paragraph 3(2) of Schedule 2 (order for conditional discharge: commission of further offence);

paragraph 3(2) of Schedule 4 (referral orders: further court proceedings);

paragraph 6(3) of Schedule 5 (breach, revocation and amendment of reparation orders);

paragraph 8(2) or (4), 14(4) or 24(4) of Schedule 10 (breach, revocation or amendment of community order, and effect of further conviction);

paragraph 28(1) of Schedule 11 (transfer of community orders to Scotland or Northern Ireland);

paragraph 2(2) of Schedule 12 (detention and training orders: breach of supervision requirements and further offences);

paragraph 8(2) or (4), 20(2) or 25(6) of Schedule 16 (breach or amendment of suspended sentence order, and effect of further conviction).

PART 13

INTERPRETATION

Interpretation

397 Interpretation: general

(1) In this Code, except where the contrary intention appears—

"accommodation provided by or on behalf of a local authority" has the same meaning as in the Children Act 1989 (see section 105 of that Act);

"the appropriate officer of the court" means, in relation to a magistrates' court, the clerk of the court;

"associated", in relation to offences, is to be read in accordance with section 400;

"attendance centre" has the meaning given by section 221 of the Criminal Justice Act 2003;

"community order" means an order under section 200;

"community order requirement" is to be read in accordance with section 200(2);

"community requirement", in relation to a suspended sentence order, has the meaning given by section 286(7);

"community sentence" means a sentence which consists of or includes—

(a) a community order, or

(b) a youth rehabilitation order;

"compensation order" has the meaning given by section 133;

"court" does not include a service court;

"criminal courts charge order" has the meaning given by section 46(3);

"custodial sentence" has the meaning given by section 222;

"detention and training order" has the meaning given by section 233;

"electronic compliance monitoring requirement" has the meaning given by paragraph 29 of Schedule 9;

"electronic monitoring requirement", in relation to a community order or suspended sentence order, means—

(a) an electronic compliance monitoring requirement, or

(b) an electronic whereabouts monitoring requirement;

"electronic whereabouts monitoring requirement" has the meaning given by paragraph 30 of Schedule 9;

"extended sentence" means a sentence under—

(a) section 254 (extended custodial sentence for persons aged under 18),

(b) section 266 (extended sentence of detention in a young offender institution for adults aged under 21), or

(c) section 279 (extended sentence of imprisonment);

"end date", in relation to a community order, means the date for the time being specified in the order under—

(a) section 209 (community order to specify end date), or

(b) paragraph 13(1)(b) of Schedule 10 (power to substitute later end date on breach), or

(c) paragraph 20(1) of that Schedule (power to amend order to substitute later end date);

"guardian" has the same meaning as in the Children and Young Persons Act 1933 (see section 107(1) of that Act);

"home local justice area" means—

(a) in relation to a community order, the local justice area specified in the order under section 210 or paragraph 16 or 17 of Schedule 10;

(b) in relation to a suspended sentence order which imposes one or more community requirements, the local justice area specified

in the order under section 296 or paragraph 23 or 24 of Schedule 16;

"imprisonable offence" means an offence that is punishable with imprisonment in a court (even if the offence in question is not so punishable by the court dealing with the offender for it);

"local authority foster parent" has the same meaning as in the Children Act 1989 (see section 105(1) of that Act);

"place of safety" has the same meaning as in the Children and Young Persons Act 1933 (see section 107(1) of that Act);

"pre-sentence report" has the meaning given by section 31;

"probation trust" means a trust established under section 5 of the Offender Management Act 2007;

"relevant order" means—

(a) a community order, or

(b) a suspended sentence order which imposes one or more community requirements;

"reparation order" has the meaning given by section 109(1);

"the responsible officer"—

(a) in relation to a community order, has the meaning given by section 214;

(b) in relation to a suspended sentence order which imposes one or more community requirements, has the meaning given by section 299;

"restraining order" has the meaning given by section 359;

"sentence of imprisonment" does not include a committal—

(a) in default of payment of any sum of money,

(b) for want of sufficient distress to satisfy any sum of money, or

(c) for failure to do or abstain from doing anything required to be done or left undone,

and references to sentencing an offender to imprisonment are to be read accordingly;

"sentencing guidelines" means sentencing guidelines issued by the Sentencing Council for England and Wales under section 120 of the Coroners and Justice Act 2009 as definitive guidelines, as revised by any subsequent guidelines issued;

"service court" means—

(a) the Court Martial,

(b) the Summary Appeal Court,

(c) the Service Civilian Court,

(d) the Court Martial Appeal Court, or

(e) the Supreme Court on an appeal brought from the Court Martial Appeal Court;

"specified offence" has the meaning given by section 306;

"suspended sentence" and "suspended sentence order" have the meanings given by section 286(6);

"youth offending team" means a team established under section 39 of the Crime and Disorder Act 1998;

"youth rehabilitation order" has the meaning given by section 173;

"youth rehabilitation order with fostering" has the meaning given by section 176;

"youth rehabilitation order with intensive supervision and surveillance" has the meaning given by section 175.

(2) Any reference in this Code to an offence punishable with imprisonment is to be read without regard to any prohibition or restriction imposed by or under any Act on the imprisonment of young offenders.

(3) A reference in this Code to want of sufficient distress to satisfy a sum includes a reference to circumstances where—

(a) there is power to use the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 to recover the sum from a person, but

(b) it appears, after an attempt has been made to exercise the power, that the person's goods are insufficient to pay the amount outstanding (within the meaning given by 50(3) of Schedule 12 to that Act).

(4) A reference in this Code to an offender who is subject to a detention and training order being released for supervision is to be read in accordance with section 248(3).

398 Ancillary and inchoate offences

(1) Nothing in this Code is to be taken to affect the operation of the following (liability as an accessory)—

(a) section 8 of the Accessories and Abettors Act 1861, or

(b) section 44 of the Magistrates' Courts Act 1980.

(2) Accordingly, any reference in this Act to an offence includes a reference to that offence committed by aiding, abetting, counselling or procuring the commission of that offence.

(3) In this Code, "inchoate offence" in relation to an offence, means—

(a) an attempt to commit the offence,

(b) conspiracy to commit the offence,

(c) an offence under Part 2 of the Serious Crime Act 2007 related to the offence, or

(d) incitement to commit the offence,

but this is subject to subsection (4).

(4) Paragraph (d) of subsection (3) does not apply for the purposes of—

(a) section 67 (assaults on emergency workers)

(b) Schedule 1 (offences with a terrorist connection)

(c) Schedule 13 (special sentence for offenders of particular concern: offences).

But paragraph (c) is not to be taken to affect the operation of paragraph 9 of Schedule 13 (abolished offences).

(5) For the purposes of this Code, an offence committed by a person under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) is related to another offence if that other offence is the offence (or one of the offences) which the person intended or believed would be committed.

399 Mandatory sentences

(1) For the purposes of this Code, where a court is dealing with an offender for an offence, a mandatory sentence requirement applies in relation to the offence if—

(a) the offence is one for which the sentence is fixed by law,

(b) the court is obliged by one of the following provisions to pass a sentence of detention for life, custody for life or imprisonment for life—

(i) section 258, 274 or 285 (life sentence for certain dangerous offenders);

(ii) section 273 or 283 (life sentence for second listed offence), or

(c) a sentence is required by one of the following provisions and the court is not of the opinion mentioned in that provision—

(i) section 312 (minimum sentence for offences of threatening with weapons);

(ii) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons);

(iii) section 313(2) (minimum sentence for third class A drug trafficking offence);

(iv) section 314(2) (minimum sentence for third domestic burglary offence);

(v) section 315(2) (minimum sentences for certain repeated offences involving weapons or sharp or bladed articles);

(vi) section 29(4) or (6) of the Violent Crime Reduction Act 2006 (minimum sentence in certain cases of using someone to mind a weapon).

(2) In this Code, "required life sentence" means a sentence of—

(a) detention for life under section 249,

(b) custody for life under section 272, or

(c) imprisonment for life,

required under a provision mentioned in subsection (1)(b).

400 Meaning of "associated offence"

For the purposes of this Code, an offence is associated with another if—

(a) the offender—

(i) is convicted of it in the proceedings in which the offender is convicted of the other offence, or

(ii) (although convicted of it in earlier proceedings) is sentenced for it at the same time as being sentenced for that offence, or

(b) in the proceedings in which the offender is sentenced for the other offence, the offender—

(i) admits having committed it, and

(ii) asks the court to take it into consideration in sentencing for that other offence.

401 Meaning of "sentence"

In this Code, except where otherwise provided, "sentence", in relation to an offence, includes any order made by a court when dealing with the offender in respect of the offence, and "sentencing" is to be construed accordingly.

402 Powers to re-sentence

(1) Where under this Code a court has power to re-sentence an offender for an offence, the court may deal with the offender in any way in which it could deal with the offender—

(a) if the offender had just been convicted by or before it of the offence, and

(b) in a case where the offender was aged under 18 when in fact convicted of the offence, as if the offender were the same age as when in fact convicted.

(2) But where under this Code the Crown Court has power to re-sentence an offender for an offence and subsection (3) applies, the power of the Crown Court is power to deal with the offender in any way in which a magistrates' court could deal with the offender for the offence if—

(a) the offender had just been convicted by the magistrates' court of the offence, and

(b) in a case where the offender was aged under 18 when in fact convicted of the offence, the offender were the same age as when in fact convicted.

(3) This subsection applies where—

(a) the Crown Court's power to re-sentence the offender for the offence is exercisable—

(i) where the Crown Court revokes another order previously made in respect of the offence, or

(ii) where an order for conditional discharge has previously been made in respect of the offence, by virtue of a further offence committed during the period of conditional discharge, and

(b) the previous order was made—

(i) by a magistrates' court, or

(ii) by the Crown Court in circumstances where its powers to deal with the offender for the offence were those (however expressed) which would have been exercisable by a magistrates' court on convicting the offender of the offence.

403 References to "local authority"

(1) In this Code, any reference to a local authority in relation to—

(a) accommodation provided by or on behalf of a local authority (including any reference to a local authority which is to receive a person aged under 18),

(b) placing a person aged under 18 with a local authority foster parent, or

(c) an order made under section 381 (power to order parent or guardian to pay fine, costs, compensation or surcharge) against a local authority,

has the same meaning as in the Children Act 1989 (see section 105 of that Act).

(2) In this Code, in relation to a youth offending team—

(a) any reference to a local authority has the same meaning as in Part 3 of the Crime and Disorder Act 1998 (see section 42 of that Act), and

(b) any reference to the area of that local authority is to be read in accordance with section 42(2) of that Act.

404 References to parent or guardian of offender where local authority has parental responsibility

(1) This section applies where an offender for whom a local authority has parental responsibility is—

(a) in the care of the local authority, or

(b) provided with accommodation by the local authority in the exercise of any social services functions of the authority.

(2) Any reference in this Code to the offender's parent or guardian is to be read as a reference to that authority.

(3) This does not apply in paragraphs 27 and 39 of Schedule 6 (fostering and education requirements of youth rehabilitation orders) and is subject to express provision to the contrary.

(4) In this section—

"local authority" has the same meaning as it has in the Children Act 1989;

"parental responsibility" has the same meaning as it has in that Act (see section 3 of that Act);

"social services functions"—

(a) in relation to a local authority in England, has the same meaning as in the Local Authority Social Services Act 1970 (see section 1A of that Act);

(b) in relation to a local authority in Wales, has the same meaning as in the Social Services and Well-being (Wales) Act 2014 (anaw 4) (see section 143 of that Act).

405 Age of the offender

(1) This section applies for the purposes of any provision of this Code which requires a person's age to be determined by the court or the Secretary of State.

(2) The person is to be deemed to be whatever age the person appears to the court, or, as the case may be, the Secretary of State, to be.

(3) For this purpose, the court or Secretary of State must consider any available evidence.

PART 14

SUPPLEMENTARY PROVISION

406 Regulations and rules

(1) This section applies to—

(a) any power conferred by this Act on the Secretary of State to make regulations or rules;

(b) any power conferred by—

(i) sections 44 to 50 (criminal courts charge),

(ii) section 415(4) or (5) (commencement of certain amendments of the Code in Schedule 22), or

(iii) paragraph 19 of Schedule 23 (power to amend minimum term of mandatory life sentence for murder),

on the Lord Chancellor to make regulations.

(2) The power is exercisable by statutory instrument.

(3) Subsections (4) to (6) apply except where otherwise provided.

(4) The power includes power to make supplementary, incidental or consequential provision.

(5) The power also includes power to make transitory, transitional or saving provision.

(6) The power may be exercised so as to make different provision—
(a) for different purposes, or
(b) for different areas.

(7) Where regulations under this Act are subject to the "affirmative resolution procedure", the regulations must not be made unless a draft of the statutory instrument containing them has been laid before Parliament and approved by a resolution of each House of Parliament.

(8) Where regulations or rules under this Act are subject to the "negative resolution procedure" the statutory instrument containing the regulations or rules is subject to annulment in pursuance of a resolution of either House of Parliament.

(9) Provision that may made by regulations under this Act that are not subject to the affirmative resolution procedure may be included in an instrument containing regulations that are subject to the affirmative resolution procedure.

407 Amendments of the Sentencing Code

Schedule 22 contains amendments of the Sentencing Code.

408 Powers to amend the Sentencing Code

(1) Schedule 23 contains powers to amend the Sentencing Code.

(2) Provision that may be made in exercise of a power in Schedule 23 includes provision in respect of an offence (whenever committed) of which a person is convicted after the regulations come into force.
This is subject to express provision to the contrary.

409 Transitional provisions and savings

Schedule 25 contains transitional provisions and savings.

410 Consequential amendments etc

(1) Schedule 26 contains consequential amendments.

Armed forces

(2) Nothing in this section or Schedule 26 affects any provision—
(a) as it applies in relation to a service court, or
(b) as it is applied by or under the Armed Forces Act 2006 (by whatever words).

Saving for list of offences applied for other purposes

(3) Nothing in this section or Schedule 26 affects Schedule 15 to the Criminal Justice Act 2003 (certain specified offences) as it applies for the purposes of any provision not rewritten in this Act.

411 Repeals and revocations

(1) The provisions specified in Schedule 27 (which include provisions that are spent) are repealed or revoked to the extent specified.

(2) The provisions specified in Schedule 28 are repealed or revoked so far as they extend to England and Wales only.

(3) Subsections (1) and (2) are subject to the following provisions of this section.

Armed forces

(4) Nothing in this section or Schedule 27 or 28 affects any provision—
(a) as it applies in relation to a service court, or
(b) as it is applied by or under the Armed Forces Act 2006 (by whatever words).

Saving for list of offences applied for other purposes

(5) Nothing in this section or Schedule 27 or 28 affects Schedule 15 to the Criminal Justice Act 2003 (certain specified offences) as it applies for the purposes of any provision not rewritten in this Act.

Standard scale and powers to amend fines etc

(6) Nothing in this section or Schedule 27 or 28 affects any provision of—
(a) section 37 of the Criminal Justice Act 1982 (standard scale),
(b) section 17 of the Criminal Justice Act 1991 (amendments of standard scale), or
(c) section 143 of the Magistrates' Courts Act 1980 (amendments of fines etc),

so far as it has been, or is capable of being, extended under section 81(11) of the Criminal Justice Act 1982 (as extended by section 102(7) of the Criminal Justice Act 1991) (power to extend certain provisions to Channel Islands or Isle of Man by Order in Council).

Exceptions and savings relating to the repeal of the Powers of Criminal Courts (Sentencing) Act 2000

(7) Nothing in this section or Schedule 27 affects—
(a) section 109 of the Powers of Criminal Courts Sentencing Act 2000 (life sentence for second serious offence), as it has effect by virtue of paragraph 5(2) of Schedule 2 to the Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950), or
(b) any other provision so far as it continues to have effect, by virtue of paragraph 6 of Schedule 2 to that order, in a case in which a court is dealing with a person whose sentence falls to be imposed under that section.

(8) The repeal in Schedule 27 relating to the Powers of Criminal Courts (Sentencing) Act 2000 does not affect the following provisions of that Act

(which are to be repealed by other enactments which have yet come into force)—

(a) sections 60 and 61 of and Schedule 5 to that Act (attendance centre orders);

(b) section 108 of that Act (detention of persons aged at least 18 but under 21 for default or contempt).

412 Extent

(1) Subject to the following provisions of this section and to section 413, the provisions of this Act extend to England and Wales only.

(2) Any amendment made by Schedule 26 (consequential amendments) has the same extent as the provision to which it relates.

(3) Subject to section 411—

(a) any repeal or revocation by Schedule 27 has the same extent as the provision repealed or revoked;

(b) Schedule 28 extends only to England and Wales.

(4) The following provisions extend to England and Wales and Northern Ireland—

(a) section 196 and Schedule 8 (transfer of youth rehabilitation orders to Northern Ireland);

(b) section 351 (variation of sexual harm prevention order by court in Northern Ireland);

(c) section 406 (regulations and rules);

(d) paragraph 12 of Schedule 23 (power to amend Schedule 8 in consequence of changes to the law in Northern Ireland).

(5) The following provisions extend to England and Wales, Scotland and Northern Ireland—

(a) sections 38, 40 and 41 (effect of derogatory assertion orders);

(b) section 219 and Schedule 11 (transfer of community orders to Scotland or Northern Ireland);

(c) section 304 and Schedule 17 (transfer to Scotland or Northern Ireland of suspended sentence orders which impose community requirements);

(d) section 349 (effect of making sexual harm prevention order where order already exists);

(e) section 354(2) (prohibitions in sexual harm prevention order to extend throughout the United Kingdom);

(f) this section and sections 413 to 416.

(6) The following provisions extend to England and Wales and Scotland—

(a) section 82 (effect of order for absolute discharge and order for conditional discharge);

(b) section 396 (execution of process between England and Wales and Scotland);

(c) paragraph 71 of Schedule 22 (amendment of section 396 for warrants under section 93).

413 Channel Islands and Isle of Man

(1) Her Majesty may by Order in Council extend any relevant provision, with such modifications as appear to Her Majesty in Council to be appropriate, to any of the Channel Islands or the Isle of Man.

(2) In subsection (1) "relevant provision", in relation to any of the Channel Islands or the Isle of Man, means any provision of this Act so far as it restates a provision that, immediately before the commencement date, is capable of being extended there under section 338 of the Criminal Justice Act 2003 (certain provisions of that Act as enacted or subsequently amended by certain other Acts).

(3) An Order in Council under subsection (1) may—
(a) make supplementary, incidental or consequential provision;
(b) make transitory, transitional or saving provision.

414 Community requirements: pilot schemes

Schedule 24 makes provision for—
(a) alcohol abstinence and monitoring requirements, and
(b) electronic whereabouts monitoring requirements,
to become available in accordance with pilot schemes, or generally, for community orders and suspended sentence orders.

415 Commencement

(1) Subject to the following provisions of this section, this Act comes into force on [date] ("the commencement date") and has effect only in relation to a person convicted of an offence on or after that date.

(2) In this Act, "the commencement date" has the meaning given by subsection (1).

Commencement of Schedule 22: commencement by regulations

(3) Schedule 22 comes into force in accordance with regulations made by the Secretary of State, subject to the following.

(4) Part 2 and paragraphs 38 to 66 of that Schedule (changes consequential on abolition of sentences of detention in a young offender institution and custody for life and of orders for detention in default of payment) come into force in accordance with regulations made by the Lord Chancellor or the Secretary of State.

(5) Paragraph 70 of Schedule 22 (indeterminate sentences: determination of tariffs) comes into force in accordance with regulations made by the Lord Chancellor.

Commencement at particular time

(6) Paragraph 5 of Schedule 22 (reference to old referral order which will be spent after 12 months) comes into force on the date 1 year after the commencement date, but only in relation to a person convicted of an offence on or after the date on which it comes into force.

(7) If Part 2 of Schedule 5 to the Children and Social Work Act 2017 has come fully into force before the commencement date, paragraph 19 of Schedule 22 (renaming of Health and Social Work Professions Order 2001) comes into force on the commencement date.

(8) Paragraphs 30 to 37 of Schedule 22 (which make provision about references to certain custodial sentences passed before the commencement of this Act) come into force on the date 8 years after the commencement date, but only in relation to a person convicted of an offence on or after the date on which they come into force.

Power to make express provision to explain effect of savings, partial commencement etc

(9) Subsection (10) applies where regulations under this section bring a provision of Schedule 22 into force—

(a) otherwise than for all purposes, or

(b) subject to transitory or transitional provision or savings.

(10) The regulations may also—

(a) make amendments of the Code to secure that the Code specifies the purposes for which, or cases in which, the Code has effect as amended by that provision of Schedule 22, and

(b) make amendments consequential on amendments under paragraph (a).

(11) Where—

(a) a provision of Schedule 22 is brought into force as mentioned in subsection (9), and

(b) further regulations under this section are made with respect to that provision,

subsection (10) applies to the further regulations, which may, in particular, amend or repeal any amendment of the Code previously made by virtue of that subsection in relation to the coming into force of that provision.

Further provision about regulations under this section

(12) Subsections (4) and (6) of section 406 (regulations and rules) do not apply to the power conferred by subsection (3) (commencement regulations) so far as it relates to—

(a) paragraph 28(1) of Schedule 22 (detention and training order for offender aged under 12);

(b) paragraphs 24 and 67 of that Schedule (application to court to amend order where offender changes residence).

(13) Regulations under subsection (3) which bring into force paragraph 28(1), (2) and (3) of Schedule 22 are subject to the affirmative resolution procedure.

(14) Sub-paragraph (4) of paragraph 28 of Schedule 22 comes into force on the date 2 years after sub-paragraph (1) of that paragraph comes into force, but only in relation to a person convicted of an offence on or after the date on which sub-paragraph (4) comes into force.

416 Short Title

This Act may be cited as the Sentencing Act [2019].

SCHEDULES

SCHEDULE 1

Section 69

OFFENCES WHERE TERRORIST CONNECTION TO BE CONSIDERED

Common law offences

1 Murder.

2 Manslaughter.

3 Kidnapping.

Statutory offences

4 An offence under any of the following provisions of the Offences against the Person Act 1861—

(a) section 4 (soliciting murder);

(b) section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm);

(c) section 28 (causing bodily injury by explosives);

(d) section 29 (using explosives etc with intent to do grievous bodily harm);

(e) section 30 (placing explosives with intent to do bodily injury);

(f) section 64 (making or having gunpowder etc with intent to commit or enable any person to commit any felony mentioned in the Act).

5 An offence under any of the following provisions of the Explosive Substances Act 1883—

(a) section 2 (causing explosion likely to endanger life or property);

(b) section 3 (attempt to cause explosion or making or keeping explosive with intent to endanger life or property);

(c) section 4 (making or possession of explosive under suspicious circumstances);

(d) section 5 (punishment of accessories).

6 An offence under section 1 of the Biological Weapons Act 1974 (restriction on development etc of certain biological agents and toxins and of biological weapons).

7 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

8 An offence under any of the following provisions of the Aviation Security Act 1982—

(a) section 1 (hijacking);

(b) section 2 (destroying, damaging or endangering safety of aircraft);
(c) section 3 (other acts endangering or likely to endanger safety of aircraft);
(d) section 4 (offences in relation to certain dangerous articles);
(e) section 6(2) (inducing or assisting commission of offence under section 1, 2 or 3 outside the United Kingdom).

9 An offence under any of the following provisions of the Nuclear Material (Offences) Act 1983—
(a) section 1B (offences relating to damage to the environment);
(b) section 1C (offences of importing or exporting etc nuclear materials: extended jurisdiction);
(c) section 2 (offences involving preparatory acts and threats), so far as relating to an offence specified in this Schedule.

10 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—
(a) section 1 (endangering safety at aerodromes);
(b) section 9 (hijacking of ships);
(c) section 10 (seizing or exercising control of fixed platforms);
(d) section 11 (destroying ships or fixed platforms or endangering their safety);
(e) section 14(4) (inducing or assisting the commission of an offence outside the United Kingdom), so far as relating to an offence under section 9 or 11 of that Act.

11 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (S.I. 1994/570) (offences against the safety of channel tunnel trains and the tunnel system).

12 An offence under either of the following provisions of the Chemical Weapons Act 1996—
(a) section 2 (use etc of chemical weapons);
(b) section 11 (premises or equipment for producing chemical weapons).

13 An offence under either of the following provisions of the Anti-Terrorism, Crime and Security Act 2001—
(a) section 47 (use etc of nuclear weapons);
(b) section 114 (hoaxes involving noxious substances or things).

Ancillary offences

14 Any inchoate offence in relation to an offence specified in this Part of this Schedule.

SCHEDULE 2

Section 81

ORDER FOR CONDITIONAL DISCHARGE: COMMISSION OF FURTHER OFFENCE

Application of Schedule

1 This Schedule applies where an order for conditional discharge has been made in respect of an offence ("the original offence").

Orders made on appeal

2 If the order for conditional discharge was made on appeal, for the purposes of this Schedule it is to be taken—

(a) if it was made on an appeal from a magistrates' court, to have been made by that magistrates' court;

(b) if it was made on an appeal—

(i) from the Crown Court, or

(ii) from the Court of Appeal,

to have been made by the Crown Court.

Issue of summons or warrant by justice of the peace

3 (1) This paragraph applies where—

(a) the order for conditional discharge was made by a magistrates' court, and

(b) it appears to a justice of the peace on information that the offender—

(i) has been convicted by a court in Great Britain of an offence committed during the period of conditional discharge, and

(ii) has been dealt with in respect of that offence.

(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 to be brought before the court which made the order for conditional discharge.

Issue of summons or warrant by Crown Court

4 (1) This paragraph applies where—

(a) the order for conditional discharge was made by the Crown Court, and

(b) it appears to the Crown Court that the offender—

(i) has been convicted by a court in Great Britain of an offence committed during the period of conditional discharge, and

(ii) has been dealt with in respect of that offence.

(2) The Crown Court may issue—

(a) a summons requiring the offender to appear at the place and time specified in it, or

(b) a warrant for the offender's arrest.

(3) A summons or warrant issued under this paragraph must direct the offender to appear or to be brought before the Crown Court.

Power of magistrates' court convicting offender of further offence

5 (1) This paragraph applies where the offender is convicted by a magistrates' court ("the convicting court") of an offence committed during the period of conditional discharge.

(2) If the order for conditional discharge was made by the convicting court, that court may re-sentence the offender for the original offence.

(3) If the order for conditional discharge was made by another magistrates' court, the convicting court may, with the consent of the court which made the order, re-sentence the offender for the original offence.

(4) If the order for conditional discharge was made by the Crown Court, the convicting court—

(a) may commit the offender in custody or on bail to the Crown Court, and

(b) if it does so, must send the Crown Court a copy of the minute or memorandum of the conviction entered in the register, signed by the designated officer by whom the register is kept.

(5) For powers of the convicting court, where it commits a person under sub-paragraph (4), to commit a person to the Crown Court in respect of other offences, see section 20.

Conviction of further offence by another court: power of magistrates' court which made order

6 (1) This paragraph applies where—

(a) the order for conditional discharge was made by a magistrates' court ("the original court"),

(b) it is proved to the satisfaction of the original court that the offender has been convicted by another court in Great Britain of an offence committed during the period of conditional discharge.

(2) The original court may re-sentence the offender for the original offence.

Powers of Crown Court with respect to original offence following subsequent conviction

7 (1) Sub-paragraph (2) applies where—

(a) the offender—

(i) is convicted before the Crown Court of an offence committed during the period of conditional discharge, or

(ii) is brought or appears before the Crown Court having been committed by a magistrates' court for sentence in respect of any such offence, or

(b) the order for conditional discharge was made by the Crown Court and it is proved to the satisfaction of the Crown Court that the offender has been convicted by a court in Great Britain of an offence committed during the period of conditional discharge.

(2) The Crown Court may re-sentence the offender for the original offence.

(3) Any question under this paragraph whether the offender has been convicted of an offence committed during the period of conditional discharge is to be determined by the court and not by the verdict of a jury.

(4) Where the offender is committed to the Crown Court under sub-paragraph (4) of paragraph 5, any duty or power which, apart from this sub-paragraph, would fall to be discharged or exercised by the convicting court (within the meaning of that paragraph)—

(a) is not to be discharged or exercised by that court, but

(b) is instead to be discharged or may instead be exercised by the Crown Court.

This does not apply to any duty imposed on a magistrates' court by section 25(1) or (2) of the Road Traffic Offenders Act 1988 (certain duties relating to information).

SCHEDULE 3

Section 96

YOUTH OFFENDER CONTRACT: PROGRAMME OF BEHAVIOUR

1 This Schedule applies to a programme of behaviour agreed between an offender and a youth offender panel under section 96.

2 The programme may, in particular, include requiring the offender to—

(a) make financial or other reparation to any victim;

(b) attend mediation sessions with any victim;

(c) carry out unpaid work or service in or for the community;

(d) be at home at times specified in or determined under the programme;

(e) attend a school or other educational establishment or a place of work;

(f) participate in activities specified in the programme;

(g) meet persons specified in the programme at times and places specified in or determined under the programme;

(h) stay away from places specified in the programme;

(i) stay away from persons specified in the programme.

This is subject to paragraphs 5 and 6.

3 The programme may include provision for the offender's compliance with the programme to be supervised and recorded.

4 Activities that may be specified by virtue of paragraph 2(f) include, in particular, activities—

(a) designed to address the offending behaviour,

(b) offering education or training, or

(c) assisting with the rehabilitation of persons dependent on, or having a propensity to misuse, alcohol or drugs.

5 The programme may not provide for—

(a) electronic monitoring of the offender's whereabouts, or

(b) any physical restriction to be imposed on the offender's movements.

6 No term which provides for anything to be done to or with any victim may be included in the programme without the victim's consent.

7 In this Schedule "victim" means any person who appears to the panel to be a victim of, or otherwise affected by, the offence or any of the offences for which the offender was referred to the panel.

SCHEDULE 4

Section 104

REFERRAL ORDERS: FURTHER COURT PROCEEDINGS

PART 1

REFERRAL BACK TO COURT FOR FURTHER PROCEEDINGS

Introductory

1 This Part of this Schedule applies where a youth offender panel refers an offender back to court under Chapter 1 of Part 6 (referral orders).

Mode of referral back to court

2 To make the referral, the panel must send a report to the appropriate court explaining why the offender is being referred back to court.

Bringing the offender before the court

3 (1) Where the appropriate court receives a report under paragraph 2, the court must cause the offender to appear before it.

(2) For that purpose, a justice acting in the same local justice area as the appropriate court may—

(a) issue a summons requiring the offender to appear before the court at the place and time specified in the summons, or

(b) if the report is substantiated on oath, issue a warrant for the offender's arrest which requires the offender to be brought before the court.

Detention and remand of arrested offender

4 (1) This paragraph applies where an offender—

(a) is arrested under a warrant issued under paragraph 3(2), and

(b) cannot immediately be brought before the appropriate 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 18 or over, a magistrates' court other than a youth court).

(3) A person detained in accordance with arrangements under sub-paragraph (2)(a) is deemed to be lawfully detained.

5 (1) This paragraph applies where the court before which the offender is brought under paragraph 4(2) ("the alternative court") is not the appropriate court.

(2) The alternative court may—

(a) direct that the offender is to be released immediately, or

(b) remand the offender.

(3) Section 128 of the Magistrates' Court 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 appropriate court.

(4) If the offender is aged under 18, any power conferred by that section to remand the offender in custody includes a power to remand the offender to accommodation provided by or on behalf of a local authority.

(5) If a 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 or will reside.

Powers of court on referral back

6 Paragraphs 7 to 10 apply where the offender was referred back to court under—

(a) section 92(3) (offender's failure to attend panel meeting);

(b) section 98(3) (no prospect of agreement on youth offender contract);

(c) section 98(4) (unreasonable failure to sign record of agreement);

(d) section 100(3) (breach of contract);

(e) section 100(6) (unreasonable failure to sign record of variation);

(f) section 100(8) (change of circumstances);

(g) section 101(5) (final meeting: order not discharged);

(h) section 102(2) (panel requesting revocation of order).

Power of court where it upholds panel's decision

7 (1) Sub-paragraph (2) applies where the appropriate court is satisfied, for each decision of the youth offender panel which resulted in the referral back to court, that—

(a) so far as the decision relied on any finding of fact by the youth offender panel, the panel was entitled to make that finding in the circumstances, and

(b) so far as the decision involved any exercise of discretion by the youth offender panel, the panel reasonably exercised that discretion in the circumstances.

(2) The court may revoke the referral order (or each of the referral orders).

(3) Revocation of an order under sub-paragraph (2) has the effect of revoking any related order under paragraph 9, 12 or 15 (extension of compliance period).

(4) Where an order is revoked under sub-paragraph (2) or by virtue of sub-paragraph (3), the appropriate court may re-sentence the offender for the offence in respect of which the revoked order was made (but assuming that a referral order is not available).

(5) In re-sentencing the offender under sub-paragraph (4), the appropriate court must take into account—

(a) the circumstances of the offender's referral back to the court, and

(b) where a youth offender contract has taken effect between the offender and the panel, the extent of the offender's compliance with the contract.

(6) A power under sub-paragraph (2) or (4)—

(a) may not be exercised unless the offender is present before the appropriate court, and

(b) is not affected by the expiry of the compliance period (whether before or after the offender was referred back to court), in a case where a youth offender contract has taken effect.

Appeal

8 An offender re-sentenced under paragraph 7(4) for an offence may appeal to the Crown Court against the sentence.

Power of court to impose fine or extend period for which contract has effect

9 (1) This paragraph applies where—

(a) the reference back to court was made under—

(i) section 92(3) (offender's failure to attend panel meeting),

(ii) section 100(3) (breach of contract), or

(iii) section 101(5) (final meeting: order not discharged),

(b) the offender is before the appropriate court,

(c) the appropriate court is satisfied that the offender has failed without reasonable excuse to comply with a youth offender contract which has taken effect between the offender and a youth offender panel, and

(d) the appropriate court does not revoke the order under paragraph 7.

(2) The appropriate court may make an order extending the length of the compliance period, but—

(a) not to more than 12 months, and

(b) not if the compliance period has already expired.

(3) The court may order the offender to pay a fine of an amount not exceeding £2,500.

(4) Expiry of the compliance period (whether before or after the offender was referred back to court) does not affect the power to impose a fine under sub-paragraph (3).

(5) A fine imposed under sub-paragraph (3) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.

Consequences of court not revoking referral order or orders

10 (1) This paragraph applies where, having considered the matters in sub-paragraph (1) of paragraph 7, the appropriate court does not revoke the referral order (or orders) to which the offender is subject.

(2) The offender remains subject to the referral order (or orders) in all respects as if the referral back to court had not occurred (subject to any order under paragraph 9(2) (extension of compliance period)).

(3) But if—

(a) a youth offender contract has taken effect in pursuance of the referral order (or orders),

(b) the compliance period has expired, and

(c) the referral order (or each of the referral orders) has not been revoked,

the court must make an order declaring that the referral order (or each of the referral orders) is discharged.

(4) An order under sub-paragraph (3) has the effect of discharging any related order under paragraph 9, 12 or 15 (extension of compliance period).

Exception where court satisfied as to completion of contract

11 (1) This paragraph applies where—

(a) the reference back to court was made under section 101(5) (final meeting: order not discharged), and

(b) the court decides (contrary to the decision of the panel) that the offender's compliance with the youth offender contract has, or will by the end of the compliance period have, been such as to justify the conclusion that the offender has, or will have, satisfactorily completed the youth offender contract.

(2) The court must make an order declaring that the referral order (or each of the referral orders) is discharged.

(3) An order under sub-paragraph (2) has the effect of discharging any related order under paragraph 9, 12 or 15 (extension of compliance period).

Referral back for extension of compliance period

12 (1) This paragraph applies where—

(a) the reference back to court was made under section 103(2) (request for extension of compliance period),

(b) the youth offender contract has taken effect and the compliance period has not expired, and

(c) the offender is present before the appropriate court.

(2) If it appears to the appropriate court that it would be in the interests of justice to do so, having regard to circumstances which have arisen since the contract took effect, it may make an order extending the length of the compliance period but—

(a) not by more than 3 months, and

(b) not to more than 12 months.

(3) When deciding whether to make an order under sub-paragraph (2), the court must take into account the extent of the offender's compliance with the contract.

Power to adjourn hearing and remand offender

13 (1) This paragraph applies where a youth court or other magistrates' court holds a hearing in proceedings under this Part of 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 immediately, 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, it must not resume the hearing unless it is satisfied that the following persons have had adequate notice of the time and place for the resumed hearing—
    (i) the offender,
    (ii) if the offender is aged under 14, a parent or guardian of the offender, and
    (iii) a member of the specified youth offending team.

(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 proceedings under this Part of 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.

PART 2

FURTHER CONVICTIONS DURING REFERRAL

Introductory

14 This Part of this Schedule applies where—
  (a) a referral order has been made in respect of an offender and has not been discharged or revoked,
  (b) the offender is aged under 18, and
  (c) a court is dealing with the offender for an offence ("the new offence").

Power of magistrates' court to deal with further offence by extending compliance period

15 (1) This paragraph applies if the court dealing with the offender for the new offence is a youth court or other magistrates' court.

(2) An order under this paragraph is available in respect of the new offence if neither the new offence nor any offence connected with it is one the sentence for which is fixed by law.

(3) The court may sentence the offender for the new offence by making an order extending the length of the compliance period, but not to more than 12 months.

Supplementary

16 (1) This paragraph applies where a court makes an order under paragraph 15 in respect of the new offence.

(2) The court must not deal with the offender for the new offence, or any offence connected with it, by making an order of the kind mentioned in section 89(3) (orders not available where court makes referral order).

(3) In respect of any offence connected with the new offence, the court must make—

(a) an order under paragraph 15, or

(b) an order for absolute discharge.

Further convictions: power of any court to revoke referral orders

17 (1) This paragraph applies where, in dealing with the offender for the new offence, the court makes an order other than—

(a) an order under paragraph 15, or

(b) an order for absolute discharge or an order for conditional discharge.

(2) If it appears to the court to be in the interests of justice to do so, the court—

(a) may revoke the referral order (or any one or more of the referral orders), and

(b) if it revokes a referral order, may deal with the offender for the offence in respect of which the revoked order was made in any way (assuming that a referral order is not available) in which a magistrates' court could deal with the offender if the offender had just been convicted of the offence by that court (but as if the offender were the same age as when in fact convicted).

(3) Revocation of a referral order under sub-paragraph (2) has the effect of revoking any related order under paragraph 9, 12 or 15 (extension of compliance period).

(4) When re-sentencing the offender under sub-paragraph (2)(b), if a youth offender contract has taken effect between the offender and the panel, the court must take into account the extent of the offender's compliance with the contract.

(5) For the purposes of this paragraph it does not matter whether the new offence was committed before or after the offender was referred to the panel.

SCHEDULE 5

Section 115

BREACH, REVOCATION AND AMENDMENT OF REPARATION ORDERS

PART 1

BREACH OF REPARATION ORDER

Application to court

1 (1) This Part of this Schedule applies where—

(a) a reparation order is in force in respect of an offender, and

(b) the responsible officer makes an application to the appropriate court under this paragraph for it to exercise its powers under paragraph 2.

(2) In this paragraph "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.

(3) In sub-paragraph (2) "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.

(4) Where the responsible officer makes an application to the appropriate court under this paragraph, the officer may bring the offender before the court.

Powers of appropriate court

2 (1) This paragraph applies if it is proved to the satisfaction of the appropriate court that the offender has breached any requirement of the reparation order.

(2) The appropriate court—

(a) may order the offender to pay a fine of an amount not exceeding £1,000;

(b) if the reparation order was made by a magistrates' court, may revoke the order and re-sentence the offender for the offence in respect of which the order was made, or

(c) if the reparation order was made by the Crown Court, may—

(i) commit the offender to custody, or

(ii) release the offender on bail,

until the offender can be brought or appear before the Crown Court.

(3) Where the appropriate court deals with the offender's case under sub-paragraph (2)(c) it must send to the Crown Court a certificate signed by a justice of the peace giving—

(a) particulars of the offender's failure to comply with the requirement in question, 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.

(4) The appropriate court may not make an order under this paragraph unless the offender is present before the court.

(5) For powers to issue a summons or warrant to secure the offender's attendance see paragraph 6.

(6) In dealing with the offender under this paragraph the appropriate court must take into account the extent to which the offender has complied with the requirements of the reparation order.

(7) A fine imposed under this paragraph is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.

(8) Where—

(a) the offender is aged under 18, and

(b) but for this sub-paragraph, the court would impose a fine on the offender under sub-paragraph (2)(a),

section 381 (order for payment by parent or guardian) applies to the fine.

Powers of Crown Court

3 (1) This paragraph applies where—

(a) by virtue of paragraph 2(2)(c) the offender is brought or appears before the Crown Court, and

(b) it is proved to the satisfaction of that court that the offender has breached the requirement in question.

(2) The Crown Court may re-sentence the offender for the offence in respect of which the reparation order was made.

(3) Where the Crown Court deals with the offender under sub-paragraph (2), it must revoke the reparation order if it is still in force.

(4) In dealing with an offender under this paragraph the court must take into account the extent to which the offender has complied with the requirements of the reparation order.

(5) The appropriate court may not make an order under this paragraph unless the offender is present before the court.

(6) For powers to issue a summons or warrant to secure the offender's attendance, see paragraph 6.

(7) In proceedings before the Crown Court under this paragraph any question whether the offender has breached a requirement of the reparation order is to be determined by a court and not by the verdict of a jury.

Orders made on appeal

4 A reparation order made on appeal is to be taken, for the purposes of this Part of this Schedule—

(a) if it was made on appeal brought from a magistrates' court, to have been made by that magistrates' court;

(b) if it was made on an appeal brought—

(i) from the Crown Court, or

(ii) from the Court of Appeal,

to have been made by the Crown Court.

PART 2

REVOCATION AND AMENDMENT OF REPARATION ORDER

5 (1) This paragraph applies where—

(a) a reparation order is in force in respect of an offender, and

(b) the offender or the responsible officer makes an application to the relevant court under this paragraph.

(2) In this paragraph "the relevant court" means—

(a) a youth court acting in the offender's home local justice area, or

(b) in the case of an application made both under this paragraph and under paragraph 1, the appropriate court (as defined in that paragraph).

(3) Where the responsible officer makes an application to a court under this paragraph, the responsible officer may bring the offender before the court.

(4) If it appears to the relevant court that it is appropriate to make an order under this sub-paragraph, the court may—

(a) make an order revoking the reparation order, or

(b) make an order amending it—

(i) by cancelling any provision included in it, or

(ii) by inserting in it (either in addition or in substitution for any of its provisions) any provision which it could include in a reparation order if, applying the relevant assumptions, it were now making such an order in respect of the relevant offence.

(5) In sub-paragraph (4) the "relevant assumptions" are that—

(a) the offender has just been convicted by the relevant court of the relevant offence, and

(b) the offender is the same age as when in fact convicted of that offence.

(6) Unless the offender is present before it, the relevant court may not amend the reparation order under this paragraph, except to—

(a) cancel a requirement included in the order,

(b) substitute a new local justice area for the offender's home local justice area specified in the order, or

(c) change the responsible officer.

(7) Where an application under this paragraph for the revocation of a reparation order is dismissed, no-one may make a further application for its revocation under this paragraph except with the consent of the relevant court.

PART 3

SUPPLEMENTARY

Issue of summons or warrant

6 (1) This paragraph applies where an application is made under paragraph 1 or 5.

(2) For the purpose of securing the attendance of the offender before it, the court to which the application is made may issue a summons.

(3) If—

(a) the offender fails to appear in court in answer to the summons, and

(b) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by rules of court, that the summons—

(i) could not be served, or

(ii) was served on the offender within what appears to the court to be a reasonable time before the hearing,

the court may issue a warrant.

(4) This paragraph is without prejudice to any other power to issue a summons or warrant.

Warrants

7 (1) This paragraph applies where an offender—

(a) is arrested under a warrant issued under paragraph 6, and

(b) cannot be brought immediately 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.

(3) A person detained in accordance with arrangements under sub-paragraph (2)(a) is deemed to be lawfully detained.

(4) Where the court before which the offender is brought under sub-paragraph (2)(b) ("the alternative court") is not the relevant court, the alternative court may—

(a) direct that the offender be released forthwith, or

(b) remand the offender.

(5) If the offender is aged under 18, the power in sub-paragraph (4)(b) is a power to remand the offender to accommodation provided by or on behalf of a local authority.

(6) Where a court remands an offender under this paragraph to accommodation provided by or on behalf of a local authority, it must designate the local authority which is to receive the offender.

(7) The designated authority must be—

(a) the local authority for the area in which the offender resides, or

(b) if it appears to the court that the offender does not reside in the area of a local authority, must be a local authority in whose area the offence or an associated offence was committed.

Power to adjourn hearing and remand offender

8 (1) This paragraph applies to any hearing relating to an offender held by a youth court in any proceedings under this Schedule.

(2) The court may adjourn the hearing.

(3) Where it 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) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.

(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, it must not resume the hearing unless it is satisfied that the following persons have had adequate notice of the time and place for 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.

(6) The powers of a youth 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.

Appeals

9 The offender may appeal to the Crown Court against—

(a) any order made under paragraph 2(1) (order made by appropriate court on breach of reparation order),

(b) any order made under paragraph 5(4)(b) (amendment of order), other than an order which only does one or more of the following—

(i) cancels a requirement included in the order,

(ii) substitutes a new local justice area for the offender's home local justice area specified in the order, or

(iii) changes the responsible officer, or

(c) the dismissal of an application under paragraph 5 to revoke a reparation order.

SCHEDULE 6

Section 173

YOUTH REHABILITATION ORDERS: REQUIREMENTS

PART 1

ACTIVITY REQUIREMENT

Activity requirement: types of requirement

1 (1) In this Code "activity requirement", in relation to a youth rehabilitation order, is a requirement consisting of one or more of the following—

(a) a specified place obligation (see paragraph 3),

(b) a specified activities obligation (see paragraph 4),

(c) a specified residential exercise obligation (see paragraph 5),

(d) an obligation under paragraph 6 to engage in activities as instructed by the responsible officer.

(2) A youth rehabilitation order that imposes an activity requirement may specify—

(a) obligations of more than one of those kinds, or

(b) more than one obligation of any of those kinds.

(3) The aggregate number of days specified in a youth rehabilitation order under paragraphs 3, 4, 5 and 6 must not exceed 90 unless the activity requirement is an extended activity requirement (see paragraph 2).

Extended activity requirement

2 (1) An extended activity requirement is an activity requirement for which the aggregate number of days specified in the youth rehabilitation order under paragraphs 3, 4, 5 and 6 is greater than 90.

(2) Where a youth rehabilitation order imposes an extended activity requirement, the aggregate number of days specified in the order under those paragraphs must not exceed 180.

(3) For restrictions on making a youth rehabilitation order with intensive supervision and surveillance (and, accordingly, on imposing an extended activity requirement), see section 180 (as well as sections 175 and 178 (requirements and availability relating to youth rehabilitation orders with intensive supervision and surveillance)).

Activity requirement: specified place obligation

3 (1) For each specified place obligation that it imposes, a youth rehabilitation order must specify—

(a) a number of days,

(b) a place or places, and

(c) for each place specified, the description of person to whom the offender is required to present himself or herself.

(2) The obligation requires the offender, in accordance with instructions of the responsible officer, on the specified number of days—

(a) to present himself or herself at a specified place to a person of the specified description, and

(b) while there, to participate in activities and comply with instructions given by, or under the authority of, the person in charge of the place.

Activity requirement: specified activities obligation

4 (1) For each specified activities obligation that it imposes, a youth rehabilitation order must specify—

(a) a number of days, and

(b) an activity or activities.

(2) The obligation requires the offender, in accordance with instructions of the responsible officer, on the specified number of days—

(a) to participate in a specified activity, and

(b) to comply with instructions given by, or under the authority of, the person in charge of the activity.

(3) An activity specified under this paragraph may be one whose purpose is reparation, such as an activity involving contact between an offender and persons affected by the offending concerned.

Activity requirement: specified residential exercise obligation

5 (1) For each specified residential exercise obligation that it imposes, a youth rehabilitation order must specify—

(a) a number of days, and

(b) a place or activity.

(2) The obligation requires the offender, in accordance with the instructions of the responsible officer—

(a) if a place is specified under sub-paragraph (1)(b)—

(i) to present himself or herself at that place to a person of a description specified in the instructions, and

(ii) to reside there for a period consisting of the specified number of days, and

(iii) during that period, to comply with instructions given by, or under the authority of, the person in charge of that place;

(b) if an activity is specified under sub-paragraph (1)(b)—

(i) to participate in that activity for a period consisting of the specified number of days, and

(ii) during that period, to comply with instructions given by or under the authority of, the person in charge of the activity.

Activity requirement: obligation to engage in activities as instructed by responsible officer

6 (1) A youth rehabilitation order that imposes an obligation under this paragraph—

(a) must specify a number of days, and

(b) may permit the responsible officer to give instructions in accordance with this paragraph requiring the offender to participate in a residential exercise.

(2) The obligation requires the offender to engage in activities in accordance with instructions of the responsible officer on that number of days.

(3) For each of those days, instructions of the responsible officer must require the offender to—

(a) present himself or herself to a person or persons of a description specified in the instructions at a place so specified, or

(b) participate in an activity specified in the instructions.

(4) On each of those days, or while participating in any such activity, the offender is required to comply with instructions given by, or under the authority of, the person in charge of the place or the activity.

(5) An activity specified in instructions under this paragraph may be one whose purpose is reparation, such as one involving contact between an offender and persons affected by the offending concerned.

(6) Sub-paragraphs (7) to (9) apply where under sub-paragraph (1)(b) the youth rehabilitation order permits the responsible officer to give instructions requiring the offender to participate in a residential exercise.

(7) Instructions given by the responsible officer may require the offender to participate in a residential exercise for the period specified in the instructions and, for that purpose—

(a) to present himself or herself to a person of a description specified in the instructions at a place so specified at the beginning of that period and to reside there for that period, or

(b) to participate for that period in an activity specified in the instructions.

(8) But instructions requiring the offender to participate in a residential exercise—

(a) may not require the offender to participate in such an exercise for a period of more than 7 days;

(b) may not be given except with the consent of a parent or guardian of the offender.

(9) Where the responsible officer gives instructions requiring the offender to participate in a residential exercise, the offender is required to comply with instructions given by, or under the authority of, the person in charge of the place or activity specified in the responsible officer's instructions.

Activity requirement: general provisions

7 Instructions given by, or under the authority of, a person in charge of any place under any of the following provisions—

(a) paragraph 3(2)(b) (specified place obligation),

(b) paragraph 5(2)(a)(iii) (residential exercise obligation),

(c) paragraph 6(4) (obligation at place specified by responsible officer), or

(d) paragraph 6(9) (residential exercise at place specified by responsible officer),

may require the offender to engage in activities otherwise than at that place.

Restrictions on imposing an activity requirement

8 A court may not include an activity requirement in a youth rehabilitation order unless—

(a) the court has consulted—

(i) a member of a youth offending team, or

(ii) an officer of a provider of probation services,

and is satisfied that it is feasible to secure compliance with the requirement,

(b) the court is satisfied that provision can be made for the offender to participate in the activities that it proposes to specify in the order under the arrangements for persons to participate in such activities which exist in the local justice area in which the offender resides or is to reside, and

(c) if compliance with the requirement would require the co-operation of a person other than the offender and the responsible officer, that other person consents to its inclusion.

PART 2

SUPERVISION REQUIREMENT

Supervision requirement

9 In this Code "supervision requirement", in relation to a youth rehabilitation order, means a requirement that, while the order is in force, the offender must attend appointments with—

(a) the responsible officer, or

(b) another person determined by the responsible officer,

at times and places determined by the responsible officer.

PART 3

UNPAID WORK REQUIREMENT

Requirement

10 (1) In this Code "unpaid work requirement", in relation to a youth rehabilitation order, means a requirement that the offender must perform unpaid work in accordance with the instructions of the responsible officer as to—

(a) the work to be performed, and

(b) the times, during a period of 12 months, at which the offender is to perform it.

(2) The order must specify the number of hours which the offender may be required to work under the requirement.

(3) That number must be, in aggregate—

(a) not less than 40, and

(b) not more than 240.

(4) Sub-paragraphs (1)(b) and (3) are subject to paragraphs 10(7) and 19 of Schedule 7 (which make provision for different limits where an unpaid work requirement is imposed or amended in further proceedings).

Restriction on imposing an unpaid work requirement

11 (1) A court may not impose an unpaid work requirement in respect of an offender unless it is satisfied—

(a) that the offender is a suitable person to perform work under an unpaid work requirement, and

(b) that provision for the offender to work under such a requirement can be made under the arrangements for persons to perform work under such a requirement which exist in the local justice area in which the offender resides or is to reside.

(2) In making a decision under sub-paragraph (1)(a) the court must (if it considers it necessary) hear—

(a) a member of a youth offending team, or

(b) an officer of a provider of probation services.

PART 4

PROGRAMME REQUIREMENT

Programme requirement

12 (1) In this Code "programme requirement", in relation to a youth rehabilitation order, means a requirement for the offender to participate in a particular systematic set of activities (a "programme"), which may have a residential component.

(2) A youth rehabilitation order which imposes a programme requirement must specify—

(a) the programme,

(b) the place or places at which the offender is required to participate in it,

(c) the number of days on which the offender is required to participate in it, and

(d) if the programme has a residential component—

(i) the place where the offender is required to reside for the purposes of the residential component, and

(ii) the period for which the offender is required to reside there.

(3) For the purposes of this paragraph, a programme has "a residential component" if it is necessary to reside at a particular place for a particular period in order to participate in the programme.

(4) A programme requirement operates to require the offender, as instructed by the responsible officer—

(a) to participate in the programme on the number of days specified in the order at a place specified in the order, and

(b) while there, to comply with instructions given by, or under the authority of, the person in charge of the programme.

Restrictions on imposing a programme requirement

13 (1) A court may not include a programme requirement in a youth rehabilitation order unless—

(a) the programme which the court proposes to specify has been recommended to the court by—

(i) a member of a youth offending team, or

(ii) an officer of a provider of probation services,

as being suitable for the offender, and

(b) the court is satisfied that the programme is available at the place or places it proposes to specify.

For this purpose "programme" has the same meaning as in paragraph 12.

(2) A court may not include a programme requirement in a youth rehabilitation order if compliance with the requirement would require the co-operation of a person other than the offender and the offender's responsible officer, unless that other person consents to its inclusion.

PART 5

ATTENDANCE CENTRE REQUIREMENT

Attendance centre requirement

14 (1) In this Code "attendance centre requirement", in relation to a youth rehabilitation order, means a requirement that the offender must attend at a particular attendance centre for a particular number of hours.

(2) A youth rehabilitation order which imposes an attendance centre requirement must specify—

(a) the attendance centre, and

(b) the aggregate number of hours for which the offender may be required to attend at the attendance centre.

(3) That number of hours must be—

(a) if the offender is aged 16 or over at the time of conviction—

(i) not less than 12, and

(ii) not more than 36;

(b) if the offender is aged 14 or over but under 16 at the time of conviction—

(i) not less than 12, and

(ii) not more than 24;

(c) if the offender is aged under 14 at the time of conviction, not more than 12.

(4) The first time at which the offender is required to attend at the attendance centre is a time notified to the offender by the responsible officer.

(5) The subsequent hours are to be fixed by the officer in charge of the centre—

(a) in accordance with arrangements made by the responsible officer, and

(b) having regard to the offender's circumstances.

(6) An offender may not be required under this paragraph to attend at an attendance centre—

(a) more than once on any day, or

(b) for more than 3 hours at a time.

(7) A requirement under this paragraph to attend at an attendance centre for any period on any occasion operates as a requirement, during that period, to engage in occupation, or receive instruction, whether at the centre or elsewhere—

(a) under the supervision of the officer in charge of the centre, and

(b) in accordance with instructions given by, or under the authority of, that officer.

Restriction on imposing attendance centre requirement

15 A court may not include an attendance centre requirement in a youth rehabilitation order unless—

(a) the court has been notified by the Secretary of State that an attendance centre is available for persons of the offender's description and that provision can be made for the offender there (and the notice has not been withdrawn), and

(b) the court is satisfied that the attendance centre which it proposes to specify in the order is reasonably accessible to the offender, having regard to the means of access available to the offender and any other circumstances.

PART 6

PROHIBITED ACTIVITY REQUIREMENT

Requirement

16 (1) In this Code "prohibited activity requirement", in relation to a youth rehabilitation order, means a requirement that the offender must refrain from particular activities—

(a) on one or more particular days, or

(b) for a particular period.

(2) Where the court makes a youth rehabilitation order imposing a prohibited activity requirement, the order must specify—

(a) the activities from which the offender must refrain;

(b) the day or days on which, or the period for which, the offender must refrain from those activities.

(3) A prohibited activity requirement may, in particular, include a requirement that the offender does not possess, use or carry a firearm within the meaning of the Firearms Act 1968.

Restriction on imposing prohibited activity requirement

17 A court may not include a prohibited activity requirement in a youth rehabilitation order unless it has consulted—

(a) a member of a youth offending team, or

(c) an officer of a provider of probation services.

PART 7

CURFEW REQUIREMENT

Curfew requirement

18 (1) In this Code "curfew requirement", in relation to a youth rehabilitation order, means a requirement that the offender must remain, for particular periods ("curfew periods"), at a particular place.

(2) A youth rehabilitation order which imposes a curfew requirement must specify—

(a) the curfew periods, and

(b) the place at which the offender must remain for each curfew period.

(3) Different places or different curfew periods may be specified for different days.

(4) The curfew periods must amount to—

(a) not less than 2 hours in any day, and

(b) not more than 16 hours in any day.

(5) The specified curfew periods must fall within the period of 12 months beginning with the day on which the requirement first takes effect.

Requirements where court imposes curfew requirement

19 (1) Before making a youth rehabilitation order imposing a curfew requirement, the court must obtain and consider information about each place proposed to be specified under paragraph 18(2)(b).

(2) That information must include information as to the attitude of persons likely to be affected by the offender's enforced presence there.

(3) Where the court makes a youth rehabilitation order which imposes a curfew requirement it must also impose an electronic monitoring requirement (see Part 17 of this Schedule) unless—

(a) it is prevented from doing so by paragraph 44, or

(b) in the particular circumstances of the case, it considers it inappropriate to do so.

PART 8

EXCLUSION REQUIREMENT

Requirement

20 (1) In this Code "exclusion requirement", in relation to a youth rehabilitation order, means a provision prohibiting the offender from entering a particular place (the "prohibited place") for a particular period (the "exclusion period").

(2) A youth rehabilitation order which imposes an exclusion requirement must specify—

(a) the prohibited place, and

(b) the exclusion period.

(3) The exclusion period must not be more than 3 months.

(4) A youth rehabilitation order may specify—
  (a) more than one prohibited place;
  (b) more than one exclusion period;
  (c) different prohibited places for different exclusion periods or different days.

(5) A prohibited place may be an area.

Requirement for electronic monitoring where court imposes exclusion requirement

21 Where the court makes a youth rehabilitation order which imposes an exclusion requirement it must also impose an electronic monitoring requirement (see Part 17 of this Schedule) unless—
  (a) it is prevented from doing so by paragraph 44, or
  (b) in the particular circumstances of the case, it considers it inappropriate to do so.

PART 9

RESIDENCE REQUIREMENT

Requirement

22 (1) In this Code "residence requirement", in relation to a youth rehabilitation order, means a requirement that, for a particular period ("the required period"), the offender must—
  (a) reside with a particular individual, or
  (b) reside—
    (i) at a particular place ("the required place"), or
    (ii) if the order so permits, at the required place or, with the prior approval of the responsible officer, at some other place.

(2) A youth rehabilitation order which imposes a residence requirement within sub-paragraph (1)(a) must specify—
  (a) the required period, and
  (b) the individual with whom the offender is required to reside.

(3) A youth rehabilitation order which imposes a residence requirement within sub-paragraph (1)(b) (a "place of residence requirement") must specify—
  (a) the required period,
  (b) the required place, and
  (c) if the offender is to be permitted to reside at some other place with the prior approval of the responsible officer, that fact.

Imposing a residence requirement: restrictions and requirements

23 (1) A youth rehabilitation order which imposes a residence requirement within paragraph 22(1)(a) may not specify, as the individual with whom the offender is required to reside, an individual who has not consented to the requirement.

(2) A court may not include a place of residence requirement in a youth rehabilitation order unless the offender is aged 16 or over at the time of conviction.

(3) Before making a youth rehabilitation order containing a place of residence requirement, the court must consider the home surroundings of the offender.

(4) A hostel or other institution may not be specified as the required place, except on the recommendation of—
(a) a member of a youth offending team,
(b) an officer of a provider of probation services, or
(c) a social worker of a local authority.

(5) In this paragraph, "place of residence requirement" and "the required place" have the same meanings as in paragraph 22.

PART 10

LOCAL AUTHORITY RESIDENCE REQUIREMENT

Requirement

24 (1) In this Code, "local authority residence requirement", in relation to a youth rehabilitation order, means a requirement that, for a particular period ("the required period"), the offender must reside in accommodation provided by or on behalf of a particular local authority.

(2) A youth rehabilitation order which imposes a local authority residence requirement may also stipulate that the offender is not to reside with a particular person.

(3) A youth rehabilitation order which imposes a local authority residence requirement must specify—
(a) the required period,
(b) the local authority which is to receive the offender, and
(c) any person with whom the offender is not to reside by virtue of sub-paragraph (2).

(4) The required period must—
(a) not be longer than 6 months, and
(b) end before the offender reaches the age of 18.

(5) The authority specified must be the local authority in whose area the offender resides or is to reside.

Restrictions on imposing local authority residence requirement

25 A court may not include a local authority residence requirement in a youth rehabilitation order made in respect of an offence unless the requirements in A to C are met.

A The court is satisfied that—
(a) the behaviour which constituted the offence was due to a significant extent to the circumstances in which the offender was living, and

(b) imposing that requirement would assist in the offender's rehabilitation.

B The court has consulted—

(a) a parent or guardian of the offender (unless it is impracticable to do so), and

(b) the local authority which is to receive the offender.

C The offender was legally represented in court when the court was considering whether to impose the local authority residence requirement, but this does not apply if—

(a) representation was made available to the offender for the purposes of the proceedings under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 but was withdrawn because of the offender's conduct, or

(b) the offender has been informed of the right to apply for such representation for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.

For this purpose "the proceedings" means the whole proceedings the part of the proceedings relating to the imposition of the local authority residence requirement.

PART 11

FOSTERING REQUIREMENT

Requirement

26 (1) In this Code "fostering requirement", in relation to a youth rehabilitation order, means a requirement that, for a particular period ("the fostering period"), the offender must reside with a local authority foster parent.

(2) A youth rehabilitation order which imposes a fostering requirement must specify—

(a) the fostering period, and

(b) the local authority which is to place the offender with a local authority foster parent under—

(i) section 22C of the Children Act 1989, or

(ii) section 81 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).

(3) The fostering period—

(a) must end no later than the end of the period of 12 months beginning with the day on which the requirement takes effect, and

(b) must end before the offender reaches the age of 18.

This is subject to paragraphs 10(9) and (10) and 17(5) and (6) of Schedule 7 (substitute fostering requirement).

(4) The authority specified must be the local authority in whose area the offender resides or is to reside.

(5) Sub-paragraph (6) applies if during the fostering period the responsible officer notifies the offender—

(a) that no suitable local authority foster parent is available, and

(b) that the responsible officer has applied, or proposes to apply, under Part 3 or 4 of Schedule 7 for the youth rehabilitation order to be amended or revoked.

(6) The fostering requirement has effect, until the application is determined, as a requirement for the offender to reside in accommodation provided by or on behalf of a local authority.

(7) This paragraph does not affect the power of a local authority to place with a local authority foster parent an offender in respect of whom a local authority residence requirement is imposed.

Restrictions on imposing fostering requirement

27 A court may not make a youth rehabilitation order which imposes a fostering requirement unless the requirements in A to D are met.

A The court is satisfied that—

(a) the behaviour which constituted the offence was due to a significant extent to the circumstances in which the offender was living, and

(b) imposing that requirement would assist in the offender's rehabilitation.

B The court has been notified by the Secretary of State that arrangements for implementing such a requirement are available in the area of the local authority which is to place the offender with a local authority foster parent (and the notice has not been withdrawn).

C The court has consulted—

(a) the offender's parents or guardians (unless it is impracticable to do so), and

(b) the local authority which is to place the offender with a local authority foster parent.

D The offender was legally represented in court when the court was considering whether to impose the fostering requirement, but this does not apply if—

(a) representation was made available to the offender for the purposes of the proceedings under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 but was withdrawn because of the offender's conduct, or

(b) the offender has been informed of the right to apply for such representation for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.

For this purpose "the proceedings" means the whole proceedings the part of the proceedings relating to the imposition of the fostering requirement.

PART 12

MENTAL HEALTH TREATMENT REQUIREMENT

Mental health treatment requirement

28 (1) In this Code "mental health treatment requirement", in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a particular period or particular periods, to mental health treatment, which may be—

(a) in-patient treatment,

(b) institution-based out-patient treatment, or

(c) practitioner-based treatment.

(2) For this purpose—

"mental health treatment", in relation to an offender, means treatment which is—

(a) by or under the direction of a registered medical practitioner or registered psychologist, and

(b) with a view to improvement of the offender's mental condition;

"in-patient treatment" means treatment as a resident patient in—

(a) a care home,

(b) an independent hospital, or

(c) a hospital within the meaning of the Mental Health Act 1983,

but not in hospital premises where high security psychiatric services are provided;

"institution-based out-patient treatment" means treatment as a non-resident patient at a particular institution or place;

"practitioner-based treatment" means treatment by or under the direction of a particular registered medical practitioner or registered psychologist (or both).

(3) A youth rehabilitation order which imposes a mental health treatment requirement must specify—

(a) the period or periods during which the offender is required to submit to mental health treatment, and

(b) for each such period—

(i) if the mental health treatment is to be in-patient treatment, the care home or hospital where it is to be provided;

(ii) if it is to be institution-based out-patient treatment, the institution or place where it is to be provided;

(iii) if it is to be practitioner-based treatment, the registered medical practitioner or registered psychologist (or both) by whom or under whose direction it is to be provided;

but may not otherwise specify the nature of the treatment.

(4) In this paragraph—

"care home" means—

(a) a care home in England within the meaning of the Care Standards Act 2000, or

(b) a place in Wales at which a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)) is provided;

"high security psychiatric services" has the same meaning as in the Mental Health Act 1983;

"independent hospital"—

(a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;

(b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;

"registered psychologist" means a person for the time being registered in the part of the register maintained under the Health and Social Work Professions Order 2001 (S.I. 2002/254) which relates to practitioner psychologists.

(5) While the offender is under treatment which is in-patient treatment in pursuance of a mental health treatment requirement of a youth rehabilitation order, the responsible officer is to carry out the supervision of the offender only to the extent necessary for the purpose of the revocation or amendment of the order.

Restrictions on imposing mental health treatment requirement

29 (1) A court may not include a mental health treatment requirement in a youth rehabilitation order unless the following conditions are met—

(a) the need for treatment condition,

(b) the arrangements condition, and

(c) the consent condition.

(2) The need for treatment condition is that the court is satisfied that the mental condition of the offender—

(a) requires treatment,

(b) may be susceptible to treatment, and

(c) does not warrant the making of a hospital order or guardianship order within the meaning of the Mental Health Act 1983.

(3) The arrangements condition is that the court is satisfied that arrangements—

(a) have been made, or

(b) can be made,

for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender, if that treatment is, or includes, in-patient treatment (see paragraph 28(2)).

(4) The consent condition is that the offender has expressed willingness to comply with the requirement.

Alternative arrangements for mental health treatment

30 (1) Where—

(a) an offender is being treated in pursuance of a mental health treatment requirement, and

(b) the treatment practitioner is of the opinion that part of the treatment can be better or more conveniently given in an institution or at a place—

(i) which is not specified in the youth rehabilitation order, and

(ii) where the treatment of the offender will be given by or under the direction of a registered medical practitioner or registered psychologist,

the treatment practitioner may make arrangements ("alternative arrangements") for the offender to be treated accordingly.

(2) Alternative arrangements may be made only if the offender has expressed willingness for the treatment to be given under those arrangements.

(3) Alternative arrangements may provide for the offender to receive part of the treatment as a resident patient in an institution or place which could not have been specified for that purpose in the youth rehabilitation order.

(4) Where alternative arrangements are made—

(a) the treatment for which the alternative arrangements provide is to be deemed to be treatment to which the offender is required to submit in pursuance of the mental health treatment requirement, and

(b) the treatment practitioner must give a notice in writing to the offender's responsible officer, specifying the institution or place where that treatment is to be carried out.

(5) In this paragraph—

"registered psychologist" means a person for the time being registered in the part of the register maintained under the Health and Social Work Professions Order 2001 (S.I. 2002/254) which relates to practitioner psychologists;

"treatment practitioner" means the medical practitioner or registered psychologist by or under whose direction the offender is being treated in pursuance of the mental health treatment requirement.

PART 13

DRUG TREATMENT REQUIREMENT

Requirement

31 (1) In this Code "drug treatment requirement", in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a period or periods (each, a "treatment period"), to drug rehabilitation treatment.

Such treatment may be resident treatment or non-resident treatment.

(2) In this paragraph—

"drug rehabilitation treatment", in relation to an offender, means treatment which is—

(a) by or under the direction of a person having the necessary qualifications or experience, and

(b) with a view to the reduction or elimination of the offender's dependency on, or propensity to misuse, drugs;

"resident treatment" means treatment as a resident in a particular institution or place;

"non-resident treatment" means treatment as a non-resident at a particular institution or place;

"the treatment director" means the person by or under whose direction the treatment is to be provided.

(3) A youth rehabilitation order which imposes a drug treatment requirement must specify—

(a) the treatment period or treatment periods, and

(b) for each treatment period—

(i) the treatment director;

(ii) if the treatment is to be resident treatment, the institution or place where it is to be provided;

(iii) if it is to be non-resident treatment, the institution or place where, and the intervals at which, it is to be provided;

but must not otherwise specify the nature of the treatment.

Restrictions on imposing drug treatment requirement

32 (1) A court may not include a drug treatment requirement in a youth rehabilitation order unless the following conditions are met—

(a) the need for treatment condition,

(b) the availability condition,

(c) the arrangements condition,

(d) the suitability condition, and

(e) the consent condition.

(2) The need for treatment condition is that the court is satisfied—

(a) that the offender—

(i) is dependent on drugs, or

(ii) has a propensity to misuse drugs, and

(b) that the offender's dependency or propensity—

(i) requires treatment, and

(ii) may be susceptible to treatment.

(3) The availability condition is that the court has been notified by the Secretary of State that arrangements for implementing drug treatment requirements are in force in the local justice area in which the offender resides or is to reside (and the notice has not been withdrawn).

(4) The arrangements condition is that the court is satisfied that arrangements—

(a) have been made, or

(b) can be made,

for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender if that treatment is, or includes, resident treatment (within the meaning given in paragraph 31(2)).

(5) The suitability condition is that the requirement has been recommended to the court as suitable for the offender by—

(a) a member of a youth offending team, or

(b) an officer of a provider of probation services.

(6) The consent condition is that the offender has expressed willingness to comply with the requirement.

Meaning of "drug"

33 In this Part of this Schedule, "drug" means a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971.

PART 14

DRUG TESTING REQUIREMENT

Requirement

34 (1) In this Code "drug testing requirement", in relation to a youth rehabilitation order, means a requirement that, during any treatment period, the offender must, for the purpose of ascertaining whether there is any drug in the offender's body during that period, provide samples in accordance with instructions given by—

(a) the responsible officer, or

(b) the treatment director.

(2) A youth rehabilitation order which imposes a drug testing requirement—

(a) must specify, for each month, the minimum number of occasions when samples are to be provided, and

(b) may specify—

(i) when and in what circumstances the responsible officer or treatment director may require the offender to provide samples, and

(ii) the kinds of sample which may be required.

(3) A youth rehabilitation order which imposes a drug testing requirement must provide for the results of tests on samples provided by the offender in pursuance of the requirement to be communicated to the responsible officer, if they are not carried out by the responsible officer.

(4) In this paragraph—

(a) "drug" has the meaning given by paragraph 33;

(b) "treatment director" and "treatment period" have the same meanings as in paragraph 31.

Restrictions on imposing drug testing requirement

35 (1) A youth rehabilitation order may impose a drug testing requirement only if it also imposes a drug treatment requirement.

(2) A court may not include a drug testing requirement in a youth rehabilitation order unless the following are satisfied—

(a) the availability condition, and

(b) the consent condition.

(3) The availability condition is that the court has been notified by the Secretary of State that arrangements for implementing drug testing requirements are in force in the local justice area in which the offender resides or is to reside (and the notice has not been withdrawn).

(4) The consent condition is that the offender has expressed willingness to comply with the requirement.

PART 15

INTOXICATING SUBSTANCE TREATMENT REQUIREMENT

Requirement

36 (1) In this Code, "intoxicating substance treatment requirement", in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a period or periods (each, a "treatment period") to substance abuse treatment.

Such treatment may be resident treatment or non-resident treatment.

(2) In this paragraph—

"substance abuse treatment" means treatment which is—

(a) by or under the direction of a person having the necessary qualifications or experience, and

(b) with a view to the reduction or elimination of the offender's dependency on or propensity to misuse intoxicating substances;

"resident treatment" means treatment as a resident in a particular institution or place;

"non-resident treatment" means treatment as a non-resident at a particular institution or place;

"the treatment director" means the person by or under whose direction the treatment is to be provided.

(3) A youth rehabilitation order which imposes an intoxicating substance treatment requirement must specify—

(a) the treatment period or treatment periods, and

(b) for each treatment period—

(i) the treatment director;

(ii) if the treatment is to be resident treatment, the institution or place where it is to be provided;

(iii) if it is to be non-resident treatment, the institution or place where, and the intervals at which, it is to be provided;

but must not otherwise specify the nature of the treatment.

Restrictions on imposing intoxicating substance treatment requirement

37 (1) A court may not include an intoxicating substance treatment requirement in a youth rehabilitation order unless the following conditions are met—

(a) the need for treatment condition,

(b) the arrangements condition,

(c) the suitability condition, and

(d) the consent condition.

(2) The need for treatment condition is that the court is satisfied—

(a) that the offender—

(i) is dependent on intoxicating substances, or

(ii) has a propensity to misuse intoxicating substances, and

(b) that the offender's dependency or propensity—
(i) requires treatment, and
(ii) may be susceptible to treatment.

(3) The arrangements condition is that the court is satisfied that arrangements—
(a) have been made, or
(b) can be made,
for the treatment intended to be specified in the order.
Those arrangements include arrangements for the reception of the offender if that treatment is, or includes, resident treatment (within the meaning given in paragraph 36(2)).

(4) The suitability condition is that the requirement has been recommended to the court as suitable for the offender by—
(a) a member of a youth offending team, or
(b) an officer of a provider of probation services.

(5) The consent condition is that the offender has expressed willingness to comply with the requirement.

Meaning of "intoxicating substance"

38 In this Part of this Schedule "intoxicating substance" means—
(a) alcohol, or
(b) any other substance or product which—
(i) can be used for the purpose of causing intoxication (whether through inhaling it or its fumes or otherwise), and
(ii) is not a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971.

PART 16

EDUCATION REQUIREMENT

Requirement

39 (1) In this Code "education requirement", in relation to a youth rehabilitation order, means a requirement that the offender must comply, during a particular period or particular periods, with arrangements for the offender's education—
(a) made for the time being by the offender's parent or guardian, and
(b) approved by a relevant authority.

(2) A youth rehabilitation order which imposes an education requirement must specify—
(a) the relevant authority for the purposes of the requirement, and
(b) the period or periods during which the offender must comply with the education arrangements.

(3) The authority specified as the relevant authority must be the local authority (within the meaning of the Education Act 1996) for the area in which the offender resides or is to reside.

(4) Any period specified must end by the time the offender ceases to be of compulsory school age.

(5) In this paragraph, "parent" has the same meaning as in the Education Act 1996.

Restriction on imposing education requirement

40 A court may not include an education requirement in a youth rehabilitation order unless—

(a) it has consulted the authority which is to be specified as the relevant authority (within the meaning of paragraph 39), and

(b) it is satisfied—

(i) that, in the view of that authority, arrangements exist for the offender to receive efficient full-time education suitable to the offender's age, ability, aptitude and special educational needs (if any), and

(ii) that, having regard to the circumstances of the case, it is necessary to include the education requirement in order to secure the good conduct of the offender or to prevent the commission of further offences.

PART 17

ELECTRONIC MONITORING REQUIREMENT

Requirement

41 In this Code "electronic monitoring requirement", in relation to a youth rehabilitation order, means a requirement for securing the electronic monitoring of the offender's compliance with other requirements imposed by the order during a particular period ("the monitoring period").

Person responsible for electronic monitoring

42 (1) A youth rehabilitation order which imposes an electronic monitoring requirement must include provision for making a person responsible for the monitoring.

(2) The person who is made responsible for the monitoring must be of a description specified in regulations made by the Secretary of State.

Monitoring period

43 (1) A youth rehabilitation order which imposes an electronic monitoring requirement must—

(a) specify the monitoring period, or

(b) provide for the responsible officer to determine the monitoring period in accordance with the order.

(2) Sub-paragraph (3) applies where the responsible officer is to determine the monitoring period in accordance with the order.

(3) Before it begins, the responsible officer must notify the following people of when the monitoring period is to begin—

(a) the offender,
(b) the person responsible for the monitoring, and
(c) any person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring.

Restrictions on imposing electronic monitoring

44 (1) Where—
(a) it is proposed to include an electronic monitoring requirement in a youth rehabilitation order, but
(b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,
the requirement may not be included in the order without that person's consent.

(2) A court may not include an electronic monitoring requirement in a youth rehabilitation order unless—
(a) the court has been notified by the Secretary of State that arrangements for electronic monitoring of offenders are available—
(i) in the local justice area proposed to be specified in the order as the offender's home local justice area, and
(ii) for each requirement mentioned in the table in sub-paragraph (3) which the court proposes to include in the order, in the area in which the relevant place specified in the table for that requirement is situated,
(and the notice has not been withdrawn in relation to any of those areas), and
(b) the court is satisfied that the necessary provision can be made under the arrangements currently available.

(3) That table is—

Proposed requirement of youth rehabilitation order	*Relevant place*
Curfew requirement	The place which the court proposes to specify in the order for the purposes of that requirement.
Exclusion requirement	The prohibited place (within the meaning of paragraph 20) which the court proposes to specify in the order.
Attendance centre requirement	The attendance centre which the court proposes to specify in the order.

SCHEDULE 7

Section 195

BREACH, REVOCATION OR AMENDMENT OF YOUTH REHABILITATION ORDER, AND EFFECT OF FURTHER CONVICTION

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 electronic monitoring requirement is a requirement of the same kind as any other youth rehabilitation requirement to which it relates.

Youth rehabilitation order subject to magistrates' court supervision

2 For the purposes of this Schedule—

(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.

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 brought—

(i) from the Crown Court, or

(ii) from the Court of Appeal,

as having been made by the Crown Court.

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.

(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.

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.

(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.

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 to 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;

(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).

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 offence in respect of the relevant offence.

(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.

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.

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—

(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 381 (order for payment by parent or guardian) applies to the fine.

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—

(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.

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.

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.

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.

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.

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

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.

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.

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—

(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.

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.

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.

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").

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 summons 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.

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.

(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 to 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 summons 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.

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 summons 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.

(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.

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 be brought immediately 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.

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

(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.

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.

(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.

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
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

Requirement	*Person to whom copy of requirement is to be given*
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
An electronic 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.

(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 to that court 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.

SCHEDULE 8

Section 196

TRANSFER OF YOUTH REHABILITATION ORDERS TO NORTHERN IRELAND

PART 1

POWERS OF COURT IN ENGLAND AND WALES TO MAKE OR AMEND A YOUTH REHABILITATION ORDER WHERE OFFENDER RESIDES OR PROPOSES TO RESIDE IN NORTHERN IRELAND

Making of youth rehabilitation order where offender will reside in Northern Ireland

1 (1) This paragraph applies where—

(a) a youth rehabilitation order is available to a court dealing with an offender, and

(b) the court is satisfied that the offender—

(i) resides in Northern Ireland, or

(ii) if a youth rehabilitation order is made, will reside there when the order takes effect.

(2) The court may make a youth rehabilitation order only if—

(a) it appears to the court that suitable arrangements for the offender's supervision can be made by—

(i) the Probation Board for Northern Ireland, or

(ii) any other designated body, and

(b) the order will satisfy Part 2 of this Schedule.

Amendment of youth rehabilitation order where offender will reside in Northern Ireland

2 (1) This paragraph applies where—

(a) a youth rehabilitation order is in force,

(b) the appropriate court (within the meaning of paragraph 15 of Schedule 7) is satisfied that the offender—

(i) resides in Northern Ireland, or

(ii) if the order is amended in accordance with this Part of this Schedule, proposes to reside there when the amendment comes into force, and

(c) the court is satisfied that suitable arrangements for the offender's supervision can be made by—

(i) the Probation Board for Northern Ireland, or

(ii) any other designated body.

(2) The power of the appropriate court to amend the order under Part 4 of Schedule 7 ("the amendment power") includes power to amend the order by requiring—

(a) the order to be complied with in Northern Ireland, and

(b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).

(3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy Part 2 of this Schedule.

Amendment by court of youth rehabilitation order already transferred to Northern Ireland

3 (1) This paragraph applies where—

(a) a youth rehabilitation order is in force,

(b) the order has effect as made or amended in accordance with this Part of this Schedule, and

(c) the offender resides in Northern Ireland.

(2) A court in England and Wales may exercise any power to amend the order by virtue of paragraph 21(1)(b) (exercise of powers by court in England and Wales before which home court requires offender to appear) only if—

(a) the court is satisfied, in relation to any requirement that it proposes to impose, that suitable arrangements for the offender's supervision can be made by—

(i) the Probation Board for Northern Ireland, or
(ii) any other designated body, and

(b) the order (as amended) will satisfy Part 2 of this Schedule.

4 (1) In this Part of this Schedule "designated body" means a body designated for the purposes of this Part of this Schedule by the Secretary of State by regulations.

(2) Regulations under this paragraph are subject to the negative resolution procedure.

PART 2

REQUIREMENTS ETC: AVAILABILITY AND MODIFICATIONS OF SCHEDULE 6

Requirements: availability and restrictions

5 This Part of this Schedule applies to a youth rehabilitation order made or amended in accordance with Part 1 of this Schedule.

6 The the order must not impose either of the following requirements—
(a) a local authority residence requirement;
(b) a fostering requirement.

7 (1) The court must not impose a locally based requirement unless—
(a) it appears to the court that—
(i) arrangements exist for persons to comply with such a requirement in Northern Ireland, and
(ii) provision can be made for the offender to comply with the requirement under those arrangements, or
(b) under the order, as previously made or amended in accordance with Part 1 of this Schedule, the offender is already required to comply with the requirement in Northern Ireland.

(2) For the purpose of this paragraph, "locally based requirement" means any of the following—
(a) an activity requirement (including an extended activity requirement);
(b) an unpaid work requirement;
(c) a programme requirement;
(d) an attendance centre requirement;
(e) a mental health treatment requirement;
(f) a drug treatment requirement;
(g) a drug testing requirement;
(h) an education requirement;
(i) an electronic monitoring requirement.

8 The number of hours, days or months in respect of which any requirement of the order is imposed must not be greater than the number of hours, days or months in respect of which a court in Northern Ireland could impose a similar requirement in a corresponding order.

Further provisions where offender resides or will reside in Northern Ireland

9 In a case where a court makes or amends a youth rehabilitation order in accordance with Part 1 of this Schedule, Chapter 1 of this Part of this Code (youth rehabilitation orders) has effect as if—

(a) any reference to the responsible officer were a reference to the person who is to be responsible for the offender's supervision under the order;

(b) section 188 (offender's home local justice area to be specified in order) were omitted;

(c) the following provisions of Schedule 6 were omitted—

(i) paragraph 8(a)(i) (consultation of member of youth offending team);

(ii) paragraphs 8(b), 11(1)(b) and 15(a) (availability of arrangements in local area: activity requirement, unpaid work requirement and attendance centre requirement);

(iii) paragraph 23(4) (residence requirement: restriction on requiring residence at hostel or other institution);

(iv) paragraphs 32(3) and 35(3) (availability of requirements to be notified by Secretary of State: drug treatment and testing and electronic monitoring);

(v) paragraph 42(2) (persons responsible for electronic monitoring);

(vi) paragraph 44(2) and (3) (availability of requirements for electronic monitoring);

(d) in Part 5 of that Schedule (attendance centre requirement), any reference to an attendance centre were to an attendance centre as defined by Article 50(1) of the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N. I. 9));

(e) in paragraph 28 of that Schedule (mental health treatment requirement), in sub-paragraph (2), for the definition of "in-patient treatment" there were substituted—

> ""in-patient treatment" means treatment as a resident patient at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)), approved by the Department of Health in Northern Ireland for the purposes of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));";

(f) in Part 16 of that Schedule (education requirement) references to a relevant authority were to the Education Authority established under section 1 to the Education Act (Northern Ireland) 2014 (c. 12 (N.I.)).

PART 3

MAKING OR AMENDMENT OF ORDER IN ACCORDANCE WITH PART 1 OF THIS SCHEDULE

Application

10 This Part of this Schedule applies in a case where a court makes or amends a youth rehabilitation order in accordance with Part 1 of this Schedule.

Explanation to be given by court before order is made or amended

11 Before making or amending the youth rehabilitation order, the court must explain to the offender in ordinary language—

(a) the effect of paragraph 17(1) (order to be treated as corresponding order),

(b) the requirements of the legislation in Northern Ireland relating to corresponding orders,

(c) the powers of the home court under that legislation, as modified by Part 4 of this Schedule, and

(d) its own powers in relation to the youth rehabilitation order under Part 4 of this Schedule.

Matters to be specified in the order

12 (1) The youth rehabilitation order must specify as the corresponding order for the purposes of this Schedule an order that may be made by a court in Northern Ireland.

(2) If the youth rehabilitation order is made by the Crown Court and includes a direction under section 189, the order must specify the youth court or other magistrates' court in England and Wales which is to be the relevant court in England and Wales for the purposes of this Schedule.

Provision of copies

13 (1) The court which makes or amends the youth rehabilitation order must forthwith—

(a) provide each of the persons mentioned in sub-paragraph (2) with a copy of the order as made or amended, and

(b) provide the home court with—

(i) a copy of the order as made or amended, and

(ii) such other documents and information relating to the case as it considers likely to be of assistance to the home court.

(2) Those persons are—

(a) the offender,

(b) if the offender is aged under 14—

(i) the offender's parent or guardian, or

(ii) if an authority in Northern Ireland has parental responsibility for, and is looking after, the offender, the authority, and

(c) the body which is to make suitable arrangements for the offender's supervision under the order.

(3) In sub-paragraph (2)(b)(ii)—

(a) "authority" has the meaning given by Article 2 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)),

(b) the reference to an offender who is looked after by an authority is to be construed in accordance with Article 25 of that Order, and

(c) "parental responsibility" has the same meaning as in that Order.

(4) If the court—

(a) makes a youth rehabilitation order which imposes a requirement specified in column 1 of the following table, or

(b) amends a youth rehabilitation order so as to impose or amend such a requirement,

the court must also forthwith provide the person specified in the corresponding entry in column 2 of the table with a copy of so much of the youth rehabilitation order or amending order as relates to the requirement—

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
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

Requirement	*Person to whom copy of requirement is to be given*
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 Education Authority established under section 1 to the Education Act (Northern Ireland) 2014 (c. 12 (N.I.)).
An electronic 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 have been included in the order.

(5) This paragraph has effect in place of section 190.

PART 4

EFFECT OF ORDER MADE OR AMENDED IN ACCORDANCE WITH PART 1 OF THIS SCHEDULE

Application

14 This Part of this Schedule applies where a youth rehabilitation order is made or amended in accordance with Part 1 of this Schedule.

Duty of offender to keep in touch with relevant officer

15 (1) The offender—
(a) must keep in touch with the relevant officer in accordance with any instructions the relevant officer may give the offender from time to time, and
(b) must notify the relevant officer of any change of address.

(2) This obligation has effect as if it were a youth rehabilitation requirement of the youth rehabilitation order.

(3) This paragraph has effect in place of section 193.

Direction by Crown Court in Northern Ireland that proceedings in Northern Ireland be before a court of summary jurisdiction

16 Where the youth rehabilitation order was made or amended by the Crown Court, the Crown Court in Northern Ireland may direct that any proceedings in Northern Ireland in relation to the order be before a court of summary jurisdiction.

Effect of the youth rehabilitation order in Northern Ireland

17 (1) The youth rehabilitation order is to be treated in Northern Ireland as if it were a corresponding order and the legislation which has effect in Northern Ireland in relation to such orders applies accordingly.

(2) Sub-paragraph (1) is subject to paragraphs 18 to 21.

Powers of the home court in respect of the youth rehabilitation order

18 (1) The home court may exercise any relevant local power in relation to the youth rehabilitation order.

(2) A "relevant local power" means a power which the home court could exercise in relation to a corresponding order by virtue of the legislation that applies in Northern Ireland in relation to such orders.

(3) The home court may not discharge or revoke the order.

(4) But that does not prevent the home court from exercising a power to revoke the order where—

(a) the offender has been convicted of a further offence, and

(b) the court has imposed a custodial sentence (and section 222(1) (meaning of "custodial sentence") does not apply for this purpose).

(5) The home court may not deal with the offender for the offence in respect of which the youth rehabilitation order was made.

(6) If the youth rehabilitation order imposes a curfew requirement, the home court may not vary the order so as to specify curfew periods (within the meaning of paragraph 18 of Schedule 6) that could now be specified by a court in England and Wales if it were imposing the requirement on the relevant assumptions.

(7) For that purpose "the relevant assumptions" are that the offender—

(a) has just been convicted by or before the court in England and Wales of the offence in respect of which the youth rehabilitation order was made, but

(b) is the same age as when in fact convicted of the offence.

19 (1) The home court may require the offender to appear before the relevant court in England or Wales if sub-paragraph (2) or (3) applies.

(2) This sub-paragraph applies where it appears to the home court upon a complaint being made to a lay magistrate in Northern Ireland that the offender has breached one or more requirements of the order.

(3) This sub-paragraph applies where it appears to the home court, on the application of the offender or the relevant officer, that it would be in the interests of justice for any of the following powers to be exercised—

(a) a power conferred by Part 3 of Schedule 7 (revocation of order with or without re-sentencing);

(b) a power conferred by paragraph 15 of that Schedule (amendment by appropriate court).

Breach of requirement: certificate of home court

20 (1) Where the home court requires the offender to appear before the relevant court in England and Wales by virtue of paragraph 19(2) (breach of a requirement of the order) the home court must send to the court in England and Wales—

(a) a certificate certifying that the offender has breached a requirement of the order specified in the certificate, and

(b) such other particulars of the case as may be desirable.

(2) A certificate under sub-paragraph (1)(a) purporting to be signed by the clerk of the home court (or, if the home court is the Crown Court in Northern Ireland, by the chief clerk) is admissible as evidence of the breach before the relevant court in England or Wales.

Powers of court in England or Wales where offender required to appear under paragraph 19

21 (1) In any case where under paragraph 19 the home court requires the offender to appear before the relevant court in England or Wales, the relevant court may—

(a) issue a warrant for the offender's arrest, and

(b) exercise any power which it could exercise in respect of the youth rehabilitation order if the offender resided in England or Wales.

(2) Any enactment relating to the exercise of such powers has effect accordingly, and any reference in any such enactment to the responsible officer is to be read as a reference to the relevant officer.

(3) If the offender resides in Northern Ireland, a power may be exercised by virtue of sub-paragraph (1)(b) only in accordance with paragraph 3.

PART 5

INTERPRETATION

22 In this Schedule—

"breach" in relation to a requirement, means a failure to comply with it, and related expressions are to be read accordingly;

"corresponding order", in relation to a youth rehabilitation order, means the order specified under paragraph 12(1);

"home court" means—

(a) a court of summary jurisdiction in Northern Ireland, or

(b) where the youth rehabilitation order was made or amended by the Crown Court and the Crown Court in Northern Ireland has not made a direction under paragraph 16, the Crown Court in Northern Ireland;

"supervision" means the performance of supervisory, enforcement and other related functions conferred by the legislation which has effect in Northern Ireland relating to the corresponding order;

"the relevant court in England or Wales" means—

(a) the court in England and Wales which made or which last amended the order, or

(b) if the order was made by the Crown Court and includes a direction under section 189, such youth court or other magistrates' court as may be specified in the order;

"the relevant officer" means the person responsible for the offender's supervision under the order.

SCHEDULE 9

Sections 206 and 290

COMMUNITY ORDERS AND SUSPENDED SENTENCE ORDERS: REQUIREMENTS

PART 1

UNPAID WORK REQUIREMENT

Requirement and obligation of offender

1 (1) In this Code "unpaid work requirement", in relation to a relevant order, means a requirement that the offender must perform unpaid work in accordance with the instructions of the responsible officer as to—

(a) the work to be performed, and

(b) the times, during a period of 12 months, at which the offender is to perform it.

(2) Paragraph (1)(b) is subject to—

(a) paragraph 21 of Schedule 10 (community order: power to extend unpaid work requirement);

(b) paragraph 27 of Schedule 16 (suspended sentence order: extension of unpaid work requirement).

Number of hours of unpaid work to be specified in order

2 (1) The number of hours which a person may be required to work under an unpaid work requirement—

(a) must be specified in the relevant order, and

(b) must, in aggregate, be—

(i) not less than 40, and

(ii) not more than 300.

(2) Sub-paragraph (1)(b)(i) is subject to paragraph 13(4) of Schedule 10 (breach of community order: power to impose unpaid work requirement).

(3) Sub-paragraph (4) applies where the court—

(a) makes relevant orders in respect of two or more offences of which the offender is convicted on the same occasion, and

(b) includes unpaid work requirements in each of them.

(4) The court may direct that the hours of work specified in any of those requirements is to be—

(a) concurrent with, or

(b) additional to,

those specified in any other of those orders.

But the total number of hours which are not concurrent must not exceed the maximum number (see sub-paragraph (1)(b)(ii)).

Restriction on imposing unpaid work requirement

3 (1) A court may not include an unpaid work requirement in a relevant order unless it is satisfied—

(a) that the offender is a suitable person to perform work under such a requirement, and

(b) that provision for the offender to work under such a requirement can be made under the arrangements for persons to perform work under such a requirement which exist in the offender's home local justice area.

(2) In making a decision under sub-paragraph (1)(a), the court must (if it thinks necessary) hear an officer of a provider of probation services.

PART 2

REHABILITATION ACTIVITY REQUIREMENT

Requirement

4 (1) In this Code "rehabilitation activity requirement", in relation to a relevant order, means a requirement that, during the relevant period, the offender must comply with any instructions given by the responsible officer to do either or both of the following—

(a) attend appointments;

(b) participate in activities.

(2) The maximum number of days on which the offender may be instructed to participate in activities must be specified in the relevant order.

(3) In this paragraph "the relevant period" means—

(a) in relation to a community order, the period for which the community order remains in force, and

(b) in relation to a suspended sentence order, the supervision period.

Instructions given by responsible officer

5 (1) Any instructions given by the responsible officer pursuant to the rehabilitation activity requirement must be given with a view to promoting the offender's rehabilitation.

(2) Sub-paragraph (1) does not prevent the responsible officer giving instructions with a view to other purposes in addition to rehabilitation.

(3) The responsible officer may instruct the offender to attend appointments with the responsible officer or with someone else.

(4) The responsible officer, when instructing the offender to participate in activities, may require the offender to—

(a) participate in specified activities and, while doing so, comply with instructions given by the person in charge of the activities, or

(b) go to a specified place and, while there, comply with any instructions given by the person in charge of the place.

(5) The references in sub-paragraph (4)(a) and (b) to instructions given by a person include instructions given by anyone acting under the person's authority.

(6) The activities that a responsible officer may instruct the offender to participate in include—

(a) activities forming an accredited programme (see paragraph 6(2));

(b) activities whose purpose is reparative, such as restorative justice activities.

(7) For the purposes of sub-paragraph (6)(b) an activity is a restorative justice activity if—

(a) the participants consist of, or include, the offender and any victim or victims,

(b) the aim of the activity is to maximise the offender's awareness of the impact of the offending concerned on the victims, and

(c) the activity gives a victim or victims an opportunity to talk about, or by other means express experience of, the offending and its impact.

(8) In sub-paragraph (7) "victim" means a victim of, or other person affected by, the offending concerned.

(9) Where compliance with an instruction would require the co-operation of a person other than the offender, the responsible officer may give the instruction only if that person agrees.

PART 3

PROGRAMME REQUIREMENT

6 (1) In this Code "programme requirement", in relation to a relevant order, means a requirement that the offender must—

(a) in accordance with instructions given by the responsible officer participate in an accredited programme at a particular place, and

(b) while at that place, comply with instructions given by, or under the authority of, the person in charge of the programme.

(2) In this Code "accredited programme" means a programme that is for the time being accredited by the Secretary of State for the purposes of this paragraph.

(3) Any programme that immediately before 1 May 2008 was accredited for the purposes of section 202 of the Criminal Justice Act 2003 is treated as accredited by the Secretary of State for the purposes of this paragraph.

(4) In this paragraph "programme" means a systematic set of activities.

(5) Where a relevant order includes a programme requirement—
  (a) the order must specify the number of days on which the offender is to be required to participate in an accredited programme under the requirement;
  (b) it is for the responsible officer to specify—
    (i) the accredited programme in which the offender is to participate, and
    (ii) the place at which the offender is to do so.

PART 4

PROHIBITED ACTIVITY REQUIREMENT

Requirement

7 (1) In this Code "prohibited activity requirement", in relation to a relevant order, means a requirement that the offender must refrain from participating in activities—
  (a) on one or more particular days, or
  (b) for a particular period.

(2) Where the court makes a relevant order imposing a prohibited activity requirement, the following must be specified in the order—
  (a) the activities from which the offender must refrain;
  (b) the day or days on which, or the period for which, the offender must refrain from those activities.

(3) A prohibited activity requirement may, in particular, include a requirement that the offender does not possess, use or carry a firearm within the meaning of the Firearms Act 1968.

Restriction on imposing prohibited activity requirement

8 A court may not include a prohibited activity requirement in a relevant order unless it has consulted an officer of a provider of probation services.

PART 5

CURFEW REQUIREMENT

Requirement

9 (1) In this Code "curfew requirement", in relation to a relevant order, means a requirement that the offender must remain, for particular periods ("curfew periods"), at a particular place.

(2) A relevant order which imposes a curfew requirement must specify—
  (a) the curfew periods, and
  (b) the place at which the offender must remain for each curfew period.

(3) Different places or different curfew periods may be specified for different days.

(4) The curfew periods specified must amount to—
  (a) not less than 2 hours in any day, and

(b) not more than 16 hours in any day.

(5) The specified curfew periods must fall within the period of 12 months beginning with the day on which the requirement first takes effect.

Requirements where court imposes curfew requirement

10 (1) Before making a relevant order imposing a curfew requirement, the court must obtain and consider information about the place proposed to be specified in the order.

(2) That information must include information as to the attitude of persons likely to be affected by the offender's enforced presence there.

(3) Where the court makes a relevant order imposing a curfew requirement it must also impose an electronic compliance monitoring requirement (see paragraph 29) for securing compliance with it, unless—

(a) it is prevented from doing so by—

(i) paragraph 33 (consent of person whose co-operation is required), or

(ii) paragraph 34(1) (arrangements in relevant area), or

(b) in the particular circumstances of the case, it considers it inappropriate to do so.

PART 6

EXCLUSION REQUIREMENT

Requirement

11 (1) In this Code "exclusion requirement", in relation to a relevant order, means a provision prohibiting the offender from entering a particular place (the "prohibited place") for a particular period (the "exclusion period").

(2) A relevant order which imposes an exclusion requirement must specify—

(a) the prohibited place, and

(b) the exclusion period.

(3) A relevant order may specify—

(a) more than one prohibited place;

(b) more than one exclusion period;

(c) different prohibited places for different exclusion periods or different days.

(4) If the relevant order is a community order—

(a) the exclusion period must not be more than 2 years beginning with the day on which the requirement first takes effect;

(b) if the order specifies more than one exclusion period, each of the exclusion periods must fall within that 2 year period.

(5) A prohibited place may be an area.

Requirement where court imposes exclusion requirement

12 Where the court makes a relevant order imposing an exclusion requirement it must also impose an electronic compliance monitoring requirement (see paragraph 29) for securing compliance with it unless—

(a) it is prevented from doing so by—

(i) paragraph 33 (consent of person whose co-operation is required), or

(ii) paragraph 34(1) (arrangements in relevant area), or

(b) in the particular circumstances of the case, it considers it inappropriate to do so.

PART 7

RESIDENCE REQUIREMENT

Requirement

13 (1) In this Code "residence requirement", in relation to a relevant order, means a requirement that, for a particular period ("the required period"), the offender must reside—

(a) at a particular place ("the required place"), or

(b) if the order so permits, at the required place or, with the prior approval of the responsible officer, at some other place.

(2) A relevant order imposing a residence requirement—

(a) must specify—

(i) the required place, and

(ii) the required period, and

(b) if the offender is to be permitted to reside at some other place with the prior approval of the responsible officer, that fact.

(3) A hostel or other institution may not be specified as the required place, except on the recommendation of an officer of a provider of probation services.

Requirement where court imposes residence requirement

14 Before making a relevant order containing a residence requirement, the court must consider the home surroundings of the offender.

PART 8

FOREIGN TRAVEL PROHIBITION REQUIREMENT

15 (1) In this Code "foreign travel prohibition requirement", in relation to a relevant order, means a requirement prohibiting the offender from travelling, on a particular day or days, or for a particular period, to a particular country or territory (or particular countries or territories) outside the British Islands.

(2) A relevant order which imposes a foreign travel prohibition requirement must specify—

(a) the day or days, or the period, for which the prohibition operates, and

(b) the area in relation to which the prohibition is to operate.

(3) A day specified under sub-paragraph (2)(a) must fall within the period of 12 months beginning with the day on which the requirement takes effect.

(4) A period specified under that sub-paragraph may not exceed 12 months beginning with the day on which the requirement takes effect.

(5) The area specified under sub-paragraph (2)(b) may be—

(a) a particular country or territory outside the British Islands specified or described in the order,

(b) all countries and territories outside the British Islands other than a country or territory specified or described in the order, or

(c) all countries and territories outside the British Islands.

PART 9

MENTAL HEALTH TREATMENT REQUIREMENT

Requirement

16 (1) In this Code "mental health treatment requirement", in relation to a relevant order, means a requirement that the offender must submit, during a particular period or particular periods, to relevant mental health treatment, which may be—

(a) in-patient treatment,

(b) institution-based out-patient treatment, or

(c) practitioner-based treatment.

(2) For this purpose—

"mental health treatment", in relation to an offender, means treatment which is—

(a) by or under the direction of a registered medical practitioner or registered psychologist, and

(b) with a view to improvement of the offender's mental condition;

"in-patient treatment" means treatment as a resident patient in—

(a) a care home,

(b) an independent hospital, or

(c) a hospital within the meaning of the Mental Health Act 1983,

but not in hospital premises where high security psychiatric services are provided;

"institution-based out-patient treatment" means treatment as a non-resident patient at a particular institution or place;

"practitioner-based treatment" means treatment by or under the direction of a particular registered medical practitioner or registered psychologist (or both).

(3) A relevant order which imposes a mental health treatment requirement must specify—

(a) the period or periods during which the offender is required to submit to mental health treatment, and

(b) for each of those periods—

(i) if the mental health treatment is to be in-patient treatment, the care home or hospital at which it is to be provided;

(ii) if it is to be institution-based out-patient treatment, the institution or place at which it is to be provided;

(iii) if it is to be practitioner-based treatment, the registered medical practitioner or registered psychologist (or both) by whom or under whose direction it is to be provided;

but may not otherwise specify the nature of the treatment.

(4) Different treatment may be specified for different periods.

(5) In this paragraph—

"care home" means—

(a) a care home in England within the meaning of the Care Standards Act 2000;

(b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided;

"high security psychiatric services" has the same meaning as in the Mental Health Act 1983;

"independent hospital"—

(a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section; and

(b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;

"registered psychologist" means a person registered in the part of the register maintained under the Health and Social Work Professions Order 2001 which relates to practitioner psychologists.

(6) While an offender is under treatment which is in-patient treatment in pursuance of a mental health treatment requirement of a relevant order, the responsible officer is to carry out the supervision of the offender only to the extent necessary for the purpose of revocation or amendment of the order.

Restrictions on imposing mental health treatment requirement

17 (1) A court may not include a mental health treatment requirement in a relevant order unless the following conditions are met—

(a) the need for treatment condition,

(b) the arrangements condition, and

(c) the consent condition.

(2) The need for treatment condition is that the court is satisfied that the mental condition of the offender—

(a) requires treatment,

(b) may be susceptible to treatment, and

(c) does not warrant the making of a hospital order or guardianship order within the meaning of the Mental Health Act 1983.

(3) The arrangements condition is that the court is satisfied that arrangements—

(a) have been made, or

(b) can be made,

for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender, where the offender is to be required to submit to in-patient treatment.

(4) The consent condition is that the offender has expressed willingness to comply with the requirement.

Alternative arrangements for mental health treatment made by practitioner

18 (1) This paragraph applies where—

(a) an offender is being treated in pursuance of a mental health treatment requirement, and

(b) the treatment practitioner considers that part of the treatment can be better or more conveniently given in or at an institution or place—

(i) which is not specified in the relevant order, and

(ii) where the treatment will be given by or under the direction of a registered medical practitioner or registered psychologist.

(2) The treatment practitioner may make arrangements ("alternative arrangements") for the offender to be treated accordingly.

(3) Alternative arrangements may be made only if the offender has expressed willingness for the treatment to be given under those arrangements.

(4) Alternative arrangements may provide for the offender to receive part of the treatment as a resident patient in an institution or place which could not have been specified for that purpose in the relevant order.

(5) Where alternative arrangements are made—

(a) the treatment for which the alternative arrangements provide is to be deemed to be treatment to which the offender must submit in pursuance of the mental health treatment requirement, and

(b) the treatment practitioner must give a notice in writing to the offender's responsible officer, specifying the institution or place where that treatment is to be carried out.

(6) In this paragraph—

"registered psychologist" means a person registered in the part of the register maintained under the Health and Social Work Professions Order 2001 which relates to practitioner psychologists;

"treatment practitioner" means the medical practitioner or registered psychologist by or under whose direction the offender is being treated in pursuance of the mental health treatment requirement.

PART 10

DRUG REHABILITATION REQUIREMENT

Requirement

19 (1) In this Code "drug rehabilitation requirement", in relation to a relevant order, means a requirement that during a period specified in the order ("the treatment and testing period") the offender—

(a) must submit to drug rehabilitation treatment, which may be resident treatment or non-resident treatment, and

(b) for the purpose of ascertaining whether there is any drug in the offender's body during that period, must provide samples in accordance with directions given by—

(i) the responsible officer, or

(ii) the treatment director.

(2) In this paragraph—

"drug rehabilitation treatment", in relation to an offender, means treatment which is—

(a) by or under the direction of a person who has the necessary qualifications or experience, and

(b) with a view to the reduction or elimination of the offender's dependency on or propensity to misuse drugs;

"resident treatment" means treatment as a resident in an institution or place;

"non-resident treatment" means treatment as a non-resident at an institution or place;

"the treatment director" means the person by or under whose direction the treatment is to be provided.

(3) Sub-paragraphs (4) to (7) apply to a relevant order which imposes a drug rehabilitation requirement.

(4) The order may specify separate periods which together comprise the drug treatment and testing period.

(5) The order must specify, for each treatment period—

(a) the treatment director;

(b) if the treatment is to be resident treatment, the institution or place where it is to be provided;

(c) if it is to be non-resident treatment—

(i) the institution or place where it is to be provided, and

(ii) the intervals at which it is to be provided;

but must not otherwise specify the nature of the treatment.

(6) In sub-paragraph (5), "treatment period" means—

(a) if the order specifies separate periods under sub-paragraph (4), any of those periods;

(b) otherwise, the drug treatment and testing period.

(7) The order—

(a) must provide that if by virtue of sub-paragraph (1)(b) the offender provides samples to a person other than the responsible officer, the results of tests carried out on the samples are to be communicated to the responsible officer;

(b) may make further provision about the provision of samples by virtue of sub-paragraph (1)(b) (which may include provision that directions, or directions of particular kinds, are to be given only by the responsible officer or only by the treatment director).

(8) The power for the responsible officer or treatment director to give directions by virtue of sub-paragraph (1)(b) about the provision of samples—

(a) is a power to give directions as to—
(i) the type of samples to be provided, and
(ii) the times at which, or circumstances in which, they are to be provided,
(b) is subject to any provision made by the order, and
(c) is to be exercised in accordance with guidance issued by the Secretary of State.

(9) The Secretary of State may revise any guidance issued under sub-paragraph (8)(c).

(10) In this paragraph and paragraph 20 "drug" means a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971.

Restriction on imposing drug rehabilitation requirement

20 (1) A court may not impose a drug rehabilitation requirement unless the following conditions are met—
(a) the need for treatment condition,
(b) the arrangements condition,
(c) the suitability condition, and
(d) the consent condition.

(2) The need for treatment condition is that the court is satisfied—
(a) that the offender—
(i) is dependent on drugs, or
(ii) has a propensity to misuse drugs, and
(b) that the offender's dependency or propensity—
(i) requires treatment, and
(ii) may be susceptible to treatment.

(3) The arrangements condition is that the court is satisfied that arrangements—
(a) have been made, or
(b) can be made,
for the treatment intended to be specified in the order.
Those arrangements include arrangements for the reception of the offender, where the offender is to be required to submit to treatment as a resident.

(4) The suitability condition is that the requirement has been recommended to the court as being suitable for the offender by an officer of a provider of probation services.

(5) The consent condition is that the offender expresses willingness to comply with the requirement.

Drug rehabilitation requirement: provision for review by court

21 (1) A relevant order imposing a drug rehabilitation requirement—
(a) must include provision for review if the treatment and testing period is more than 12 months, and
(b) may do so in any other case.

(2) For this purpose, "provision for review" means provision—

(a) for the requirement to be reviewed periodically at intervals of not less than one month,

(b) for each review of the requirement to be made at a hearing held for the purpose by the responsible court (a "review hearing"),

(c) requiring the offender to attend each review hearing,

(d) requiring a written report on the offender's progress under the requirement to be made by an officer of a provider of probation services to the responsible court before each review hearing,

(e) requiring each such report to include—

(i) the test results communicated to the responsible officer under paragraph 19(7) or otherwise, and

(ii) the views of the treatment provider as to the treatment and testing of the offender.

(3) Paragraphs (b) and (c) of sub-paragraph (2) are subject to paragraph 22(6) (hearing not necessary for review).

(4) In this paragraph, "the responsible court", in relation to a relevant order imposing a drug rehabilitation requirement, means—

(a) if a court is specified as the responsible court under sub-paragraph (5), that court;

(b) otherwise, the court which made the order.

(5) Where—

(a) a magistrates' court makes a relevant order imposing a drug rehabilitation requirement, and

(b) the area for which the court acts is not the offender's home local justice area,

the court may specify in the order a magistrates' court which acts for the offender's home local justice area as the responsible court.

(6) For the purposes of sub-paragraph (4)(b), a relevant order imposing a drug rehabilitation requirement which is made on an appeal—

(a) from the Crown Court, or

(b) from the Court of Appeal,

is to be treated as having been made by the Crown Court.

Periodic review of drug rehabilitation requirement

22 (1) This paragraph applies in relation to a relevant order which imposes a drug rehabilitation requirement that is subject to review.

(2) At a review hearing the court may, after considering the officer's report referred to in paragraph 21(2)(d) ("the review officer's report"), amend the relevant order, so far as it relates to the drug rehabilitation requirement.

(3) The court—

(a) may not amend the drug rehabilitation requirement unless the offender expresses willingness to comply with the requirement as amended, and

(b) except with the consent of the offender, may not amend any requirement or provision of the order while an appeal against the order is pending.

(4) If the offender fails to express willingness to comply with the drug rehabilitation requirement as proposed to be amended by the court, the court may—

(a) revoke the community order, or the suspended sentence order and the suspended sentence to which it relates, and

(b) re-sentence the offender.

(5) In dealing with the offender under sub-paragraph (4)(b), the court—

(a) must take into account the extent to which the offender has complied with the requirements of the order, and

(b) may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (general restrictions on imposing discretionary custodial sentences).

(6) Where at a review hearing the court—

(a) has considered the review officer's report, and

(b) is of the opinion that the offender's progress under the requirement is satisfactory,

the court may amend the order so that it provides for each subsequent review to be made by the court without a hearing.

(7) Where at a review without a hearing the court—

(a) has considered the review officer's report, and

(b) is of the opinion that the offender's progress under the requirement is no longer satisfactory,

the court may require the offender to attend a hearing of the court at a specified time and place.

(8) At that hearing the court, after considering that report, may—

(a) exercise the powers conferred by this paragraph as if the hearing were a review hearing, and

(b) amend the order so that it provides for each subsequent review to be made at a review hearing.

(9) In this paragraph—

"responsible court" has the same meaning as in paragraph 21;

"review hearing" has the meaning given by paragraph 21(2)(b).

(10) In relation to a review without a hearing, a reference in this paragraph to the court is to be read—

(a) in the case of the Crown Court, as a reference to a judge of the court;

(b) in the case of a magistrates' court, as a reference to a justice of the peace.

(11) If an officer of a provider of probation services is of the opinion that the order should be amended so as to provide for each subsequent review to be made—

(a) without a hearing instead of at a review hearing, or

(b) at a review hearing instead of without a hearing,

the officer must apply under paragraph 19 of Schedule 10 (amendment of requirements of community order) or paragraph 25 of Schedule 16 (amendment of community requirements of suspended sentence order) to the responsible court for the order to be amended.

PART 11

ALCOHOL TREATMENT REQUIREMENT

Requirement

23 (1) In this Code "alcohol treatment requirement", in relation to a relevant order, means a requirement that, during a period specified in the order the offender must submit to alcohol dependency treatment, which may be—

(a) resident treatment,

(b) institution-based treatment, or

(c) practitioner-based treatment.

(2) In this paragraph—

"alcohol dependency treatment", in relation to an offender, means treatment which is—

(a) by or under the direction of a person who has the necessary qualifications or experience ("the treatment director"), and

(b) with a view to reducing or eliminating the offender's dependency on alcohol;

"resident treatment" means treatment as a resident in an institution or place;

"institution-based treatment" means treatment as a non-resident at an institution or place;

"practitioner-based treatment" means treatment by or under the direction of the treatment director.

(3) Sub-paragraphs (4) and (5) apply to a relevant order which imposes an alcohol treatment requirement.

(4) The order may specify separate periods comprising the period specified under sub-paragraph (1).

(5) For each treatment period, the order must specify—

(a) the treatment director;

(b) whether the alcohol dependency treatment is to be resident treatment, institution-based treatment or practitioner-based treatment;

(c) if it is to be resident treatment, the institution or place where it is to be provided;

(d) if it is to be institution-based treatment—

(i) the institution or place where it is to be provided, and

(ii) the intervals at which it is to be provided;

but must not otherwise specify the nature of the treatment.

(6) In sub-paragraph (5), "treatment period" means—

(a) if the order specifies separate periods under sub-paragraph (4), any of those periods;

(b) otherwise, the period specified under sub-paragraph (1).

Restrictions on imposing alcohol treatment requirement

24 (1) A court may not impose an alcohol treatment requirement unless the following conditions are satisfied—

(a) the need for treatment condition,
(b) the arrangements condition, and
(c) the consent condition.

(2) The need for treatment condition is that the court is satisfied—
(a) that the offender is dependent on alcohol,
(b) that the offender's dependency—
(i) requires treatment, and
(ii) may be susceptible to treatment.

(3) The arrangements condition is that the court is satisfied that arrangements—
(a) have been made, or
(b) can be made,
for the treatment intended to be specified in the order.
Those arrangements include arrangements for the reception of the offender, where the offender is to be required to submit to treatment as a resident.

(4) The consent condition is that the offender expresses willingness to comply with the requirement.

PART 12

ALCOHOL ABSTINENCE AND MONITORING REQUIREMENT IN PILOT AREAS

Requirement

25 (1) In this Code "alcohol abstinence and monitoring requirement", in relation to a relevant order, means a requirement that, during a particular period ("the abstinence and monitoring period"), the offender—
(a) must—
(i) abstain from consuming alcohol, or
(ii) not consume alcohol so that at any time during the abstinence and monitoring period there is more than a particular level of alcohol in the offender's body, and
(b) must submit to monitoring in accordance with particular arrangements for the purpose of ascertaining whether the offender is complying with provision under paragraph (a).
Paragraph (a) is subject to sub-paragraph (3).

(2) A relevant order that includes an alcohol abstinence and monitoring requirement must specify—
(a) the abstinence and monitoring period;
(b) if the order imposes a requirement falling within sub-paragraph (1)(a)(ii), the level of alcohol;
(c) the arrangements for monitoring.

(3) A relevant order that includes an alcohol abstinence and monitoring requirement may specify exceptions from any requirement imposed under sub-paragraph (1)(a); if it does so the requirement has effect subject to those exceptions.

(4) The abstinence and monitoring period must be—
(a) if a minimum period is prescribed under sub-paragraph (7)(a), not less than that minimum period, and

(b) not more than 120 days.

(5) The level of alcohol specified under sub-paragraph (2)(b) must be the level prescribed under sub-paragraph (7)(b).

(6) The arrangements for monitoring specified under sub-paragraph (2)(c) must be consistent with those prescribed by regulations under sub-paragraph (7)(c).

(7) The Secretary of State may by regulations prescribe—
(a) a minimum period as the abstinence and monitoring period;
(b) a level of alcohol for the purposes of sub-paragraph (1)(a)(ii);
(c) arrangements for monitoring for the purposes of sub-paragraph (1)(b).

(8) Regulations under sub-paragraph (7)(b) may prescribe a level—
(a) by reference to the proportion of alcohol in any one or more of an offender's breath, blood, urine or sweat, or
(b) by some other means.

(9) Regulations under sub-paragraph (7)(c) may in particular prescribe—
(a) arrangement for monitoring by electronic means;
(b) arrangements for monitoring by other means of testing.

(10) Regulations under sub-paragraph (7) are subject to the negative resolution procedure.

(11) In this paragraph and paragraph 26, "alcohol" includes anything containing alcohol.

Restriction on imposing alcohol abstinence and monitoring requirement

26 (1) A relevant order may not include both—
(a) an alcohol treatment requirement, and
(b) an alcohol abstinence and monitoring requirement.

(2) A court may not include an alcohol abstinence and monitoring requirement in a relevant order unless the following conditions are met—
(a) the relevance of alcohol condition,
(b) the non-dependency condition, and
(c) the availability of arrangements condition.

(3) The relevance of alcohol condition is that—
(a) the offender's consumption of alcohol is an element of the offence for which the order is to be imposed or of an associated offence, or
(b) the court is satisfied that the offender's consumption of alcohol was a factor that contributed to the commission of that offence or to an associated offence.

(4) The non-dependency condition is that the court is satisfied that the offender is not dependent on alcohol.

(5) The availability of arrangements condition is that the court has been notified by the Secretary of State that arrangements for monitoring of the kind to be specified in the relevant order are available in the offender's home local justice area (and the notice has not been withdrawn).

PART 13

ATTENDANCE CENTRE REQUIREMENT

Requirement: provisions applicable generally

27 (1) In this Code "attendance centre requirement", in relation to a relevant order, means a requirement that the offender must attend at an attendance centre for a particular number of hours.

(2) A relevant order which imposes an attendance centre requirement must specify the aggregate number of hours for which the offender may be required to attend at an attendance centre

(3) That number must be—
(a) not less than 12, and
(b) not more than 36.

(4) The attendance centre at which the offender is required to attend is to be notified to the offender by the responsible officer from time to time.

(5) When choosing an attendance centre the responsible officer must consider—
(a) the accessibility of the attendance centre to the offender, having regard to the means of access available to the offender and any other circumstances, and
(b) the description of persons for whom it is available.

(6) The first time at which the offender is required to attend at the attendance centre is a time notified to the offender by the responsible officer.

(7) The subsequent hours are to be fixed by the officer in charge of the centre, having regard to the offender's circumstances.

(8) The offender may not be required under this paragraph to attend at an attendance centre—
(a) more than once on any day, or
(b) for more than 3 hours at a time.

(9) A requirement under this paragraph to attend at an attendance centre for any period on any occasion operates as a requirement, for that period, to engage in occupation, or receive instruction, whether at the centre or elsewhere—
(a) under the supervision of the officer in charge of the centre, and
(b) in accordance with instructions given by, or under the authority of, that officer.

Restriction on imposing attendance centre requirement

28 A court may not impose an attendance centre requirement in a relevant order unless the court—
(a) has been notified by the Secretary of State that an attendance centre is available for persons of the offender's description (and the notice has not been withdrawn), and
(b) is satisfied that an attendance centre which is available for persons of the offender's description is reasonably accessible to the offender,

having regard to the means of access available to the offender and any other circumstances.

PART 14

ELECTRONIC MONITORING

Electronic compliance monitoring requirement

29 (1) In this Code "electronic compliance monitoring requirement", in relation to a relevant order, means a requirement for securing the electronic monitoring of the offender's compliance with other requirements imposed by the order during a period ("the monitoring period")—

(a) specified in the order, or

(b) determined by the responsible officer in accordance with the relevant order.

(2) Sub-paragraph (3) applies where the responsible officer is to determine the monitoring period in accordance with the relevant order.

(3) Before it begins, the responsible officer must notify the following people of when the monitoring period is to begin—

(a) the offender,

(b) the person responsible for the monitoring, and

(c) any person falling within paragraph 33(b).

(4) An electronic compliance monitoring requirement may not be imposed for securing the electronic monitoring of the offender's compliance with an alcohol abstinence and monitoring requirement.

(5) But that does not prevent an order which imposes an alcohol abstinence and monitoring requirement from including an electronic compliance monitoring requirement for securing the electronic monitoring of the offender's compliance with any other requirement.

Electronic whereabouts monitoring requirement

30 In this Code "electronic whereabouts monitoring requirement", in relation to a relevant order, means a requirement to submit to electronic monitoring of the offender's whereabouts (otherwise than for the purpose of monitoring the offender's compliance with any other requirement included in the order) during a period specified in the order.

Electronic monitoring: person responsible for monitoring

31 (1) A relevant order which includes an electronic monitoring requirement must include provision for making a person responsible for the monitoring.

(2) The person who is made responsible for the monitoring must be of a description specified in regulations made by the Secretary of State.

Electronic monitoring: general

32 Where a relevant order imposes an electronic monitoring requirement, the offender must (in particular)—

(a) submit, as required from time to time by the responsible officer or the person responsible for the monitoring, to—

(i) being fitted with, or installation of, any necessary apparatus, and

(ii) inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,

(b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and

(c) take any steps required by the responsible officer, or the person responsible for the monitoring, for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

Restriction on imposing electronic monitoring: general

33 Where—

(a) it is proposed to include in a relevant order an electronic monitoring requirement, but

(b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,

the requirement may not be included in the order without that person's consent.

Restriction on imposing an electronic compliance monitoring requirement

34 (1) A court may not include an electronic compliance monitoring requirement in a relevant order in respect of an offender unless—

(a) the court has been notified by the Secretary of State that electronic monitoring arrangements are available in the relevant area (see sub-paragraphs (2) to (4)) (and the notice has not been withdrawn), and

(b) the court is satisfied that the necessary provision can be made under those arrangements.

(2) In the case of a relevant order containing—

(a) a curfew requirement, or

(b) an exclusion requirement,

the relevant area is the area in which the place proposed to be specified in the order is situated.

For this purpose "place", in relation to an exclusion requirement, has the same meaning as in paragraph 11.

(3) In the case of a relevant order containing an attendance centre requirement, the relevant area is an area in which there is an attendance centre which is available for persons of the offender's description and which the court is satisfied is reasonably accessible to the offender.

(4) In the case of any other relevant order, the relevant area is the local justice area proposed to be specified in the order.

Restriction on imposing electronic whereabouts monitoring requirement

35 A court may not include an electronic whereabouts monitoring requirement in a relevant order in respect of an offender unless—

(a) the court has been notified by the Secretary of State that electronic monitoring arrangements are available in the local justice area proposed to be specified in the order (and the notice has not been withdrawn),

(b) the court is satisfied that—

(i) the offender can be fitted with any necessary apparatus under the arrangements currently available, and

(ii) any other necessary provision can be made under those arrangements, and

(c) the court is satisfied that arrangements are generally operational throughout England and Wales (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.

SCHEDULE 10

Section 218

BREACH, REVOCATION OR AMENDMENT OF COMMUNITY ORDER, AND EFFECT OF FURTHER CONVICTION

PART 1

PRELIMINARY

Meaning of particular expressions relating to an order

1 (1) In this Schedule, in relation to a community order—

"appropriate court" means—

(a) if the community order imposes a drug rehabilitation requirement which is subject to review, the court responsible for the order (see paragraph 4);

(b) if the community order is a Crown Court community order, the Crown Court;

(c) in any other case, a magistrates' court acting in the offender's home local justice area;

"treatment requirement", in relation to a community order, means—

(a) a mental health treatment requirement of the order,

(b) a drug rehabilitation requirement of the order, or

(c) an alcohol treatment requirement of the order.

(2) In this Schedule, in relation to a community order, any reference (however expressed) to breach of a requirement of the order is a reference to any failure of the offender to comply with a requirement imposed by the order.

Enforcement officers

2 (1) In this Schedule, "enforcement officer" means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.

(2) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.

(3) In sub-paragraph (2) "public sector provider" means—
(a) a probation trust or other public body, or
(b) the Secretary of State.

Community order subject to magistrates' court supervision and Crown Court order

3 In this Schedule—
"community order subject to magistrates' court supervision" means a community order which—
(a) was made by a magistrates' court, or
(b) was made by the Crown Court and includes a direction under section 211 (order to be subject to magistrates' court supervision);
"Crown Court community order" means a community order which—
(a) was made by the Crown Court, and
(b) does not include a direction under that section.

Requirements subject to review

4 For the purposes of this Schedule—
(a) a drug rehabilitation requirement of a community order is subject to review if it is subject to review in accordance with paragraph 21 of Schedule 9;
(b) a reference to the court responsible for a community order imposing a drug rehabilitation requirement which is subject to review is to the responsible court within the meaning of that paragraph.

Orders made on appeal

5 A community order made on appeal is to be taken for the purposes of this Schedule to have been made by the Crown Court.

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.

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

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.

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, 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—

(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.

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.

Powers of magistrates' court

10 (1) This paragraph applies where—

(a) an offender appears or is brought before a magistrates' court under paragraph 8, 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 to 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;

(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.

Powers of Crown Court

11 (1) This paragraph applies where—

(a) an offender appears or is brought before the Crown Court under paragraph 9 or by virtue of paragraph 10(3), 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;

(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;

(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.

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

(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.

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.

PART 3

REVOCATION OF ORDER WITH OR WITHOUT RE-SENTENCING

Community order subject to magistrates' court supervision

14 (1) This paragraph applies where a community order subject to magistrates' court supervision is in force, and

(a) the offender, or

(b) an officer of a provider of probation services,

applies to the appropriate magistrates' court for the community order to be revoked or for the offender to be dealt with in some other way for the offence in respect of which the order was made.

(2) In this paragraph "the appropriate magistrates' court" means—

(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, that court, and

(b) in any other case, a magistrates' court acting in the offender's home local justice area.

(3) No application may be made under this paragraph while an appeal against the community order is pending.

(4) Unless the application was made by the offender, the appropriate magistrates' 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 court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the court may—

(a) revoke the community order, or

(b) both—

(i) revoke the community order, and

(ii) re-sentence the offender for the offence in respect of which the order was made.

(6) The circumstances in which a community 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 community order.

(8) A person sentenced under sub-paragraph (5)(b) for an offence may appeal to the Crown Court against the sentence.

Crown Court community order

15 (1) This paragraph applies where a Crown Court community order is in force and—

(a) the offender, or

(b) an officer of a provider of probation services,

applies to the Crown Court for the community order to be revoked or for the offender to be dealt with in some other way for the offence in respect of which the order was made.

(2) No application may be made under this paragraph while an appeal against the community 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 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 community 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 order.

PART 4

AMENDMENT OF ORDER

Amendment because of change of residence

16 (1) This paragraph applies where at any time while a community order is in force—

(a) the offender is given permission under section 217 to change residence, and

(b) the local justice area in which the new residence is situated ("the new local justice area") is different from the offender's home local justice area.

(2) If the permission is given by a court, the court must amend the order to specify the new local justice area as the offender's home local justice area.

17 (1) This paragraph applies where at any time while a community order is in force—

(a) a court amends the order,

(b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and

(c) the local justice area in which that place is situated ("the new local justice area") is different from the offender's home local justice area.

(2) The court must amend the order to specify the new local justice area as the offender's home local justice area.

Amendment of requirements of community order

18 (1) The appropriate court may, on the application of the offender or an officer of a provider of probation services, amend a community order—

(a) by cancelling any of the requirements of the order, or

(b) by replacing any of those requirements with a requirement of the same kind which the court could include if the offender had just been convicted by or before it of the offence in respect of which the order was made and it were then making the order.

(2) For the purposes of sub-paragraph (1)(b)—

(a) requirements are of the same kind if they fall within the same entry in column 1 of the table in section 201, and

(b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.

(3) No application may be made under this paragraph while an appeal against the community order is pending, other than an application which—

(a) relates to a treatment requirement, and

(b) is made by an officer of a provider of probation services with the offender's consent.

(4) Before exercising its powers under this paragraph, the court must summon the offender to appear before it, unless—

(a) the application was made by the offender, or

(b) the court would exercise the powers only to—

(i) cancel a requirement of the community order,

(ii) replace any such requirement with one of a shorter duration, or

(iii) substitute a new place for one specified in the order.

(5) If the offender fails to appear in answer to a summons under sub-paragraph (4) the court may issue a warrant for the offender's arrest.

(6) Sub-paragraph (1)(b) has 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.

(7) The court may not under this paragraph amend a treatment requirement unless the offender expresses willingness to comply with the requirement as amended.

(8) If the offender fails to express willingness to comply with a treatment requirement as proposed to be amended under this paragraph, the court may—

(a) revoke the community 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—

(a) must take into account the extent to which the offender has complied with the requirements of the order, and

(b) may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (general restrictions on imposing discretionary custodial sentences).

Amendment of treatment requirement on report of practitioner

19 (1) This paragraph applies where an offender is being treated in pursuance of a treatment requirement and the treatment practitioner—

(a) is of the opinion that—

(i) the treatment of the offender should be continued beyond the period specified in the order,

(ii) the offender needs different treatment,

(iii) the offender is not susceptible to treatment, or

(iv) the offender does not require further treatment, or

(b) is for any reason unwilling to continue to treat or direct the treatment of the offender.

(2) The treatment practitioner must make a report in writing to that effect to the responsible officer.

(3) The responsible officer must cause an application to be made under paragraph 18 to the appropriate court for the replacement or cancellation of the requirement.

(4) In this paragraph, "the treatment practitioner", in relation to a treatment requirement, means—

(a) the medical practitioner or other person specified in the community order as the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement, or

(b) in the case of a mental health treatment requirement, if no such person is specified, the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement.

Extension of order

20 (1) The appropriate court may, on the application of—

(a) the offender, or

(b) an officer of a provider of probation services,

amend a community 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 end date;
(b) subject to that, may be more than 3 years after the date of the order.

(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.

(5) No application may be made under this paragraph while an appeal against the community order is pending.

Extension of unpaid work requirement

21 (1) This paragraph applies where a community 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) an officer of a provider of probation services,
extend the period of 12 months specified in paragraph 1(1)(b) of Schedule 9, if it appears to the court to be in the interests to do so, having regard to circumstances which have arisen since the order was made.

(3) No application may be made under this paragraph while an appeal against the community order is pending.

(4) 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.

PART 5

CONVICTION OF FURTHER OFFENCE

Powers of magistrates' court following subsequent conviction

22 Paragraphs 23 and 24 apply where—
(a) a community order ("the existing community order") is in force in respect of an offender, and
(b) the offender is convicted of an offence by a magistrates' court ("the present court").

23 (1) This paragraph applies if the existing community order was made by a magistrates' court.

(2) If it appears to the present court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the present court may—
(a) revoke the community order, or
(b) both—
(i) revoke the community 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 present court may not deal with the offender under sub-paragraph (2)(b) unless it summons 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 present 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 community order.

(6) A person sentenced under sub-paragraph (2)(b) for an offence may appeal to the Crown Court against the sentence.

24 (1) This paragraph applies if the existing community order was made by the Crown Court.

(2) The present court may—

(a) commit the offender to custody, or

(b) release the offender on bail,

until the offender can be brought before the Crown Court.

(3) Unless the offender is before it, the present court may not deal with the offender under this paragraph unless it summons 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) Where the present court deals with the case under this paragraph, it must send to the Crown Court such particulars of the case as may be desirable.

Powers of Crown Court following subsequent conviction

25 (1) This paragraph applies where a community order is in force in respect of an offender, and the offender—

(a) is convicted of an offence by the Crown Court, or

(b) is brought or appears before the Crown Court—

(i) by virtue of paragraph 24, 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 community 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 summons 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.

(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 community order.

PART 6

SUPPLEMENTARY

Adjournment of hearing

26 (1) This paragraph applies to any hearing relating to an offender held by a magistrates' court in any proceedings under this Schedule.

(2) The court may adjourn the hearing, and, where it does so, may—

(a) direct that the offender be released forthwith, or

(b) remand the offender.

(3) Where the court remands the offender under sub-paragraph (2)—

(a) it must fix the time and place at which the hearing is to be resumed, and

(b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.

(4) 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, it must not resume the hearing unless it is satisfied that—

(i) the offender, and

(ii) any officer of a provider of probation services who the court considers has an interest in the proceedings,

have had adequate notice of the time and place for the resumed hearing.

(5) 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.

(6) 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.

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 community order.

(2) The court must provide copies of the revoking or amending order to—

(a) the offender, and
(b) 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 provide a copy of the amending order to—
(a) a provider of probation services that is a public sector provider operating in that area, and
(b) the magistrates' court acting in that area.

(4) In case of an amending order which imposes or amends a requirement specified in column 1 of the following table, the court must also provide the person specified in the corresponding entry in column 2 with a copy of so much of the amending order as relates to that requirement.

The requirement	*The person to whom a copy must be provided*
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 relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(5) Where the court acts in a local justice area other than the offender's home local justice area specified in the order prior to the revocation or amendment (the "former home area"), the court must provide a copy of the revoking or amending order to a magistrates' court acting in the former home area.

(6) 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 to that court 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.

(7) In this paragraph, "public sector provider" means—
(a) a probation trust or other public body, or
(b) the Secretary of State.

SCHEDULE 11

Section 219

TRANSFER OF COMMUNITY ORDERS TO SCOTLAND OR NORTHERN IRELAND

PART 1

SCOTLAND

Making of community order where offender will reside in Scotland

1 (1) This paragraph applies where—
(a) a community order is available to a court dealing with an offender, and
(b) the court is satisfied that the offender—
(i) resides in Scotland, or
(ii) if a community order is made, will reside there when the order comes into force.

(2) The court may make a community order only if—
(a) it appears to the court that suitable arrangements for the offender's supervision can be made by the local council in Scotland, and
(b) the order will satisfy paragraphs 6 and 7.

Amendment of community order where offender will reside in Scotland

2 (1) This paragraph applies where—
(a) a community order is in force,
(b) the appropriate court (within the meaning of Schedule 10) is satisfied that the offender—
(i) resides in Scotland, or
(ii) if the order is amended in accordance with this Part of this Schedule, proposes to reside there when the amendment comes into force, and
(c) the court is satisfied that suitable arrangements for the offender's supervision can be made by the local council in Scotland.

(2) The power of the appropriate court to amend the order under Part 4 of Schedule 10 ("the amendment power") includes power to amend the order by requiring—

(a) the order to be complied with in Scotland, and

(b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).

(3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy paragraphs 6 and 7.

Amendment of community order already transferred to Scotland

3 (1) This paragraph applies where—

(a) a community order is in force,

(b) the order has effect as made or amended in accordance with this Part of this Schedule, and

(c) the offender resides in Scotland.

(2) A court in England and Wales may exercise any power to amend the order by virtue of paragraph 28(1)(b) (exercise of powers by court in England and Wales before which home court requires offender to appear) only if—

(a) the court is satisfied, in relation to any requirement that it proposes to impose, that suitable arrangements for the offender's supervision can be made by the local council in Scotland, and

(b) the order (as amended) will satisfy paragraphs 6 and 7.

References to making or amending an order in accordance with this Part of this Schedule

4 In this Schedule, references to making or amending an order in accordance with this Part of this Schedule are to doing so in accordance with paragraph 1, 2 or 3.

Requirements: availability and restrictions

5 Paragraphs 6 and 7 apply to a community order as made or amended in accordance with this Part of this Schedule.

6 The order must not impose—

(a) an alcohol abstinence and monitoring requirement,

(b) an attendance centre requirement, or

(c) an electronic whereabouts monitoring requirement.

7 (1) The order must not impose a locally based requirement unless—

(a) it appears to the court that—

(i) arrangements exist for persons to comply with such a requirement in the locality in Scotland in which the offender resides, or will be residing at the relevant time, and

(ii) provision can be made for the offender to comply with the requirement under those arrangements, or

(b) the offender is already required to comply with the requirement in Scotland under the order as previously made or amended in accordance with this Part of this Schedule.

(2) For the purposes of this paragraph "locally based requirement" means any of the following—

(a) an unpaid work requirement;
(b) a rehabilitation activity requirement;
(c) a programme requirement;
(d) a mental health treatment requirement;
(e) a drug rehabilitation requirement;
(f) an alcohol treatment requirement;
(g) an electronic compliance monitoring requirement.

Modifications of requirements etc where court exercises powers by virtue of this Part of this Schedule

8 Where a court makes or amends a community order in accordance with this Part of this Schedule, Schedule 9 (requirements) has effect as if—

(a) any reference to the responsible officer were a reference to the local authority officer concerned;
(b) the following provisions were omitted—
(i) paragraph 13(3) (residence requirement: hostel or institution not to be specified except on recommendation);
(ii) paragraph 31(2) (responsible person to be of prescribed description);
(iii) paragraph 34 (requirement not to be imposed unless Secretary of State has notified arrangements);
(c) in paragraph 16 (mental health treatment requirement), in sub-paragraph (2), for the definition of "in-patient treatment" there were substituted—

""in-patient treatment" means treatment as a resident patient in a hospital within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003, not being a State hospital within the meaning of that Act;".

PART 2

NORTHERN IRELAND

Making of community order where offender will reside in Northern Ireland

9 (1) This paragraph applies where—

(a) a community order is available to a court dealing with an offender, and
(b) the court is satisfied that the offender—
(i) resides in Northern Ireland, or
(ii) if a community order is made, will reside there when the order comes into force.

(2) The court may make a community order only if—

(a) it appears to the court that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland, and
(b) the order will satisfy paragraphs 14 to 16.

Amendment of community order where offender will reside in Northern Ireland

10 (1) This paragraph applies where—
(a) a community order is in force,
(b) the appropriate court (within the meaning of Schedule 10) is satisfied that the offender—
(i) resides in Northern Ireland, or
(ii) if the order is amended in accordance with this Part of this Schedule, proposes to reside there when the amendment comes into force, and
(c) the court is satisfied that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland.

(2) The power of the appropriate court to amend the order under Part 4 of Schedule 10 ("the amendment power") includes power to amend the order by requiring—
(a) the order to be complied with in Northern Ireland, and
(b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).

(3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy paragraphs 14 to 16.

Amendment by court of community order already transferred to Northern Ireland

11 (1) This paragraph applies where—
(a) a community order is in force,
(b) the order has effect as made or amended in accordance with this Part of this Schedule, and
(c) the offender resides in Northern Ireland.

(2) A court in England and Wales may exercise any power to amend the order by virtue of paragraph 28(1)(b) (exercise of powers by court in England and Wales before which home court requires offender to appear) only if—
(a) the court is satisfied, in relation to any requirement that it proposes to impose, that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland, and
(b) the order (as amended) will satisfy paragraphs 14 to 16.

References to making or amending an order in accordance with this Part of this Schedule

12 In this Schedule, references to making or amending an order in accordance with this Part of this Schedule are to doing so in accordance with paragraph 9, 10 or 11.

Requirements: availability and restrictions

13 Paragraphs 14 to 16 apply to a community order as made or amended in accordance with this Part of this Schedule.

14 The order must not impose an alcohol abstinence and monitoring requirement.

15 The order must not impose an electronic whereabouts monitoring requirement unless it appears to the court that—

(a) any necessary provision can be made in the offender's case under arrangements that exist for persons resident in the locality in which the offender resides, or will be residing at the relevant time, and

(b) arrangements are generally operational throughout Northern Ireland (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.

16 (1) The order must not impose a locally based requirement unless—

(a) it appears to the court that—

(i) arrangements exist for persons to comply with such a requirement in the administrative court division in Northern Ireland in which the offender resides, or will be residing at the relevant time, and

(ii) provision can be made for the offender to comply with the requirement under those arrangements, or

(b) under the order, as previously made or amended in accordance with this Part of this Schedule, the offender is already required to comply with the requirement in Northern Ireland.

(2) For the purpose of this paragraph, "locally based requirement" means any of the following—

(a) an unpaid work requirement;

(b) a rehabilitation activity requirement;

(c) a programme requirement;

(d) a mental health treatment requirement;

(e) a drug rehabilitation requirement;

(f) an alcohol treatment requirement;

(g) an attendance centre requirement;

(h) an electronic compliance monitoring requirement.

Further provision where offender resides or will reside in Northern Ireland

17 In a case where a court makes or amends a community order in accordance with this Part of this Schedule, Schedule 9 (requirements) has effect as if—

(a) any reference to the responsible officer were a reference to the probation officer concerned;

(b) the following provisions were omitted—

(i) paragraph 13(3) (residence requirement: hostel or institution not to be specified except on recommendation);

(ii) paragraph 31(2) (responsible person to be of prescribed description);

(iii) paragraphs 34 and 35 (electronic requirements not to be imposed unless Secretary of State has notified arrangements etc);

(c) in paragraph 16 (mental health treatment requirement), in sub-paragraph (2), for the definition of "in-patient treatment" there were substituted—

""in-patient treatment" means treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the

meaning of the Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health for the purposes of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));"

(d) in Part 13 of that Schedule (attendance centre requirements), any reference to an attendance centre were to a day centre, as defined by paragraph 3(6) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).

PART 3

MAKING OR AMENDMENT OF ORDER IN ACCORDANCE WITH PART 1 OR 2 OF THIS SCHEDULE

Application

18 This Part of this Schedule applies in a case where a court in England and Wales makes or amends a community order in accordance with Part 1 or 2 of this Schedule.

Explanation to be given by court before order is made or amended

19 Before making or amending the community order, the court must explain to the offender in ordinary language—

(a) the effect of paragraph 24 (order to be treated as corresponding order),

(b) the requirements of the legislation relating to corresponding orders which has effect in Scotland or Northern Ireland (as the case may be),

(c) the powers of the home court under that legislation, as modified by Part 4 of this Schedule, and

(d) its own powers in relation to the community order (see Part 4 of this Schedule).

Matters to be specified in the order

20 (1) The community order must specify—

(a) the locality in Scotland, or

(b) the administrative court division in Northern Ireland,

in which the offender resides or will be residing at the relevant time.

(2) Sub-paragraph (1) has effect in place of section 210 (offender's home local justice area to be specified).

(3) The community order must specify a corresponding order for the purposes of this Schedule (see Part 4 of this Schedule).

(4) The corresponding order must be an order that may be made—

(a) in the case of a Scottish community order, by a court in Scotland;

(b) in the case of a Northern Ireland community order, by a court in Northern Ireland.

(5) A Scottish community order which specifies as the corresponding order a community payback order within the meaning of section 227A of the

Criminal Procedure (Scotland) Act 1995 must also specify the appropriate court for the purposes of sections 227A to 227ZK of that Act.

(6) That court—

(a) must be a court of summary jurisdiction having jurisdiction in the locality specified under sub-paragraph (1)(a), and

(b) must, in the case of an offender convicted on indictment, be the sheriff court.

Provision of copies

21 (1) The court which makes or amends the community order must—

(a) forthwith provide the offender with a copy of the order, and

(b) provide the home court with—

(i) a copy of the order as made or amended, and

(ii) such other documents and information relating to the case as it considers likely to be of assistance to the home court.

(2) Where the court—

(a) makes a community order which imposes a requirement specified in column 1 of the table in sub-paragraph (3), or

(b) amends a community order so as to impose or amend such a requirement,

it must also forthwith provide the person specified in the corresponding entry in column 2 of the table with a copy of so much of the community order or amending order as relates to that requirement.

(3) The table is—

The requirement	*The person to whom a copy must be provided*
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 relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9

The requirement	*The person to whom a copy must be provided*
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(4) This paragraph has effect in place of section 213 (provision of copies of relevant orders).

PART 4

EFFECT OF ORDER MADE OR AMENDED IN ACCORDANCE WITH PART 1 OR 2 OF THIS SCHEDULE

Application

22 This Part of this Schedule applies where a community order has been made or amended in accordance with Part 1 or 2 of this Schedule.

Duty to keep in touch with responsible officer

23 (1) The offender must keep in touch—

(a) with the local authority officer concerned, in the case of a Scottish community order, or

(b) with the local probation officer concerned, in the case of a Northern Ireland community order,

in accordance with such instructions as the officer may give the offender from time to time.

(2) That obligation is enforceable as if it were a requirement imposed by the community order.

(3) This paragraph has effect in place of section 216.

Order to be treated as corresponding order in certain circumstances

24 (1) The community order is to be treated as if it were a corresponding order.

(2) The relevant home legislation applies accordingly.

(3) In this Schedule, "relevant home legislation"—

(a) in relation to a Scottish community order, means the legislation relating to corresponding orders that has effect in Scotland;

(b) in relation to a Northern Ireland community order, means the legislation relating to corresponding orders that has effect in Northern Ireland.

(4) This paragraph is subject to the following provisions of this Part of this Schedule.

Powers of home court

25 (1) The home court may exercise any relevant local power in relation to the community order, subject to the following restrictions.

(2) A "relevant local power" means a power which the home court could exercise in relation to a corresponding order by virtue of the relevant home legislation.

(3) The home court may not discharge or revoke the order.

(4) But that does not prevent the home court from exercising a power to revoke the order where—

(a) the offender has been convicted of a further offence, and

(b) the court has imposed a custodial sentence (and section 222(1) (meaning of "custodial sentence") does not apply for this purpose).

(5) The home court may not deal with the offender for the offence in respect of which the community order was made.

(6) If the order imposes an unpaid work requirement, the home court may not vary the order so as to specify a number of hours in relation to the requirement that could not be specified by the court which made the order on the relevant assumptions.

(7) If the order imposes a curfew requirement, the home court may not vary the order so as to specify curfew periods (within the meaning of paragraph 9 of Schedule 9) that could not be specified by the court which made the order on the relevant assumptions.

(8) For the purposes of sub-paragraphs (6) and (7), the relevant assumptions are that—

(a) the court which made the order is now making the community order, and

(b) the offender has just been convicted by or before it of the offence in respect of which the community order was made.

Power of home court to require offender to appear before court in England and Wales

26 (1) Where the home court is of the opinion that—

(a) the offender has breached any of the requirements of the order, or

(b) it would be in the interests of justice for a power conferred by Part 3 of Schedule 10 (revocation of order with or without re-sentencing) to be exercised,

the home court may require the offender to appear before the court which made the order or which last amended the order in England and Wales.

(2) The court may form an opinion within sub-paragraph (1)(a) for the purposes of this paragraph only—

(a) on information from the local authority officer concerned, if the home court is in Scotland, or

(b) upon a complaint being made to a justice of the peace, if the home court is in Northern Ireland.

(3) The court may form an opinion within sub-paragraph (1)(b) for the purposes of this paragraph only on the application—

(a) of the offender, or

(b) of—

(i) the local authority officer concerned, if the home court is in Scotland;

(ii) the probation officer concerned, if the home court is in Northern Ireland.

Home court to certify breach of requirement

27 (1) Where the home court requires the offender to appear before a court in England and Wales by virtue of paragraph 26(1)(a) (breach of a requirement of the order), the home court must send the court in England in Wales—

(a) a certificate certifying that the offender has breached a requirement of the community order specified in the certificate, and

(b) such other particulars of the case as may be desirable.

(2) A certificate under sub-paragraph (1)(a) purporting to be signed by the clerk of the home court is admissible as evidence of the breach before the court in England and Wales.

Powers of court in England and Wales where offender required to appear under paragraph 26

28 (1) In any case where under paragraph 26 the home court requires the offender to appear before a court in England and Wales, the court in England and Wales—

(a) may issue a warrant for the offender's arrest, and

(b) may exercise any power which it could exercise in respect of the community order if the offender resided in England and Wales.

(2) Any enactment relating to the exercise of such powers has effect accordingly, and any reference in any such enactment to the responsible officer is to be read as a reference—

(a) if the home court is in Scotland, to the local authority officer concerned;

(b) if the home court is in Northern Ireland, to the probation officer concerned.

(3) If the offender resides in Scotland or Northern Ireland, a power may be exercised by virtue of sub-paragraph (1)(b) only in accordance with—

(a) paragraph 3, if the offender resides in Scotland, or

(b) paragraph 11, if the offender resides in Northern Ireland.

PART 5

INTERPRETATION

29 In this Schedule—

"administrative court division" means an administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 (c. 9 (N.I.));

"breach", in relation to a requirement, means a failure to comply with it, and related expressions are to be read accordingly;

"corresponding order", in relation to a community order, means an order of the kind specified in the community order under paragraph 20(3);

"home court" means—

(a) if the offender resides in Scotland, or will be residing there at the relevant time, the sheriff court having jurisdiction in the locality in which the offender resides or proposes to reside, and

(b) if the offender resides in Northern Ireland, or will be residing there at the relevant time, a court of summary jurisdiction;

"the local authority officer concerned", in relation to an offender, means the officer of a council constituted under section 2 of the Local Government etc (Scotland) Act 1994 responsible for—

(a) the offender's supervision, and

(b) discharging in relation to the offender the functions of the responsible officer under sections 227A to 227ZK of the Criminal Procedure (Scotland) Act 1995;

"the local council in Scotland" means the council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 in whose area the offender resides or will be residing at the relevant time;

"Northern Ireland community order" means a community order made or amended in accordance with Part 2 of this Schedule;

"the probation officer concerned", in relation to an offender, means the probation officer responsible for—

(a) the offender's supervision, or

(b) as the case may be, discharging in relation to the offender the functions conferred by Part 2 of the Criminal Justice (Northern Ireland) Order 1996 (SI 1996/3160 (N.I. 24));

"relevant home legislation" has the meaning given by paragraph 24(3);

"the relevant time", in relation to an order made or amended in accordance with Part 1 or 2 of this Schedule, means the time when the order or the amendment to it comes into force;

"Scottish community order" means a community order made or amended in accordance with Part 1 of this Schedule.

SCHEDULE 12

Section 243

DETENTION AND TRAINING ORDERS: BREACH OF SUPERVISION REQUIREMENTS AND FURTHER OFFENCES

Interpretation

1 In this Schedule—

"breach", in relation to a supervision requirement, means a failure to comply with it, and related expressions are to be read accordingly;

"supervision requirement" means a requirement with which an offender must comply under—

(a) section 242(4)(b), or

(b) paragraph 4(4)(b);

"further detention order" means an order under paragraph 3(2)(a);

"further supervision order" means an order under paragraph 3(2)(b).

Breach of supervision requirement: issue of summons or warrant by justice of the peace

2 (1) Sub-paragraph (2) applies where—

(a) a detention and training order, or a further supervision order, is in force in respect of an offender, and

(b) it appears on information to a justice of the peace that the offender has breached any of the supervision requirements imposed under the order.

(2) The justice—

(a) may issue a summons requiring the offender to appear at the place and time specified in the summons, or

(b) if the information is in writing and on oath, may issue a warrant for the offender's arrest.

(3) Any summons or warrant issued under this paragraph must direct the offender to appear or be brought—

(a) before a youth court acting for the local justice area in which the offender resides, or

(b) if it is not known where the offender resides, before a youth court acting for same local justice area as the justice who issued the summons or warrant.

Power of youth court to deal with offender for breach of supervision requirement

3 (1) Sub-paragraph (2) applies if it is proved to the satisfaction of the youth court before which an offender appears or is brought under paragraph 2 that the offender has breached a supervision requirement imposed under a relevant order.

(2) The court may—

(a) order the offender to be detained for such period, not exceeding the maximum period found under sub-paragraph (3), as the court may specify,

(b) order the offender to be subject to such period of supervision, not exceeding the maximum period found under sub-paragraph (3), as the court may specify, or

(c) impose on the offender a fine not exceeding level 3 on the standard scale.

(3) The maximum period referred to in sub-paragraph (2)(a) and (b) is the shorter of—

(a) 3 months, and

(b) the period between—

(i) the date of the offender's breach, and

(ii) the last day of the term of the relevant order.

(4) For the purposes of sub-paragraph (3) a breach that is found to have occurred—

(a) over 2 or more days, or

(b) at some time during a period of 2 or more days,

is to be taken to have occurred on the first of those days.

(5) A court may make an order under sub-paragraph (2) before or after the end of the term of the relevant order.

(6) A period of detention or supervision ordered under sub-paragraph (2)—

(a) begins with the day on which the order is made, and

(b) may overlap to any extent with the period of supervision under the relevant order.

This is subject to paragraph 5(1) (further detention order made where offender detained under other detention and training order).

(7) An offender detained under a further detention order is in legal custody.

(8) Detention under a further detention order is—

(a) if the offender has reached the age of 21, to be in prison,

(b) otherwise, to be in such youth detention accommodation as the Secretary of State may determine.

(9) Where—

(a) the offender is aged under 18, and

(b) but for this sub-paragraph, the court would impose a fine on the offender under sub-paragraph (2)(c),

section 381 (order for payment by parent or guardian) applies to the fine.

(10) A fine imposed under sub-paragraph (2)(c) is deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.

(11) An offender may appeal to the Crown Court against any order made under sub-paragraph (2).

(12) In this paragraph—

(a) "relevant order" means—

(i) a detention and training order, or

(ii) a further supervision order;

(b) any reference to the term of a relevant order is—

(i) in the case of a detention and training order, to the term of the order, and

(ii) in the case of a further supervision order, to the period of supervision imposed by the order.

Supervision where order made under paragraph 3(2)(b)

4 (1) This paragraph applies where an offender is subject to a period of supervision by virtue of a further supervision order.

(2) During that period of supervision, the offender—

(a) is to be under the supervision of—

(i) an officer of a provider of probation services, or

(ii) a member of a youth offending team, and

(b) may be required to comply with particular requirements.

(3) Any such requirements, and the category of person to supervise the offender, are to be determined from time to time by the Secretary of State.

(4) The offender must be notified by the Secretary of State of—

(a) the category of person responsible for the offender's supervision, and

(b) any requirements with which the offender must comply.

(5) A notice under sub-paragraph (4) must be given to the offender—

(a) as soon as reasonably practicable after the further supervision order is made, and

(b) before any change in the matters mentioned in that sub-paragraph.

(6) Where the supervision is to be provided by an officer of a provider of probation services, that officer must be an officer acting in the local justice area within which the offender resides for the time being.

(7) Where the supervision is to be provided by a member of a youth offending team, the member must be a member of a youth offending team established by the local authority in whose area the offender resides for the time being.

Interaction of further detention order with other detention and training orders

5 (1) Where—

(a) an offender is subject to a detention and training order,

(b) the offender has not at any time been released for supervision under that order, and

(c) a court makes a further detention order for a failure to comply with a supervision requirement under a different detention and training order,

the court may order that the further detention order is to take effect at the time when the offender would otherwise be released for supervision under the detention and training order mentioned in paragraph (a).

(2) Subject to sub-paragraph (3), where at any time an offender is subject concurrently to—

(a) a detention and training order, and

(b) a further detention order,

the offender is to be treated for the purposes of sections 241 to 243 and this Schedule as if subject only to the detention and training order.

(3) Nothing in sub-paragraph (2) requires the offender to be released in respect of either the detention and training order or the further detention order

unless and until the offender is required to be released in respect of each of them.

Interaction of further detention order with other custodial sentences

6 (1) The Secretary of State may by regulations make provision about the interaction between a further detention order and a custodial sentence in a case where—

(a) an offender who is subject to a further detention order becomes subject to a custodial sentence, or

(b) an offender who is subject to a custodial sentence becomes subject to a further detention order.

(2) The provision that may be made by regulations under this paragraph includes—

(a) provision as to the time at which the further detention order or the custodial sentence is to take effect;

(b) provision for the offender to be treated, for the purposes of the enactments specified in the regulations, as subject only to the further detention order or the custodial sentence;

(c) provision about the effect of enactments relating to the person's release from detention or imprisonment in a case where that release is not to take effect immediately by virtue of provision in the regulations.

(3) Regulations under this paragraph are subject to the negative resolution procedure.

(4) In this paragraph "custodial sentence" includes a pre-Code custodial sentence (see section 222(4)).

Offence after release for supervision or during further supervision period

7 (1) This paragraph applies where an offender commits an imprisonable offence ("the new offence")—

(a) after having been released for supervision under a detention and training order but before the date on which the term of the order ends, or

(b) during a period of supervision under a further supervision order.

(2) The court which deals with the offender for the new offence may order the offender to be detained for all or part of the period mentioned in sub-paragraph (3).

(3) That period is the period which—

(a) begins with the date of the order under sub-paragraph (2), and

(b) is equal in length to the period between—

(i) the date on which the new offence was committed, and

(ii) the date on which the term of the detention and training order, or the period of supervision, mentioned in subsection (1) ends.

(4) A court may make an order under sub-paragraph (2) whether or not it passes any other sentence on the offender.

(5) Detention under sub-paragraph (2) is to be in such youth detention accommodation as the Secretary of State may determine.

(6) The period for which an offender is ordered under sub-paragraph (2) to be detained—

(a) must, as the court may direct—

(i) be served before and be followed by, or

(ii) be served concurrently with,

any sentence imposed for the new offence, and

(b) in either case, is to be disregarded in determining the appropriate length of that sentence.

(7) Where the new offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is be taken for the purposes of this paragraph to have been committed on the last of those days.

(8) A person detained under an order under sub-paragraph (2) is in legal custody.

SCHEDULE 13

Sections 265 and 278

SPECIAL SENTENCE FOR OFFENDERS OF PARTICULAR CONCERN: OFFENCES

Terrorism offences

1 An offence under any of the following provisions of the Offences against the Person Act 1861 which is an offence that has a terrorist connection—

(a) section 4 (soliciting murder);

(b) section 28 (causing bodily injury by explosives);

(c) section 29 (using explosives etc with intent to do grievous bodily harm).

2 An offence under any of the following provisions of the Explosive Substances Act 1883 which is an offence that has a terrorist connection—

(a) section 2 (causing explosion likely to endanger life or property);

(b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);

(c) section 4 of that Act (making or possession of explosive under suspicious circumstances).

3 An offence under any of the following provisions of the Terrorism Act 2000—

(a) section 54 (weapons training);

(b) section 56 (directing terrorist organisation);

(c) section 57 (possession of article for terrorist purposes);

(d) section 59 (inciting terrorism overseas);

4 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—

(a) section 47 (use etc of nuclear weapons);

(b) section 50 (assisting or inducing certain weapons-related acts overseas);

(c) section 113 (use of noxious substance or thing to cause harm or intimidate).

5 An offence under any of the following provisions of the Terrorism Act 2000—

(a) section 5 (preparation of terrorist acts);

(b) section 6 (training for terrorism);

(c) section 9 of that Act (making or possession of radioactive device or material);

(d) section 10 of that Act (use of radioactive device or material for terrorist purposes etc);

(e) section 11 of that Act (terrorist threats relating to radioactive devices etc).

Sexual offences

6 An offence under either of the following provisions of the Sexual Offences Act 2003—

(a) section 5 (rape of a child under 13);

(b) section 6 (assault of a child under 13 by penetration).

Inchoate offences

7 An inchoate offence in relation to an offence specified in any of the preceding paragraphs of this Schedule.

8 An inchoate offence in relation to murder where the offence has a terrorist connection.

Abolished offences

9 An offence that—

(a) was abolished before 13 April 2015, and

(b) if committed on the day on which the offender is convicted of the offence, would have constituted an offence specified in any of the preceding paragraphs of this Schedule.

Meaning of "terrorist connection"

10 For the purposes of this Schedule, an offence has a terrorist connection if a court has determined under section 69 that the offence has such a connection.

SCHEDULE 14

Sections 267 and 280

EXTENDED SENTENCES: THE EARLIER OFFENCE CONDITION: OFFENCES

PART 1

OFFENCES UNDER THE LAW OF ENGLAND AND WALES

The following offences to the extent that they are offences under the law of England and Wales—

Manslaughter

1 Manslaughter.

Offences against the Person Act 1861

2 An offence under any of the following sections of the Offences against the Person Act 1861—

(a) section 4 (soliciting murder);
(b) section 18 (wounding with intent to cause grievous bodily harm);
(c) section 28 (causing bodily injury by explosives);
(d) section 29 (using explosives etc with intent to do grievous bodily harm).

Explosive Substances Act 1883

3 An offence under any of the following provisions of the Explosive Substances Act 1883—

(a) section 2 (causing explosion likely to endanger life or property);
(b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);
(c) section 4 (making or possession of explosive under suspicious circumstances).

Firearms Act 1968

4 An offence under any of the following provisions of the Firearms Act 1968—

(a) section 16 (possession of a firearm with intent to endanger life);
(b) section 17(1) (use of a firearm to resist arrest);
(c) section 18 (carrying a firearm with criminal intent).

Theft Act 1968

5 An offence of robbery under section 8 of the Theft Act 1968 where, at some time during the commission of the offence, the offender had in his or her possession a firearm or an imitation firearm within the meaning of the Firearms Act 1968.

Protection of Children Act 1978

6 An offence under section 1 of the Protection of Children Act 1978 (indecent images of children).

Terrorism Act 2000

7 An offence under any of the following provisions of the Terrorism Act 2000—

(a) section 54 (weapons training);

(b) section 56 (directing terrorist organisation);

(c) section 57 (possession of article for terrorist purposes);

(d) section 59 (inciting terrorism overseas) if the offender is liable on conviction on indictment to imprisonment for life.

Anti-terrorism Crime and Security Act 2001

8 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—

(a) section 47 (use etc of nuclear weapons);

(b) section 50 (assisting or inducing certain weapons-related acts overseas);

(c) section 113 (use of noxious substance or thing to cause harm or intimidate).

Sexual Offences Act 2003

9 An offence under any of the provisions of the Sexual Offences Act 2003 listed in column 1 of the following table that meets any condition listed in relation to it in column 2—

	Provision of the Sexual Offences Act 2003	*Condition*
(a)	Section 1 (rape)	
(b)	Section 2 (assault by penetration)	
(c)	Section 4 (causing a person to engage in sexual activity without consent)	The offender is liable on conviction on indictment to imprisonment for life
(d)	Section 5 (rape of a child under 13)	
(e)	Section 6 (assault of a child under 13 by penetration)	
(f)	Section 7 (sexual assault of a child under 13)	
(g)	Section 8 (causing or inciting a child under 13 to engage in sexual activity)	

	Provision of the Sexual Offences Act 2003	*Condition*
(h)	Section 9 (sexual activity with a child)	
(i)	Section 10 (causing or inciting a child to engage in sexual activity)	
(j)	Section 11 (engaging in sexual activity in the presence of a child)	
(k)	Section 12 (causing a child to watch a sexual act)	
(l)	Section 14 (arranging or facilitating commission of a child sex offence)	
(m)	Section 15 (meeting a child following sexual grooming etc)	
(n)	Section 25 (sexual activity with a child family member)	The offender is aged 18 or over at the time of the offence
(o)	Section 26 (inciting a child family member to engage in sexual activity)	The offender is aged 18 or over at the time of the offence
(p)	Section 30 (sexual activity with a person with a mental disorder impeding choice)	The offender is liable on conviction on indictment to imprisonment for life
(q)	Section 31 (causing or inciting a person with a mental disorder to engage in sexual activity)	The offender is liable on conviction on indictment to imprisonment for life
(r)	Section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)	The offender is liable on conviction on indictment to imprisonment for life
(s)	Section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc)	The offender is liable on conviction on indictment to imprisonment for life
(t)	Section 47 (paying for sexual services of a child) against a person aged under 16	

	Provision of the Sexual Offences Act 2003	*Condition*
(u)	Section 48 (causing or inciting sexual exploitation of a child)	
(v)	Section 49 (controlling a child in relation to sexual exploitation)	
(w)	Section 50 (arranging or facilitating sexual exploitation of a child)	
(x)	Section 62 (committing an offence with intent to commit a sexual offence)	The offender is liable on conviction on indictment to imprisonment for life.

Domestic Violence, Crime and Victims Act 2004

10 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult).

Terrorism Act 2006

11 An offence under any of the following provisions of the Terrorism Act 2006—

(a) section 5 (preparation of terrorist acts);
(b) section 6 (training for terrorism);
(c) section 9 (making or possession of radioactive device or materials);
(d) section 10 (misuse of radioactive devices or material and misuse and damage of facilities);
(e) section 11 (terrorist threats relating to radioactive devices, materials or facilities).

Modern Slavery Act 2015

12 An offence under either of the following provisions of the Modern Slavery Act 2015—

(a) section 1 (slavery, servitude and forced or compulsory labour);
(b) section 2 (human trafficking).

Murder

13 Murder.

Inchoate offences

14 An inchoate offence (see section 398) in relation to an offence specified in any of the preceding paragraphs of this Part of this Schedule.

Abolished offences

15 Any offence that—

(a) was abolished (with or without savings) before 3 December 2012, and

(b) would, if committed on the day on which the offender is convicted of the offence referred to in section 267(1)(a) or 280(1)(a) (as appropriate), have constituted an offence specified in any of the preceding paragraphs in this Part of this Schedule.

PART 2

OFFENCES UNDER SERVICE LAW

16 An offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 as respects which the corresponding civil offence (within the meaning of the Act in question) is an offence specified in Part 1 of this Schedule.

17 (1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence specified in Part 1 of this Schedule.

(2) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy etc) applies for the purposes of this paragraph as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to this paragraph.

PART 3

OFFENCES UNDER THE LAW OF SCOTLAND, NORTHERN IRELAND OR A MEMBER STATE OTHER THAN THE UNITED KINGDOM

18 A civilian offence for which the person was convicted in Scotland, Northern Ireland or a member State other than the United Kingdom and which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 of this Schedule.

19 A member State service offence which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 of this Schedule.

20 In this Part of this Schedule—

"civilian offence" means an offence other than an offence described in Part 2 of this Schedule or a member State service offence;

"member State service offence" means an offence which was the subject of proceedings under the law of a member State, other than the United Kingdom, governing all or any of the naval, military or air forces of that State.

PART 4

INTERPRETATION

21 In this Schedule "imprisonment for life" includes custody for life and detention for life.

SCHEDULE 15

Sections 273 and 283

LIFE SENTENCE FOR SECOND OFFENCE: LISTED OFFENCES

PART 1

OFFENCES UNDER THE LAW OF ENGLAND AND WALES

The following offences to the extent that they are offences under the law of England and Wales—

	Offence	*Specified date*
Manslaughter		
1	Manslaughter	3 December 2012
Offences against the Person Act 1861		
2	An offence under any of the following provisions of the Offences against the Person Act 1861—	
	(a) section 4 (soliciting murder)	3 December 2012
	(b) section 18 (wounding with intent to cause grievous bodily harm)	3 December 2012
	(c) section 28 (causing bodily injury by explosives)	13 April 2015
	(d) section 29 (using explosives etc with intent to do grievous bodily harm)	13 April 2015
Explosive Substances Act 1883		
3	An offence under any of the following provisions of the Explosive Substances Act 1883—	
	(a) section 2 (causing explosion likely to endanger life or property)	13 April 2015
	(b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property)	13 April 2015
	(c) section 4 (making or possession of explosive under suspicious circumstances)	13 April 2015
Firearms Act 1968		

	Offence	*Specified date*
4	An offence under any of the following provisions of the Firearms Act 1968—	
	(a) section 16 (possession of a firearm with intent to endanger life)	3 December 2012
	(b) section 17(1) (use of a firearm to resist arrest)	3 December 2012
	(c) section 18 (carrying a firearm with criminal intent)	3 December 2012
	Theft Act 1968	
5	An offence of robbery under section 8 of the Theft Act 1968 (robbery) where, at some time during the commission of the offence, the offender had in his or her possession a firearm or an imitation firearm within the meaning of the Firearms Act 1968	3 December 2012
	Protection of Children Act 1968	
6	An offence under section 1 of the Protection of Children Act 1978 (indecent images of children)	3 December 2012
	Terrorism Act 2000	
7	An offence under any of the following provisions of the Terrorism Act 2000—	
	(a) section 54 (weapons training)	13 April 2015
	(b) section 56 (directing terrorist organisation)	3 December 2012
	(c) section 57 (possession of article for terrorist purposes)	3 December 2012
	(d) section 59 (inciting terrorism overseas) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
	Anti-terrorism, Crime and Security Act 2001	
8	An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—	
	(a) section 47 (use etc of nuclear weapons)	3 December 2012
	(b) section 50 (assisting or inducing certain weapons-related acts overseas)	3 December 2012
	(c) section 113 (use of noxious substance or thing to cause harm or intimidate)	3 December 2012
	Sexual Offences Act 2003	
9	An offence under any of the following provisions of the Sexual Offences Act 2003—	

	Offence	*Specified date*
(a)	section 1 (rape)	3 December 2012
(b)	section 2 (assault by penetration)	3 December 2012
(c)	section 4 (causing a person to engage in sexual activity without consent) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
(d)	section 5 (rape of a child under 13)	3 December 2012
(e)	section 6 (assault of a child under 13 by penetration)	3 December 2012
(f)	section 7 (sexual assault of a child under 13)	3 December 2012
(g)	section 8 (causing or inciting a child under 13 to engage in sexual activity)	3 December 2012
(h)	section 9 (sexual activity with a child)	3 December 2012
(i)	section 10 (causing or inciting a child to engage in sexual activity)	3 December 2012
(j)	section 11 (engaging in sexual activity in the presence of a child)	3 December 2012
(k)	section 12 (causing a child to watch a sexual act)	3 December 2012
(l)	section 14 (arranging or facilitating commission of a child sex offence)	3 December 2012
(m)	section 15 (meeting a child following sexual grooming etc)	3 December 2012
(n)	section 25 (sexual activity with a child family member) if the offender is aged 18 or over at the time of the offence	3 December 2012
(o)	section 26 (inciting a child family member to engage in sexual activity) if the offender is aged 18 or over at the time of the offence	3 December 2012
(p)	section 30 (sexual activity with a person with a mental disorder impeding choice) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
(q)	section 31 (causing or inciting a person with a mental disorder to engage in sexual activity) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012

	Offence	*Specified date*
(r)	section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
(s)	section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
(t)	section 47 (paying for sexual services of a child) against a person aged under 16	3 December 2012
(u)	section 48 (causing or inciting sexual exploitation of a child)	3 December 2012
(v)	section 49 (controlling a child in relation to sexual exploitation)	3 December 2012
(w)	section 50 (arranging or facilitating sexual exploitation of a child)	3 December 2012
(x)	section 62 (committing an offence with intent to commit a sexual offence) if the offender is liable on conviction on indictment to imprisonment for life	3 December 2012
Domestic Violence, Crime and Victims Act 2004		
10	An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing the death of a child or vulnerable adult)	3 December 2012
Terrorism Act 2006		
11	An offence under any of the following provisions of the Terrorism Act 2006—	
(a)	section 5 of the Terrorism Act 2006 (preparation of terrorist acts)	3 December 2012
(b)	section 6 (training for terrorism)	13 April 2015
(c)	section 9 (making or possession of radioactive device or materials)	3 December 2012
(d)	section 10 (misuse of radioactive devices or material and misuse and damage of facilities)	3 December 2012
(e)	section 11 (terrorist threats relating to radioactive devices, materials or facilities)	3 December 2012
Modern Slavery Act 2015		

	Offence	*Specified date*
12	An offence under either of the following provisions of the Modern Slavery Act 2015—	
	(a) section 1 (slavery, servitude and forced or compulsory labour)	31 July 2015
	(b) section 2 of that Act (human trafficking)	31 July 2015
	Inchoate offences	
14	An inchoate offence (see section 398) in relation to an offence specified in any of the preceding paragraphs of this Part of this Schedule (a "relevant offence")	The date specified for the relevant offence
15	An inchoate offence in relation to murder	3 December 2012

PART 2

FURTHER OFFENCES UNDER THE LAW OF ENGLAND AND WALES

The following offences to the extent that they are offences under the law of England and Wales—

16 Murder.

17 Any offence that—
(a) was abolished (with or without savings) before 3 December 2012, and
(b) would, if committed when the index offence was committed, have constituted an offence specified in Part 1 of this Schedule.

PART 3

OFFENCES UNDER SERVICE LAW

18 An offence under section 70 of the Army Act 1955, section 70 of the Air Force Act 1955 or section 42 of the Naval Discipline Act 1957 as respects which the corresponding civil offence (within the meaning of the Act in question) is an offence specified in Part 1 or 2 of this Schedule.

19 (1) An offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence specified in Part 1 or 2 of this Schedule.

(2) Section 48 of the Armed Forces Act 2006 (attempts, conspiracy etc) applies for the purposes of this paragraph as if the reference in subsection (3)(b) of that section to any of the following provisions of that Act were a reference to this paragraph.

PART 4

OFFENCES UNDER THE LAW OF SCOTLAND, NORTHERN IRELAND OR A MEMBER STATE OTHER THAN THE UNITED KINGDOM

20 A civilian offence for which the person was convicted in Scotland, Northern Ireland or a member State other than the United Kingdom and which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 or 2 of this Schedule.

This is subject to paragraph 23.

21 A member State service offence which, if committed in England and Wales at the time of the conviction, would have constituted an offence specified in Part 1 or 2 of this Schedule.

This is subject to paragraph 23.

22 In this Part of this Schedule—

"civilian offence" means an offence other than an offence described in Part 3 of this Schedule or a member State service offence;

"member State service offence" means an offence which was the subject of proceedings under the law of a member State, other than the United Kingdom, governing all or any of the naval, military or air forces of that State.

23 (1) Where the index offence was committed before 13 April 2015, this Part of this Schedule has effect—

(a) as if, in paragraph 20, the reference to a civilian offence were to an offence, and

(b) with the omission of paragraphs 21 and 22.

(2) For the purposes of sub-paragraph (1), where an offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is to be taken to have been committed on the last of those days.

PART 5

INTERPRETATION

24 (1) In this Schedule—

"imprisonment for life" includes custody for life and detention for life;

"index offence" has the same meaning as in section 273 or 283 (as appropriate).

(2) The references in Part 1 of this Schedule to offences under sections 48, 49 and 50 of the Sexual Offences Act 2003 include references to offences under those sections as they had effect before the amendments made by section 68 of the Serious Crime Act 2015 (child sexual exploitation) came into force.

SCHEDULE 16

Section 303

BREACH OR AMENDMENT OF SUSPENDED SENTENCE ORDER, AND EFFECT OF FURTHER CONVICTION

PART 1

PRELIMINARY

Interpretation: general

1 (1) In this Schedule, in relation to a suspended sentence order—

"activation order" has the meaning given by paragraph 14(1);

"the appropriate court" means—

(a) in the case of a suspended sentence order which is subject to review, the court responsible for the order,

(b) in the case of a Crown Court order, the Crown Court, and

(c) in any other case, a magistrates' court acting in the local justice area concerned.

(2) In this Schedule, in relation to a community order, any reference (however expressed) to breach of a requirement of the order is a reference to any failure of the offender to comply with a requirement imposed by the order.

Enforcement officers

2 (1) In this Schedule "enforcement officer" means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.

(2) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.

(3) For this purpose "public sector provider" means—

(a) a probation trust or other public body, or

(b) the Secretary of State.

"Order subject to magistrates' court supervision" and "Crown Court order"

3 In this Schedule—

"order subject to magistrates' court supervision" means a suspended sentence order that imposes any community requirement which—

(a) was made by a magistrates' court, or

(b) was made by the Crown Court and includes a direction that any breach of a community requirement of the order is to be dealt with by a magistrates' court;

"Crown Court order" means a suspended sentence order that imposes any community requirement which—

(a) was made by the Crown Court, and

(b) does not include a direction that any breach of a community requirement of the order is to be dealt with by a magistrates' court.

Orders and community requirements which are subject to review

4 (1) For the purposes of this Schedule a suspended sentence order is subject to review if—

(a) the order is subject to review in accordance with section 293(1), or

(b) the order imposes a drug rehabilitation requirement which is subject to review in accordance with paragraph 21 of Schedule 9.

(2) In this Schedule, a reference to the court responsible for a suspended sentence order which is subject to review is to the responsible court within the meaning given—

(a) in section 293(4), or

(b) in paragraph 21(4) of Schedule 9,

(as the case may be).

Orders made on appeal

5 A suspended sentence order made on appeal is to be taken for the purposes of this Schedule to have been made by the Crown Court.

PART 2

BREACH OF COMMUNITY REQUIREMENT OR CONVICTION OF FURTHER OFFENCE

Breach of community requirement: duty to give warning or refer 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 community requirement of a suspended sentence 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 community 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 next 12 months, the offender will be liable to be brought before a court.

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

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 the requirement—

(i) in the case of an order subject to magistrates' court supervision, before a justice of the peace;

(ii) in the case of a Crown Court order, before the Crown Court.

Order subject to magistrates' court supervision: issue of summons or warrant by justice

8 (1) This paragraph applies where, during the supervision period of an order subject to magistrates' court supervision, it appears on information to a justice of the peace that the offender has breached any community 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 suspended sentence order which is subject to review, before the court responsible for the order;

(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, in the offender's home local justice area.

(4) Where—

(a) a summons issued under this paragraph requires 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.

Crown Court order: issue of summons or warrant by Crown Court

9 (1) This paragraph applies where, during the supervision period of a Crown Court order, it appears on information to the Crown Court that the offender has breached any community 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 issued under this paragraph requires the offender to appear before the Crown Court, 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.

Offender before magistrates' court: breach of community requirement

10 (1) This paragraph applies where—

(a) the offender is before a magistrates' court ("the present court") in relation to a suspended sentence order by virtue of—

(i) paragraph 8 (breach of community requirement), or

(ii) section 294(5) (review), and

(b) it is proved to the satisfaction of the court that the offender has breached a community requirement of the order without reasonable excuse.

(2) If the suspended sentence order was made by a magistrates' court, the present court must deal with the case under paragraph 13.

(3) If the suspended sentence order was made by the Crown Court, the present court must—

(a) deal with the case under paragraph 13, or

(b) commit the offender to custody or release the offender on bail until the offender can be brought or appear before the Crown Court.

(4) If the present court deals with the case under sub-paragraph (3)(b), it must send to the Crown Court—

(a) a certificate signed by a justice of the peace certifying that the offender has breached the community requirements of the suspended sentence 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 breach before the Crown Court.

Offender before magistrates' court: further conviction

11 (1) Where—

(a) an offender is convicted of an offence committed during the operational period of a suspended sentence order (and the suspended sentence has not already taken effect),

(b) the suspended sentence order was made by a magistrates' court, and

(c) the offender is before a magistrates' court ("the present court"), whether on conviction of that other offence or subsequently,

the present court must deal with the case under paragraph 13.

(2) Where an offender is convicted by a magistrates' court of any offence ("the new offence") which the court is satisfied was committed during the operational period of a suspended sentence order made by the Crown Court, the court—

(a) may commit the offender in custody or on bail to the Crown Court, and

(b) if it does not, must give written notice of the conviction to the appropriate officer of the Crown Court.

(3) Sub-paragraph (1) does not apply to the present court if it commits the offender to the crown Court under section 20 (which confers power for magistrates' court to commit to Crown Court in certain circumstances in

respect of the suspended sentence where it commits in respect of new offence) to be dealt with in respect of the suspended sentence order.

(4) Where a magistrates' court commits a person to the Crown Court under sub-paragraph (2)(a), any duty or power which, apart from this sub-paragraph, would fall to be discharged or exercised by the magistrates' court—

(a) is not to be discharged or exercised by that court, but

(b) is instead to be discharged or may instead by exercised by the Crown Court.

This does not apply to any duty imposed on a magistrates' court by section 25(1) or (2) of the Road Traffic Offenders Act 1988 (duties relating to information).

Offender before Crown Court: breach of community requirement or further conviction

12 (1) Where—

(a) an offender to whom a suspended sentence order relates is before the Crown Court, and

(b) sub-paragraph (2) or (3) applies,

the court must deal with the case under paragraph 13.

(2) This sub-paragraph applies where—

(a) the offender is before the Crown Court in relation to the order by virtue of—

(i) paragraph 9 (summons or warrant for breach of community requirement),

(ii) section 294(5) (review of order), or

(iii) paragraph 10(3)(b) (committal from magistrates' court), and

(b) it is proved to the satisfaction of the court that the offender has breached a community requirement of the order without reasonable excuse.

(3) This sub-paragraph applies where the offender—

(a) has been convicted of an offence committed during the operational period of the suspended sentence order, and

(b) the suspended sentence has not taken effect.

(4) In proceedings before the Crown Court under this paragraph—

(a) any question whether the offender has breached a community requirement of the suspended sentence order, and

(b) any question whether the offender has been convicted during the operational period of the suspended sentence,

is to be determined by the court and not by the verdict of a jury.

Powers of court to deal with offender on breach of requirement or subsequent conviction

13 (1) Where a court deals with a case under this paragraph, the court must deal with the offender in one of the following ways—

(a) the court may order that the suspended sentence is to take effect with its original term unaltered;

(b) the court may order that the suspended sentence is to take effect with the substitution for the original term of a lesser term;

(c) the court may order the offender to pay a fine of an amount not exceeding £2,500;

(d) in the case of a suspended sentence order that imposes one or more community requirements, the court may amend the order by doing any one or more of the following—

(i) imposing more onerous community requirements which the court could include if the offender had just been convicted by or before it of the offence in respect of which the order was made and it were then making the order,

(ii) subject to section 288(4), extending the supervision period, or

(iii) subject to section 288(2), extending the operational period;

(e) in the case of a suspended sentence order that does not impose any community requirement, the court may, subject to section 288(2), amend the order by extending the operational period.

(2) The criminal courts charge duty (see section 46) applies where—

(a) a magistrates' court deals with an offender under this paragraph by virtue of paragraph 10 (breach of community requirement), or

(b) the Crown Court deals with an offender under this paragraph by virtue of paragraph 12(2) (breach of community requirement).

(3) Where a court deals with an offender under sub-paragraph (1) in respect of a suspended sentence, the appropriate officer of the court must notify the appropriate officer of the court which passed the sentence of the method adopted.

Exercise of power in paragraph 13: duty to make activation order where not unjust

14 (1) The court must make an order under paragraph 13(1)(a) or (b) ("an activation order") unless it is of the opinion that it would be unjust to do so in view of all the circumstances, including the matters mentioned in sub-paragraph (2).

Where it is of that opinion the court must state its reasons.

(2) The matters referred to in sub-paragraph (1) are—

(a) the extent to which the offender has complied with any community requirements of the suspended sentence order, and

(b) in a case falling within paragraph 11 or 12(3) (conviction of further offence during operational period), the facts of the subsequent offence.

Activation orders: further provision

15 (1) This paragraph applies where a court makes an activation order relating to a suspended sentence.

(2) The activation order may provide for—

(a) the sentence to take effect immediately, or

(b) the term of the sentence to begin on the expiry of another custodial sentence passed on the offender.

This is subject to section 225 (restriction on consecutive sentences for released prisoners).

(3) For the purpose of any enactment conferring rights of appeal in criminal cases, each of the following orders is to be treated as a sentence passed on

the offender by the court for the offence for which the suspended sentence was passed—

(a) the activation order;

(b) any order made by the court under section 44 (criminal courts charge duty) when making the activation order.

(4) In this paragraph "custodial sentence" includes a pre-Code custodial sentence (see section 222(4)).

Power under paragraph 13 to fine or amend community requirements: further provision

16 (1) A fine imposed under paragraph 13(1)(c) is to be treated for the purposes of any enactment as being a sum adjudged to be paid by a conviction.

(2) Paragraph 13(1)(d) (power to impose more onerous requirements or extend periods) is subject to any provision that applies to the court in making a suspended sentence order as if the court were making the order.

Treatment requirement: reasonable refusal to undergo certain treatment

17 (1) Sub-paragraph (2) applies where the offender—

(a) is required by a treatment requirement of a suspended sentence 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 10(1)(b) or 12(2)(b) as having breached that 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 rehabilitation requirement, or

(c) an alcohol treatment requirement.

Duty of court in Scotland or Northern Ireland when informed of suspended sentence

18 Where—

(a) an offender is convicted in Scotland or Northern Ireland of an offence, and

(b) the court is informed that the offence was committed during the operational period of a suspended sentence passed in England or Wales,

the court must give written notice of the conviction to the appropriate officer of the court by which the suspended sentence was passed.

Issue of summons or warrant where court convicting of further offence does not deal with suspended sentence

19 (1) This paragraph applies where it appears to the Crown Court that an offender—

(a) has been convicted in the United Kingdom of an offence committed during the operational period of a suspended sentence order passed by the Crown Court, and

(b) has not been dealt with in respect of the suspended sentence.

(2) The Crown Court may issue—

(a) a summons requiring the offender to appear at the place and time specified in it, or

(b) 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.

20 (1) This paragraph applies where it appears to a justice of the peace that an offender—

(a) has been convicted in the United Kingdom of an offence committed during the operational period of a suspended sentence passed by a magistrates' court acting in the same local justice area as the justice, and

(b) has not been dealt with in respect of the suspended sentence.

(2) The justice may issue—

(a) a summons requiring the offender to appear at the place and time specified in it, or

(b) a warrant for the offender's arrest.

This is subject to sub-paragraphs (3) and (4).

(3) Unless acting in consequence of a notice under paragraph 18 (conviction in Scotland or Northern Ireland), a justice—

(a) may not issue a summons under this paragraph except on information, and

(b) may not issue a warrant under this paragraph except on information in writing and on oath.

(4) A summons or warrant issued under this paragraph must direct the offender to appear or be brought before the court by which the suspended sentence was passed.

PART 3

AMENDMENT OF ORDER

Application of Part

21 This Part of this Schedule applies during the supervision period of a suspended sentence order that imposes one or more community requirements.

Cancellation of community requirements of suspended sentence order

22 (1) This paragraph applies where an application is made to the appropriate court by—

(a) the offender, or

(b) an officer of a provider of probation services,

for the community requirements of the suspended sentence order to be cancelled.

(2) If it appears to the court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the court may cancel the community requirements of the suspended sentence order.

(3) The circumstances in which community requirements of the order may be cancelled under sub-paragraph (2) include the offender's—

(a) making good progress, or

(b) responding satisfactorily to supervision.

(4) No application may be made under this paragraph while an appeal against the suspended sentence is pending.

Amendment by reason of change of residence

23 (1) This paragraph applies where—

(a) the offender is given permission under section 302 to change residence, and

(b) the local justice area in which the new residence is situated ("the new local justice area") is different from the offender's home local justice area.

(2) If the permission is given by a court, the court must amend the suspended sentence order to specify the new local justice area as the offender's home local justice area.

24 (1) This paragraph applies where—

(a) a court amends the suspended sentence order,

(b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and

(c) the local justice area in which that place is situated ("the new local justice area") is different from the local justice area specified in the order.

(2) The court must amend the order to specify the new local justice area.

Amendment of community requirements of suspended sentence order

25 (1) The appropriate court may, on the application of the offender or an officer of a provider of probation services, amend any community requirement of the suspended sentence order—

(a) by cancelling the requirement, or

(b) by replacing it with a requirement of the same kind, which the court could include if the offender had just been convicted by or before it of the offence in respect of which the order was made and it were then making the order.

(2) For the purposes of sub-paragraph (1)—

(a) a requirement falling within any entry in the table in section 287 is of the same kind as any other requirement falling within that entry, and

(b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.

(3) Sub-paragraph (1)(b) is subject to any provision that applies to the court in making a suspended sentence order as if the court were making the order.

(4) No application may be made under this paragraph while an appeal against the suspended sentence is pending, other than an application which—

(a) relates to a treatment requirement, and

(b) is made by an officer of a provider of probation services with the offender's consent.

(5) Before exercising its powers under this paragraph, the court must summon the offender to appear before the court, unless—

(a) the application was made by the offender, or

(b) the order would cancel a community requirement of the suspended sentence order.

(6) If the offender fails to appear in answer to a summons under sub-paragraph (5) the court may issue a warrant for the offender's arrest.

(7) If the offender fails to express willingness to comply with a treatment requirement as proposed to be amended under this paragraph, the court may—

(a) revoke—

(i) the suspended sentence order, and

(ii) the suspended sentence to which it relates, and

(b) re-sentence the offender for the offence in respect of which the suspended sentence was imposed.

(8) In dealing with the offender under sub-paragraph (7)(b), the court must take into account the extent to which the offender has complied with the requirements of the order.

(9) In this paragraph "treatment requirement" means—

(a) a mental health treatment requirement,

(b) a drug rehabilitation requirement, or

(c) an alcohol treatment requirement.

Amendment of treatment requirement on report of practitioner

26 (1) This paragraph applies where the suspended sentence order contains a treatment requirement under which the offender is being treated and the treatment practitioner—

(a) is of the opinion that—

(i) the treatment of the offender should be continued beyond the period specified in that behalf in the order,

(ii) the offender needs different treatment,

(iii) the offender is not susceptible to treatment, or

(iv) the offender does not require further treatment, or

(b) is for any reason unwilling to continue to treat or direct the treatment of the offender.

(2) The treatment practitioner must make a report in writing to that effect to the responsible officer.

(3) The responsible officer must cause an application to be made under paragraph 25 to the appropriate court for the requirement to be replaced or cancelled.

(4) For the purposes of this paragraph—

(a) "treatment requirement" means—
  (i) a mental health treatment requirement,
  (ii) a drug rehabilitation requirement, or
  (iii) an alcohol treatment requirement;
(b) the treatment practitioner is—
  (i) the person specified in the order as the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement, or
  (ii) in the case of a mental health treatment requirement, if no such person is specified, the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement.

Extension of unpaid work requirement

27 (1) This paragraph applies where the suspended sentence order imposes an unpaid work requirement.

(2) The appropriate court may, in relation to the order, extend the period of 12 months specified in paragraph 1(1) of Schedule 9.

(3) The power in sub-paragraph (2) is exercisable only—
  (a) on the application of
    (i) the offender, or
    (ii) an officer of a provider of probation services, and
  (b) if it appears to the appropriate court that it would be in the interests of justice to exercise it in the way proposed having regard to circumstances which have arisen since the order was made.

(4) No application may be made under this paragraph while an appeal against the suspended sentence is pending.

PART 4

SUPPLEMENTARY

Provision of copies of orders etc

28 (1) This paragraph applies on the making by a court of an order under this Schedule amending a suspended sentence order.

(2) The court must provide copies of the amending order to—
  (a) the offender, and
  (b) 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 provide a copy of the amending order to—
  (a) a provider of probation services that is a public sector provider operating in that area, and
  (b) the magistrates' court acting in that area.

(4) In the case of an amending order which imposes or amends a requirement specified in column 1 of the following table, the court must also provide the

person specified in the corresponding entry in column 2 with a copy of so much of the amending order as relates to that requirement.

The requirement	*The person to whom a copy must be provided*
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 relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring Any person without whose consent the requirement could not be included in the order.

(5) Where the court acts in a local justice area other than the offender's home local justice area specified in the order prior to the amendment ("the former home area"), the court must provide a copy of the amending order to a magistrates' court acting in the former home area.

(6) 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 to that court 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.

(7) In this paragraph "public sector provider" means—

(a) a probation trust or other public body, or
(b) the Secretary of State.

SCHEDULE 17

Section 304

TRANSFER OF SUSPENDED SENTENCE ORDERS TO SCOTLAND OR NORTHERN IRELAND

PART 1

INTERPRETATION

1 (1) In this Schedule—

"administrative court division" means an administrative court division specified under section 2 of the Justice Act (Northern Ireland) 2015 (c. 9 (N.I.));

"the appropriate court" has the same meaning as in Schedule 16 (see paragraph 1 of that Schedule);

"breach" in relation to a community requirement, means a failure to comply with it, and related expressions are to be read accordingly;

"the home authority"—

(a) in relation to an SSSO, means the local authority for the local authority area specified in the order;
(b) in relation to an NISSO, means the Probation Board for Northern Ireland;

"home court" means—

(a) in the case of an SSSO, the sheriff court having jurisdiction in the locality in which the offender resides or proposes to reside, and
(b) in the case of an NISSO, a court of summary jurisdiction in Northern Ireland;

"local authority" means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994; and any reference to the area of such an authority is a reference to the local government area within the meaning of that Act;

"the local council in Scotland", in relation to an SSSO, means the local authority in whose area the offender resides, or will be residing at the relevant time;

"NISSO" means a relevant suspended sentence order that—

(a) has been made or amended under Part 3 of this Schedule (Northern Ireland), and
(b) has not ceased to be such an order under paragraph 37 (transfer to England and Wales);

"original court", in relation to an SSSO or an NISSO, means the court in England and Wales which made or last amended the order;

"the relevant officer" means—

(a) in relation to an SSSO, the local authority officer appointed or assigned under paragraph 15;
(b) in relation to an NISSO, the probation officer appointed or assigned under paragraph 15;

"relevant suspended sentence order" means a suspended sentence order that imposes one or more community requirements;

"the relevant time", in relation to making, or amending a suspended sentence order so as to become, an SSSO or an NISSO, means the time when the order or the amendment comes into force;

"SSSO" means a relevant suspended sentence order that—

(a) has been made or amended under Part 2 of this Schedule (Scotland), and

(b) has not ceased to be such an order under paragraph 37 (transfer to England and Wales).

(2) For the purposes of this Schedule, a relevant suspended sentence order is subject to review if—

(a) the order is subject to review in accordance with section 293(1), or

(b) the order imposes a drug rehabilitation requirement which is subject to review in accordance with paragraph 21 of Schedule 9.

PART 2

SCOTLAND

Restriction on making relevant suspended sentence order where offender resides in Scotland

2 (1) This paragraph applies where—

(a) a relevant suspended sentence order is available to a court dealing with an offender, and

(b) the court is satisfied that the offender—

(i) resides in Scotland, or

(ii) if a relevant suspended sentence order is made, will reside there when the order comes into force.

(2) The court may make a relevant suspended sentence order only if—

(a) it appears to the court that suitable arrangements for the offender's supervision can be made by the local council in Scotland, and

(b) the order will satisfy paragraphs 11 to 13.

(3) If the court makes a relevant suspended sentence order in accordance with this paragraph, it may not provide for it to be subject to review.

Amendment of relevant suspended sentence order to become SSSO

3 (1) This paragraph applies where—

(a) a relevant suspended sentence order is in force,

(b) the appropriate court is satisfied that the offender—

(i) resides in Scotland, or

(ii) if the order is amended in accordance with this Part of this Schedule, proposes to reside there when the amendment comes into force, and

(c) it appears to the court that suitable arrangements for the offender's supervision can be made by the local council in Scotland.

(2) The power of the appropriate court to amend the order under Part 3 of Schedule 16 ("the amendment power") includes power to amend the order by requiring—

(a) the order to be complied with in Scotland, and
(b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).

(3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy paragraphs 11 to 13.

4 (1) A relevant suspended sentence order which is subject to review ceases to be subject to review if it is amended in accordance with paragraph 3.

(2) If the court amends a relevant suspended sentence order in accordance with paragraph 3, it may not provide for it to be subject to review.

Amendment of SSSO under Schedule 16

5 (1) This paragraph applies where—
(a) a court in Scotland is considering exercising a power conferred by Part 3 of Schedule 16 to amend an SSSO by virtue of paragraph 32 of this Schedule;
(b) a court in England and Wales is considering exercising a power conferred by Schedule 16 to amend an SSSO (see paragraphs 29(2) and 36 of this Schedule for cases in which it may do so).

(2) The court may exercise the power only if it is satisfied that—
(a) the court is satisfied, in relation to any requirement that it proposes to impose, that suitable arrangements for the offender's supervision can be made by the local council in Scotland, and
(b) the order (as amended) will satisfy paragraphs 11 to 13.

(3) If the court amends a relevant suspended sentence order in accordance with this paragraph, it may not provide for it to be subject to review.

PART 3

NORTHERN IRELAND

Restriction on making suspended sentence order where offender resides in Northern Ireland

6 (1) This paragraph applies where—
(a) a relevant suspended sentence order is available to a court dealing with an offender, and
(b) the court is satisfied that the offender—
(i) resides in Northern Ireland, or
(ii) if a relevant suspended sentence order is made, will reside there when the order comes into force.

(2) The court may make a relevant suspended sentence order only if—
(a) it appears to the court that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland, and
(b) the order will satisfy paragraphs 11 to 13.

(3) If the court makes a relevant suspended sentence order in accordance with this paragraph, it may not provide for it to be subject to review.

Amendment of relevant suspended sentence order to become an NISSO

7 (1) This paragraph applies where—
(a) a relevant suspended sentence order is in force,
(b) the appropriate court is satisfied that the offender—
(i) resides in Northern Ireland, or
(ii) if the order is amended in accordance with this Part of this Schedule, proposes to reside there when the amendment comes in to force, and
(c) it appears to the court that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland.

(2) The power of the appropriate court to amend the order under Part 3 of Schedule 16 ("the amendment power") includes power to amend the order by requiring—
(a) the order to be complied with in Northern Ireland, and
(b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).

(3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy paragraphs 11 to 13.

8 (1) A relevant suspended sentence order which is subject to review ceases to be subject to review if it is amended in accordance with paragraph 7.

(2) If the court amends a relevant suspended sentence order in accordance with paragraph 7, it may not provide for it to be subject to review.

Amendment of NISSO under Schedule 16

9 (1) This paragraph applies where—
(a) a court in Northern Ireland is considering exercising the power in Part 3 of Schedule 16 to amend an NISSO by virtue of paragraph 32 of this Schedule;
(b) a court in England and Wales is considering exercising a power conferred by Schedule 16 to amend an NISSO (see paragraphs 29(2) and 36 of this Schedule for cases in which it may do so).

(2) The court may exercise the power only if—
(a) it is satisfied that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland, and
(b) the order (as amended) will satisfy paragraphs 11 to 13.

(3) If the court amends a relevant suspended sentence order in accordance with this paragraph, it may not provide for it to be subject to review.

PART 4

MAKING OF ORDERS

Making or amending a suspended sentence order under

10 This Part of this Schedule applies where, in accordance with Part 2 or 3 of this Schedule, a court—

(a) makes an SSSO or an NISSO,

(b) amends a suspended sentence order so as to become an SSSO or an NISSO, or

(c) amends an SSSO or an NISSO.

Community requirements: availability and restrictions on imposition

11 (1) If the order is an SSSO, it must not impose—

(a) an alcohol abstinence and monitoring requirement,

(b) an attendance centre requirement, or

(c) an electronic whereabouts monitoring requirement.

(2) If the order is an NISSO—

(a) it must not impose an alcohol abstinence and monitoring requirement;

(b) it must not impose an electronic whereabouts monitoring requirement unless it appears to the court that—

(i) any necessary provision can be made in the officer's case under arrangements that exist for persons resident in the locality in which the offender resides, or will be residing at the relevant time, and

(ii) arrangements are generally operational throughout Northern Ireland (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.

12 (1) The order, as made or amended, may not impose a locally based requirement unless it appears to the court that—

(a) arrangements exist for persons to comply with such a requirement in—

(i) the locality in Scotland in which the offender resides, or will be residing at the relevant time, in the case of an SSSO, or

(ii) the administrative court division in which the offender resides, or will be residing at the relevant time, in the case of an NISSO, and

(b) provision can be made for the offender to comply with the requirement under those arrangements.

(2) For the purposes of this paragraph "locally based requirement" means any of the following—

(a) an unpaid work requirement;

(b) a rehabilitation activity requirement;

(c) a programme requirement;

(d) a mental health treatment requirement;

(e) a drug rehabilitation requirement;

(f) an alcohol treatment requirement;
(g) in relation to an NISSO, an attendance centre requirement;
(h) an electronic compliance monitoring requirement.

13 Schedule 9 (requirements) applies as if—
(a) any reference to the responsible officer were to the relevant officer;
(b) the following provisions were omitted—
(i) paragraph 13(3) (residence requirement: hostel or institution not to be specified except on recommendation);
(ii) paragraph 31(2) (person for electronic monitoring to be of prescribed description);
(iii) paragraph 34 (restriction on imposing electronic monitoring requirement);
(c) in paragraph 16(2) (mental health treatment requirement), for the definition of "in-patient treatment" there were substituted—
(i) in relation to an SSSO or proposed SSSO—
""in-patient treatment" means treatment as a resident patient in a hospital within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003, not being a State hospital within the meaning of that Act;";
(ii) in relation to an NISSO or proposed NISSO—
""in-patient treatment" means treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health for the purpose of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));";
(d) in relation to an SSSO or proposed SSSO, Part 13 (attendance centre requirement) were omitted;
(e) in relation to an NISSO or proposed NISSO, any reference in Part 13 (attendance centre requirement) to an attendance centre were to a day centre, as defined by paragraph 3(6) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).

Matters to be specified in the order

14 (1) The suspended sentence order, as made or amended in accordance with Part 2 or 3 of this Schedule, must—
(a) if it is an SSSO, specify the local authority area in Scotland, or
(b) if it is an NISSO, specify the administrative court division,
in which the offender resides or will be residing at the relevant time.

(2) This paragraph has effect in place of section 296 (offender's home local justice area to be specified).

Order to require home authority to appoint relevant officer

15 The suspended sentence order, as made or amended in accordance with Part 2 or 3 of this Schedule, must require the home authority to appoint or assign an officer who will be responsible for discharging in relation to the offender

the functions conferred on responsible officers in relation to relevant suspended sentence orders by this Code.

Provision of copies

16 Where a court—

(a) makes an SSSO in accordance with paragraph 2,

(b) amends a suspended sentence order in accordance with paragraph 3 so that it becomes an SSSO,

(c) makes an NISSO in accordance with paragraph 6, or

(d) amends a suspended sentence order in accordance with paragraph 7 so that it becomes an NISSO,

it must forthwith provide the offender with a copy of the order.

17 (1) This paragraph applies where a court—

(a) makes an SSSO in accordance with paragraph 2,

(b) amends a suspended sentence order in accordance with paragraph 3 so that it becomes an SSSO,

(c) amends an SSSO in accordance with paragraph 5 so as to substitute a new local authority area,

(d) makes an NISSO in accordance with paragraph 6,

(e) amends a suspended sentence order in accordance with paragraph 7 so that it becomes an NISSO,

(f) amends an NISSO in accordance with paragraph 9 so as to substitute a new administrative court division.

(2) The court must provide—

(a) the home authority, and

(b) the home court,

with the relevant documents.

(3) In sub-paragraph (2), "the relevant documents" means—

(a) a copy of the order as made or amended, and

(b) such other documents and information relating to the case as the court considers likely to be of assistance.

18 In any other case where a court amends an SSSO or NISSO in accordance with paragraph 5 or 9, the court must provide copies of the amending order to—

(a) the offender, and

(b) the relevant officer.

19 Paragraphs 16 to 18 apply in place of—

(a) section 298 (provision of copies of suspended sentence orders), and

(b) paragraph 28 of Schedule 16 (provision of copies following amendment of suspended sentence order).

PART 5

PROVISIONS WHERE SSSO OR NISSO IS IN FORCE

Application

20 (1) This Part of this Schedule applies while an SSSO or NISSO is in force in relation to an offender.

(2) This is subject to Part 8 of this Schedule (transfer to England and Wales).

Role of responsible officer to be carried out by relevant officer

21 Sections 300 to 302 (role of responsible officer) apply as if any reference to the responsible officer were to the relevant officer.

Community requirements

22 Schedule 9 (requirements) applies as if—

(a) any reference to the responsible officer were to the relevant officer;

(b) the following provisions were omitted—

(i) paragraph 13(3) (residence requirement: hostel or institution not to be specified except on recommendation);

(ii) paragraph 31(2) (person for electronic monitoring to be of prescribed description);

(iii) paragraph 34 (restriction on imposing electronic monitoring requirement);

(c) in paragraph 16(2) (mental health treatment requirement), for the definition of "in-patient treatment" there were substituted—

(i) in relation to an SSSO—

""in-patient treatment" means treatment as a resident patient in a hospital within the meaning of the Mental Health (Care and Treatment) (Scotland) Act 2003, not being a State hospital within the meaning of that Act;";

(ii) in relation to an NISSO—

""in-patient treatment" means treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health, Social Services and Public Safety for the purpose of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));";

(d) in relation to an SSSO, Part 13 (attendance centre requirement) were omitted;

(e) in relation to an NISSO, any reference in Part 13 (attendance centre requirement) to an attendance centre were to a day centre, as defined by paragraph 3(6) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).

PART 6

BREACH OF COMMUNITY REQUIREMENT

Application

23 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 2 of Schedule 16 (breach of community requirement or conviction of further offence).

Breach of community requirement: duty to give warning or refer to home court

24 (1) This paragraph applies where the relevant officer is of the opinion that the offender has without reasonable excuse breached a community requirement of the order.

(2) If the offender has been given a relevant warning within the previous 12 months in relation to a breach of any community requirement of the order, the officer must—

(a) if the order is an SSSO, provide information to the home court with a view to it issuing a citation, or

(b) if the order is an NISSO, make a complaint to a justice of the peace in Northern Ireland.

(3) Otherwise the officer must—

(a) give the offender a warning under this paragraph, or

(b) if the order is an SSSO, provide information to the home court with a view to it issuing a citation, or

(c) if the order is an NISSO, make a complaint to a justice of the peace in Northern Ireland.

(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 next 12 months, the offender will be liable to be brought before a court.

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

(6) For the purposes of sub-paragraph (2), a relevant warning is a warning under—

(a) this paragraph, or

(b) paragraph 6 of Schedule 16 (corresponding provision for order not transferred to Scotland or Northern Ireland).

(7) If the suspended sentence order is amended under paragraph 37 (transfer back to England and Wales), the reference in paragraph 6(2) of Schedule 16 to a previous warning under paragraph 6 of that Schedule includes a reference to a warning under this paragraph.

Issue of citation or warrant by home court

25 (1) Sub-paragraph (2) applies where it appears to the home court—

(a) if that court is in Scotland, on information from the relevant officer, or

(b) if that court is in Northern Ireland, upon a complaint being made by the relevant officer,

that the offender has breached a community requirement of the suspended sentence order without reasonable excuse.

(2) The home court may—

(a) if it is in Scotland—

(i) issue a citation requiring the offender to appear before it at the time specified in the citation, or

(ii) issue a warrant for the offender's arrest;

(b) if it is in Northern Ireland—

(i) issue a summons requiring the offender to appear before it at the time specified in the summons, or

(ii) issue a warrant for the offender' arrest.

Powers of home court to determine breach or refer to original court

26 (1) The court before which an offender appears or is brought by virtue of paragraph 25 must—

(a) determine whether the offender has breached any community requirement of the suspended sentence order without reasonable excuse, or

(b) require the offender to appear before the original court.

(2) Sub-paragraphs (3) to (6) apply if the home court determines under sub-paragraph (1)(a) that the offender has breached any requirement of the order without reasonable excuse.

(3) The court must—

(a) require the offender to appear before the original court, and

(b) send the original court a certificate certifying that the offender has without reasonable excuse breached the requirements of the order in the respect specified.

(4) Sub-paragraph (5) applies when the offender appears before the original court by virtue of sub-paragraph (3).

(5) Paragraph 10 or, as the case may be, 12 of Schedule 16 (functions of court on breach of community requirement) applies as if what the home court had determined under sub-paragraph (1)(a) had already been proved to the satisfaction of the original court.

(6) Where an offender is required under sub-paragraph (3)(a) to appear before the original court, a certificate under sub-paragraph (3)(b) signed by the clerk of the home court is admissible before the original court as conclusive evidence of the matters stated in it.

Determination by home court of breach of community requirement: further provision

27 (1) Sub-paragraph (2) applies where an offender—

(a) is required by any of the following community requirements of a suspended sentence order to submit to treatment—

(i) a mental health treatment requirement,

(ii) a drug rehabilitation requirement, or

(iii) an alcohol treatment requirement, 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 26 as having breached that requirement on the ground only of that refusal if, in the opinion of the court, the offender's refusal was reasonable having regard to all the circumstances.

(3) Where the court makes a determination under paragraph 26(1)(a), the evidence of one witness is sufficient.

(4) If the order—

(a) is an SSSO, and

(b) contains an electronic monitoring requirement,

section 245H of the Criminal Procedure (Scotland) Act 1995 (documentary evidence) applies to proceedings under paragraph 26 as it applies to proceedings under section 245F of that Act (breach of restriction of liberty order).

28 Paragraphs 24 to 27 have effect in place of paragraphs 6 to 9 of Schedule 16 (breach or amendment of suspended sentence order).

Modifications of Part 2 of Schedule 16

29 (1) Part 2 of Schedule 16 (breach of community requirement and effect of further conviction), apart from paragraphs 6 to 9, applies as if—

(a) any reference to the responsible officer were to the relevant officer;

(b) any reference to 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.

(2) No court in England and Wales may exercise any power in relation to any breach by the offender of a community requirement of the order unless the offender has been required to appear before that court in accordance with paragraph 26(1)(b) or (3)(a) of this Schedule.

PART 7

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

Application

30 This Part of this Schedule—

(a) applies where a 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).

Modifications of Part 3 of Schedule 16

31 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 paragraphs 23 and 24 of Schedule 16 (amendment by reason of change of residence)—

(i) in the case of an SSSO, 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;

(ii) in the case of an NISSO, any reference to the offender's home local justice area were to the administrative court division specified in the order, and any other reference to a local justice area were to an administrative court division.

Powers to amend suspended sentence order exercisable by home court

32 (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.

(2) Sub-paragraph (1) is subject to—

(a) sub-paragraph (3),

(b) paragraph 36, and

(c) Parts 2 to 4 of this Schedule.

(3) 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.

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

33 (1) This paragraph applies in place of sub-paragraphs (4) to (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.

Modification of sections 300 to 302 and Schedule 9

34 (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.

Power for home court to refer application to original court

35 (1) This paragraph applies where an application is made to the home court under Part 3 of Schedule 16 by virtue of paragraph 32 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.

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

36 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 32(3)(b) of this Schedule (refusal of offender to express willingness to comply with amended treatment requirement), or

(b) paragraph 35(2) of this Schedule (power of home court to refer application to original court).

PART 8

AMENDMENT OF ORDER: RETURN TO ENGLAND AND WALES

Amendment of order: return to England and Wales

37 (1) This paragraph applies where—

(a) an SSSO or NISSO is in force in respect of an offender, and

(b) the home court is satisfied that the offender is residing or proposes to reside in England and Wales.

(2) The home court—

(a) may, and

(b) on the application of the relevant officer must,

amend the suspended sentence order by requiring it to be complied with in England and Wales.

Restrictions on exercise of power under this Part of this Schedule

38 (1) This paragraph applies where the SSSO or NISSO contains requirements which, in the opinion of the home court, cannot be complied with in the local justice area in which the offender is residing or proposes to reside.

(2) The court may not exercise the power conferred by paragraph 37 to amend the order unless, in accordance with paragraph 25 of Schedule 16 it—

(a) cancels those requirements, or

(b) substitutes for those requirements other requirements which can be complied with if the offender resides in that area.

39 (1) This paragraph applies where the SSSO or NISSO imposes a programme requirement.

(2) The home court may not exercise the power conferred by paragraph 37 to amend the order unless it appears to the court that the accredited programme specified in the requirement is available in the local justice area in England and Wales in which the offender is residing or proposes to reside.

Making of order under this Part of this Schedule

40 (1) This paragraph applies where the home court exercises the power conferred by paragraph 37 to amend a relevant suspended sentence order which is an SSSO or NISSO.

(2) The relevant suspended sentence order as amended must specify the local justice area in which the offender resides or proposes to reside ("the new local justice area").

(3) The home court must—

(a) provide copies of the amending order to—

(i) the offender,

(ii) the relevant officer, and

(iii) a provider of probation services operating in the new local justice area, and

(b) provide the magistrates' court acting in that area with—

(i) a copy of the amending order, and

(ii) such other documents and information relating to the case as the home court considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

This sub-paragraph applies in place of paragraph 28 of Schedule 16 (amendment of suspended sentence order: provision of copies).

(4) The relevant suspended sentence order ceases to be an SSSO or NISSO.

PART 9

SUPPLEMENTARY

Electronic monitoring and SSSO

41 Subsections (1) and (3) of section 245C of the Criminal Procedure (Scotland) Act 1995 (provision of remote monitoring) have effect as if they included a

reference to the electronic monitoring of the community requirements of a suspended sentence order made or amended in accordance with paragraph 2 or 3 of this Schedule.

Service of citation or warrant

42 (1) Section 4 of the Summary Jurisdiction (Process) Act 1881 (which provides, among other things, for service in England and Wales of Scottish citations or warrants) applies to any citation or warrant issued under paragraph 25(2)(a) or 33(2)(a) or (3) as it applies to a citation or warrant granted under section 134 of the Criminal Procedure (Scotland) Act 1995.

(2) A summons issued by a court in Northern Ireland under paragraph 25(2)(b) or 33(2)(b) may, in such circumstances as may be prescribed by rules of court, be served in England and Wales or Scotland.

SCHEDULE 18

Section 306

SPECIFIED OFFENCES FOR PURPOSES OF SECTION 306

PART 1

SPECIFIED VIOLENT OFFENCES

Common law offences

1 Manslaughter.

2 Kidnapping.

3 False imprisonment.

Offences against the Person Act 1861

4 An offence under any of the following provisions of the Offences against the Person Act 1861—

(a) section 4 (soliciting murder);
(b) section 16 (threats to kill);
(c) section 18 (wounding with intent to cause grievous bodily harm);
(d) section 20 (malicious wounding);
(e) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence);
(f) section 22 (using chloroform etc to commit or assist in the committing of any indictable offence);
(g) section 23 (maliciously administering poison etc so as to endanger life or inflict grievous bodily harm);
(h) section 27 (abandoning children);
(i) section 28 (causing bodily injury by explosives);
(j) section 29 (using explosives etc with intent to do grievous bodily harm);
(k) section 30 (placing explosives with intent to do bodily injury);

(l) section 31 (setting spring guns etc with intent to do grievous bodily harm);
(m) section 32 (endangering the safety of railway passengers);
(n) section 35 (injuring persons by furious driving);
(o) section 37 (assaulting officer preserving wreck);
(p) section 38 (assault with intent to resist arrest);
(q) section 47 (assault occasioning actual bodily harm).

Explosive Substances Act 1883

5 An offence under any of the following provisions of the Explosive Substances Act 1883—
(a) section 2 (causing explosion likely to endanger life or property);
(b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property);
(c) section 4 (making or possession of explosive under suspicious circumstances).

Infant Life (Preservation) Act 1929

6 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Children and Young Persons Act 1933

7 An offence under section 1 of the Children and Young Persons Act 1933 (cruelty to children).

Infanticide Act 1938

8 An offence under section 1 of the Infanticide Act 1938 (infanticide).

Firearms Act 1968

9 An offence under any of the following provisions of the Firearms Act 1968—
(a) section 16 (possession of firearm with intent to endanger life);
(b) section 16A (possession of firearm with intent to cause fear of violence);
(c) section 17(1) (use of firearm to resist arrest);
(d) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act);
(e) section 18 (carrying a firearm with criminal intent).

Theft Act 1968

10 An offence under any of the following provisions of the Theft Act 1968—
(a) section 8 (robbery or assault with intent to rob);
(b) section 9, where the offence is burglary with intent to—
(i) inflict grievous bodily harm on a person, or
(ii) do unlawful damage to a building or anything in it;
(c) section 10 (aggravated burglary);

(d) section 12A (aggravated vehicle-taking), where the offence involves an accident which caused the death of any person.

Criminal Damage Act 1971

11 (1) An offence of arson under section 1 of the Criminal Damage Act 1971.

(2) An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.

Taking of Hostages Act 1982

12 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Aviation Security Act 1982

13 An offence under any of the following provisions of the Aviation Security Act 1982—

(a) section 1 ((hijacking);
(b) section 2 (destroying, damaging or endangering safety of aircraft);
(c) section 3 (other acts endangering or likely to endanger safety of aircraft);
(d) section 4 (offences in relation to certain dangerous articles).

Mental Health Act 1983

14 An offence under section 127 of the Mental Health Act 1983 (ill-treatment of patients).

Prohibition of Female Circumcision Act 1985

15 An offence under section 1 of the Prohibition of Female Circumcision Act 1985 (prohibition of female circumcision).

Public Order Act 1986

16 An offence under any of the following provisions of the Public Order Act 1986—

(a) section 1 (riot);
(b) section 2 (violent disorder);
(c) section 3 (affray).

Criminal Justice Act 1988

17 An offence under section 134 of the Criminal Justice Act 1988 (torture).

Road Traffic Act 1988

18 An offence under any of the following provisions of the Road Traffic Act 1988—

(a) section 1 (causing death by dangerous driving);
(b) section 3ZC (causing death by driving: disqualified drivers);

(c) section 3A (causing death by careless driving when under influence of drink or drugs).

Aviation and Maritime Security Act 1990

19 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—

(a) section 1 (endangering safety at aerodromes);
(b) section 9 (hijacking of ships);
(c) section 10 (seizing or exercising control of fixed platforms);
(d) section 11 (destroying fixed platforms or endangering their safety);
(e) section 12 (other acts endangering or likely to endanger safe navigation);
(f) section 13 (offences involving threats).

Channel Tunnel (Security) Order 1994

20 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (SI 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

Protection from Harassment Act 1997

21 An offence under section 4 or 4A of the Protection from Harassment Act 1997 (putting people in fear of violence and stalking involving fear of violence or serious alarm or distress).

Crime and Disorder Act 1998

22 (1) An offence under section 29 of the Crime and Disorder Act 1998 (racially or religiously aggravated assaults).

(2) An offence falling within section 31(1)(a) or (b) of that Act (racially or religiously aggravated offences under section 4 or 4A of the Public Order Act 1986).

Terrorism Act 2000

23 An offence under any of the following provisions of the Terrorism Act 2000—

(a) section 54 (weapons training);
(b) section 56 (directing terrorist organisation);
(c) section 57 (possession of article for terrorist purposes);
(d) section 59 (inciting terrorism overseas).

International Criminal Court Act 2001

24 An offence under section 51 or 52 of the International Criminal Court Act 2001 (genocide, crimes against humanity, war crimes and related offences), other than one involving murder.

Anti-terrorism, Crime and Security Act 2001

25 An offence under any of the following provisions of the Anti-terrorism, Crime and Security Act 2001—

(a) section 47 (use etc of nuclear weapons);

(b) section 50 (assisting or inducing certain weapons-related acts overseas);

(c) section 113 (use of noxious substance or thing to cause harm or intimidate).

Female Genital Mutilation Act 2003

26 An offence under any of the following provisions of the Female Genital Mutilation Act 2003—

(a) section 1 (female genital mutilation);

(b) section 2 (assisting a girl to mutilate her own genitalia);

(c) section 3 (assisting a non-UK person to mutilate overseas a girl's genitalia).

Domestic Violence, Crime and Victims Act 2004

27 An offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 (causing or allowing a child or vulnerable adult to die or suffer serious physical harm).

Terrorism Act 2006

28 An offence under any of the following provisions of the Terrorism Act 2006—

(a) section 5 (preparation of terrorist acts);

(b) section 6 (training for terrorism);

(c) section 9 (making or possession of radioactive device or material);

(d) section 10 (use of radioactive device or material for terrorist purposes etc);

(e) section 11 (terrorist threats relating to radioactive devices etc).

Modern Slavery Act 2015

29 (1) An offence under section 1 of the Modern Slavery Act 2015 (slavery, servitude and forced or compulsory labour).

(2) An offence under section 2 of that Act (human trafficking) which is not within Part 2 of this Schedule.

Inchoate offences

30 An inchoate offence (see section 398) in relation to an offence specified in any of the preceding paragraphs of this Part of this Schedule.

31 An inchoate offence in relation to murder.

PART 2

SPECIFIED SEXUAL OFFENCES

Sexual Offences Act 1956

32 An offence under any of the following provisions of the Sexual Offences Act 1956—

(a) section 1 (rape);
(b) section 2 (procurement of woman by threats);
(c) section 3 (procurement of woman by false pretences);
(d) section 4 (administering drugs to obtain or facilitate intercourse);
(e) section 5 (intercourse with girl under 13);
(f) section 6 (intercourse with girl under 16);
(g) section 7 (intercourse with a defective);
(h) section 9 (procurement of a defective);
(i) section 10 or 11 (incest);
(j) section 14 (indecent assault on a woman);
(k) section 15 (indecent assault on a man);
(l) section 16 (assault with intent to commit buggery);
(m) section 17 (abduction of woman by force or for the sake of her property);
(n) section 19 (abduction of unmarried girl under 18 from parent or guardian);
(o) section 20 (abduction of unmarried girl under 16 from parent or guardian);
(p) section 21 (abduction of defective from parent or guardian);
(q) section 22 (causing prostitution of women);
(r) section 23 (procuration of girl under 21);
(s) section 24 (detention of woman in brothel);
(t) section 25 (permitting girl under 13 to use premises for intercourse;
(u) section 26 (permitting girl under 16 to use premises for intercourse);
(v) section 27 (permitting defective to use premises for intercourse);
(w) section 28 (causing or encouraging the prostitution of, intercourse with or indecent assault on girl under 16);
(x) section 29 (causing or encouraging prostitution of defective);
(y) section 32 (soliciting by men);
(z) section 33A (keeping a brothel used for prostitution).

Mental Health Act 1959

33 An offence under section 128 of the Mental Health Act 1959 (sexual intercourse with patients).

Indecency with Children Act 1960

34 An offence under section 1 of the Indecency with Children Act 1960 (indecent conduct towards young child).

Sexual Offences Act 1967

35 An offence under either of the following provisions of the Sexual Offences Act 1967—

(a) section 4 (procuring others to commit homosexual acts);

(b) section 5 (living on earnings of male prostitution).

Theft Act 1968

36 An offence under section 9 of the Theft Act 1968 of burglary with intent to commit rape.

Criminal Law Act 1977

37 An offence under section 54 of the Criminal Law Act 1977 (inciting girl under 16 to have incestuous sexual intercourse).

Protection of Children Act 1978

38 An offence under section 1 of the Protection of Children Act 1978 (indecent photographs of children).

Customs and Excise Management Act 1979

39 An offence under section 170 of the Customs and Excise Management Act 1979 (penalty for fraudulent evasion of duty etc) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (indecent or obscene articles).

Criminal Justice Act 1988

40 An offence under section 160 of the Criminal Justice Act 1988 (possession of indecent photograph of a child).

Sexual Offences Act 2003

41 An offence under any of the following provisions of the Sexual Offences Act 2003—

(a) section 1 (rape);

(b) section 2 (assault by penetration);

(c) section 3 (sexual assault);

(d) section 4 (causing a person to engage in sexual activity without consent);

(e) section 5 (rape of a child under 13);

(f) section 6 (assault of a child under 13 by penetration);

(g) section 7 (sexual assault of a child under 13);

(h) section 8 (causing or inciting a child under 13 to engage in sexual activity);

(i) section 9 (sexual activity with a child);

(j) section 10 (causing or inciting a child to engage in sexual activity);

(k) section 11 (engaging in sexual activity in the presence of a child);

(l) section 12 (causing a child to watch a sexual act);

(m) section 13 (child sex offences committed by children or young persons);
(n) section 14 (arranging or facilitating commission of a child sex offence);
(o) section 15 (meeting a child following sexual grooming etc);
(p) section 15A (sexual communication with a child);
(q) section 16 (abuse of position of trust: sexual activity with a child);
(r) section 17 (abuse of position of trust: causing or inciting a child to engage in sexual activity);
(s) section 18 (abuse of position of trust: sexual activity in the presence of a child);
(t) section 19 (abuse of position of trust: causing a child to watch a sexual act);
(u) section 25 (sexual activity with a child family member);
(v) section 26 (inciting a child family member to engage in sexual activity);
(w) section 30 (sexual activity with a person with a mental disorder impeding choice);
(x) section 31 (causing or inciting a person with a mental disorder impeding choice to engage in sexual activity);
(y) section 32 (engaging in sexual activity in the presence of a person with a mental disorder impeding choice);
(z) section 33 (causing a person with a mental disorder impeding choice to watch a sexual act);
(aa) section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder);
(ab) section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception);
(ac) section 36 (engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder);
(ad) section 37 (causing a person with a mental disorder to watch a sexual act by inducement, threat or deception);
(ae) section 38 (care workers: sexual activity with a person with a mental disorder);
(af) section 39 (care workers: causing or inciting sexual activity);
(ag) section 40 (care workers: sexual activity in the presence of a person with a mental disorder);
(ah) section 41 (care workers: causing a person with a mental disorder to watch a sexual act);
(ai) section 47 (paying for sexual services of a child);
(aj) section 48 (causing or inciting child prostitution or pornography);
(ak) section 49 (controlling a child prostitute or a child involved in pornography);
(al) section 50 (arranging or facilitating child prostitution or pornography);
(am) section 52 (causing or inciting prostitution for gain);
(an) section 53 (controlling prostitution for gain);
(ao) section 57 (trafficking into the UK for sexual exploitation);
(ap) section 58 (trafficking within the UK for sexual exploitation);

(aq) section 59 (trafficking out of the UK for sexual exploitation);
(ar) section 59A (trafficking for sexual exploitation);
(as) section 61 (administering a substance with intent);
(at) section 62 (committing an offence with intent to commit a sexual offence);
(au) section 63 (trespass with intent to commit a sexual offence);
(av) section 64 (sex with an adult relative: penetration);
(aw) section 65 (sex with an adult relative: consenting to penetration);
(ax) section 66 (exposure);
(ay) section 67 (voyeurism);
(az) section 69 (intercourse with an animal);
(ba) section 70 (sexual penetration of a corpse).

Modern Slavery Act 2015

42 An offence under section 2 of the Modern Slavery Act 2015 (human trafficking) committed with a view to exploitation that consists of or includes behaviour within section 3(3) of that Act (sexual exploitation).

Inchoate offences

43 An inchoate offence (see section 398) in relation to any offence specified in this Part of this Schedule.

PART 3

INTERPRETATION

44 For the purposes of—
(a) paragraph 23 (offences under the Terrorism Act 2000),
(b) paragraph 25 (offences under the Anti-terrorism, Crime and Security Act 2001, and
(c) paragraph 28 (offences under the Terrorism Act 2006),
where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken to have been committed on the last of those days.

SCHEDULE 19

Section 307

SCHEDULE 19 OFFENCES

Common law offences

1 Manslaughter.

2 Kidnapping.

3 False imprisonment.

Offences against the Person Act 1861

4 An offence under any of the following provisions of the Offences against the Person Act 1861—

(a) section 4 (soliciting murder);
(b) section 18 (wounding with intent to cause grievous bodily harm);
(c) section 21 (attempting to choke, suffocate or strangle in order to commit or assist in committing an indictable offence);
(d) section 22 (using chloroform etc to commit or assist in the committing of any indictable offence);
(e) section 28 (causing bodily injury by explosives);
(f) section 29 (using explosives etc with intent to do grievous bodily harm);
(g) section 32 (endangering the safety of railway passengers).

Explosive Substances Act 1883

5 An offence under either of the following provisions of the Explosive Substances Act 1883—

(a) section 2 (causing explosion likely to endanger life or property);
(b) section 3 (attempt to cause explosion, or making or keeping explosive with intent to endanger life or property).

6 An offence under section 4 of that Act (making or possession of explosive under suspicious circumstances) committed on or after 13 April 2015.

Infant Life (Preservation) Act 1929

7 An offence under section 1 of the Infant Life (Preservation) Act 1929 (child destruction).

Infanticide Act 1938

8 An offence under section 1 of the Infanticide Act 1938 (infanticide).

Firearms Act 1968

9 An offence under any of the following provisions of the Firearms Act 1968—

(a) section 16 (possession of firearm with intent to endanger life);
(b) section 17(1) (use of firearm to resist arrest);
(c) section 17(2) (possession of firearm at time of committing or being arrested for offence specified in Schedule 1 to that Act);
(d) section 18 (carrying a firearm with criminal intent).

Theft Act 1968

10 An offence under either of the following provisions of the Theft Act 1968—

(a) section 8 (robbery or assault with intent to rob);
(b) section 10 (aggravated burglary).

Criminal Damage Act 1971

11 An offence of arson under section 1 of the Criminal Damage Act 1971.

12 An offence under section 1(2) of that Act (destroying or damaging property) other than an offence of arson.

Taking of Hostages Act 1982

13 An offence under section 1 of the Taking of Hostages Act 1982 (hostage-taking).

Aviation Security Act 1982

14 An offence under any of the following provisions of the Aviation Security Act 1982—

(a) section 1 (hijacking);
(b) section 2 (destroying, damaging or endangering safety of aircraft);
(c) section 3 (other acts endangering or likely to endanger safety of aircraft).

Criminal Justice Act 1988

15 An offence under section 134 of the Criminal Justice Act 1988 (torture).

Aviation and Maritime Security Act 1990

16 An offence under any of the following provisions of the Aviation and Maritime Security Act 1990—

(a) section 1 (endangering safety at aerodromes);
(b) section 9 (hijacking of ships);
(c) section 10 (seizing or exercising control of fixed platforms);
(d) section 11 (destroying fixed platforms or endangering their safety);
(e) section 12 (other acts endangering or likely to endanger safe navigation);
(f) section 13 (offences involving threats).

Channel Tunnel (Security) Order 1994

17 An offence under Part 2 of the Channel Tunnel (Security) Order 1994 (S. I. 1994/570) (offences relating to Channel Tunnel trains and the tunnel system).

Terrorism Act 2000

18 An offence under any of the provisions of the of the Terrorism Act 2000 listed in column 1 of the following table that meets any condition listed in relation to it in column 2—

	Provision of the Terrorism Act 2000	*Condition*
(a)	Section 54 (weapons training)	The offence was committed on or after 13 April 2015

	Provision of the Terrorism Act 2000	*Condition*
(b)	Section 56 (directing terrorist organisation)	The offence was committed on or after 12 January 2010.
(c)	Section 59 (inciting terrorism overseas)	The offence was committed on or after 12 January 2010 and the offender is liable on conviction on indictment to imprisonment for life.

Anti-terrorism, Crime and Security Act 2001

19 An offence under either of the following provisions of the Anti-terrorism, Crime and Security Act 2001 committed on or after 12 January 2010—

(a) section 47 (use etc of nuclear weapons);

(b) section 50 (assisting or inducing certain weapons-related acts overseas).

Sexual Offences Act 2003

20 An offence under any of the provisions of the Sexual Offences Act 2003 listed in column 1 of the following table that meets any condition listed in relation to it in column 2—

	Provision of the Sexual Offences Act 2003	*Condition*
(a)	Section 1 (rape)	
(b)	Section 2 (assault by penetration)	
(c)	Section 4 (causing a person to engage in sexual activity without consent)	The offender is liable on conviction on indictment to imprisonment for life
(d)	Section 5 (rape of a child under 13)	
(e)	Section 6 (assault of a child under 13 by penetration)	
(f)	Section 8 (causing or inciting a child under 13 to engage in sexual activity)	The offender is liable on conviction on indictment to imprisonment for life
(g)	Section 30 (sexual activity with a person with a mental disorder impeding choice)	The offender is liable on conviction on indictment to imprisonment for life

	Provision of the Sexual Offences Act 2003	*Condition*
(h)	Section 31 (causing or inciting a person with a mental disorder to engage in sexual activity)	The offender is liable on conviction on indictment to imprisonment for life
(i)	Section 34 (inducement, threat or deception to procure sexual activity with a person with a mental disorder)	The offender is liable on conviction on indictment to imprisonment for life
(j)	Section 35 (causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement etc)	The offender is liable on conviction on indictment to imprisonment for life
(k)	Section 47 (paying for sexual services of a child) against a person aged under 16	The offender is liable on conviction on indictment to imprisonment for life
(l)	Section 62 (committing an offence with intent to commit a sexual offence)	The offender is liable on conviction on indictment to imprisonment for life.

Terrorism Act 2006

21 An offence under any of the provisions of the Terrorism Act 2006 listed in column 1 of the following table that satisfies any condition listed in relation to it in column 2—

	Provision of the Terrorism Act 2006	*Condition*
(a)	Section 5 (preparation of terrorist acts)	The offence was committed on or after 12 January 2010
(b)	Section 6 (training for terrorism)	The offence was committed on or after 13 April 2015
(c)	Section 9 (making or possession of radioactive device or material)	The offence was committed on or after 12 January 2010
(d)	Section 10 (use of radioactive device or material for terrorist purposes etc)	The offence was committed on or after 12 January 2010
(e)	Section 11 (terrorist threats relating to radioactive devices etc)	The offence was committed on or after 12 January 2010.

Modern Slavery Act 2015

22 An offence under either of the following provisions of the Modern Slavery Act 2015—

(a) section 1 (slavery, servitude and forced or compulsory labour);

(b) section 2 of that Act (human trafficking).

Inchoate offences

23 An inchoate offence (see section 398) in relation to an offence specified in any of the preceding paragraphs of this Schedule.

24 (1) An attempt to commit murder.

(2) Conspiracy to commit murder.

(3) An offence committed on or after 13 April 2015 under Part 2 of the Serious Crime Act 2007 related to murder.

SCHEDULE 20

Section 311

DETENTION UNDER SECTION 249 AND MINIMUM SENTENCES: FIREARMS OFFENCES

PART 1

OFFENCES

1 An offence under section 5(1)(a), (ab), (aba), (ac), (ad), (ae), (af), or (c) of the Firearms Act 1968 (offence of having in possession, purchasing or acquiring, a relevant weapon or relevant ammunition) committed on or after 22 January 2004.

2 An offence under section 5(1A)(a) of that Act (offence of having in possession purchasing or acquiring firearm disguised as another object) committed on or after 22 January 2004.

3 An offence under section 5(2A) of that Act (manufacture, sale or transfer of firearm or ammunition, or possession etc for sale or transfer) committed in respect of a relevant firearm or relevant ammunition.

4 An offence under any of the following provisions of the Firearms Act 1968 committed on or after 6 April 2007 in respect of a relevant firearm or relevant ammunition—

section 16 (possession of firearm or ammunition with intent to injure);

section 16A (possession of firearm with intent to cause fear or violence);

section 17 (use of firearm to resist arrest);

section 18 (carrying firearm with criminal intent);

section 19 (carrying a firearm in a public place);

section 20(1) (trespassing in a building with firearm).

5 An offence under section 28 of the Violent Crime Reduction Act 2006 (using someone to mind a weapon), where the dangerous weapon in respect of which the offence was committed was a relevant firearm.

PART 2

INTERPRETATION OF SCHEDULE

6 In this Schedule—

"relevant firearm" means a firearm specified in any of the following provisions of section 5 of the Firearms Act 1968 (weapons subject to general prohibition)—

(a) subsection (1)(a), (ab), (aba), (ac), (ad), (ae) or (af);

(b) subsection (1A)(a);

"relevant ammunition" means ammunition specified in section subsection (1)(c) of that section.

For this purpose, "firearm" and "ammunition" have the same meanings as in the Firearms Act 1968.

SCHEDULE 21

Section 322

DETERMINATION OF MINIMUM TERM IN RELATION TO MANDATORY LIFE SENTENCE FOR MURDER ETC

Interpretation

1 In this Schedule—

"child" means a person aged under 18;

"mandatory life sentence" means a mandatory life sentence passed in circumstances where the sentence is fixed by law.

Starting points

2 (1) If—

(a) the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is exceptionally high, and

(b) the offender was aged 21 or over when the offence was committed,

the appropriate starting point is a whole life order.

(2) Cases that would normally fall within sub-paragraph (1)(a) include—

(a) the murder of two or more persons, where each murder involves any of the following—

(i) a substantial degree of premeditation or planning,

(ii) the abduction of the victim, or

(iii) sexual or sadistic conduct,

(b) the murder of a child if involving the abduction of the child or sexual or sadistic motivation,

(c) the murder of a police officer or prison officer in the course of his or her duty, where the offence was committed on or after 13 April 2015,

(d) a murder done for the purpose of advancing a political, religious, racial or ideological cause, or

(e) a murder by an offender previously convicted of murder.

3 (1) If—

(a) the case does not fall within paragraph 2(1) but the court considers that the seriousness of the offence (or the combination of the offence and one or more offences associated with it) is particularly high, and

(b) the offender was aged 18 or over when the offence was committed,

the appropriate starting point, in determining the minimum term, is 30 years.

(2) Cases that (if not falling within paragraph 2(1)) would normally fall within sub-paragraph (1)(a) include—

(a) in the case of a offence committed before 13 April 2015, the murder of a police officer or prison officer in the course of his or her duty,

(b) a murder involving the use of a firearm or explosive,

(c) a murder done for gain (such as a murder done in the course or furtherance of robbery or burglary, done for payment or done in the expectation of gain as a result of the death),

(d) a murder intended to obstruct or interfere with the course of justice,

(e) a murder involving sexual or sadistic conduct,

(f) the murder of two or more persons,

(g) a murder that is aggravated by racial or religious hostility or by hostility related to sexual orientation,

(h) in the case of an offence committed on or after 3 December 2012, a murder that is aggravated by hostility related to disability or transgender identity,

(i) a murder falling within paragraph 2(2) committed by an offender who was aged under 21 when the offence was committed.

(3) An offence is aggravated in any of the ways mentioned in sub-paragraph (2)(g) or (h) if section 66 requires the court to treat the fact that it is so aggravated as an aggravating factor.

4 (1) If—

(a) the case does not fall within paragraph 2(1) or 3(1),

(b) the offence falls within sub-paragraph (2), and

(c) the offender was aged 18 or over when the offence was committed,

(d) the offence was committed on or after 2 March 2010,

the offence is normally to be regarded as sufficiently serious for the appropriate starting point, in determining the minimum term, to be 25 years.

(2) The offence falls within this sub-paragraph if the offender took a knife or other weapon to the scene intending to—

(a) commit any offence, or

(b) have it available to use as a weapon,

and used that knife or other weapon in committing the murder.

5 If the offender was aged 18 or over when the offence was committed and the case does not fall within paragraph 2(1), 3(1) or 4(1), the appropriate starting point, in determining the minimum term, is 15 years.

6 If the offender was aged under 18 when the offence was committed, the appropriate starting point, in determining the minimum term, is 12 years.

Aggravating and mitigating factors

7 Having chosen a starting point, the court should take into account any aggravating or mitigating factors, to the extent that it has not allowed for them in its choice of starting point.

8 Detailed consideration of aggravating or mitigating factors may result in a minimum term of any length (whatever the starting point), or in the making of a whole life order.

9 Aggravating factors (additional to those mentioned in paragraph 2(2), 3(2) and 4(2)) that may be relevant to the offence of murder include—

(a) a significant degree of planning or premeditation,
(b) the fact that the victim was particularly vulnerable because of age or disability,
(c) mental or physical suffering inflicted on the victim before death,
(d) the abuse of a position of trust,
(e) the use of duress or threats against another person to facilitate the commission of the offence,
(f) the fact that victim was providing a public service or performing a public duty, and
(g) concealment, destruction or dismemberment of the body.

10 Mitigating factors that may be relevant to the offence of murder include—

(a) an intention to cause serious bodily harm rather than to kill,
(b) lack of premeditation,
(c) the fact that the offender suffered from any mental disorder or mental disability which (although not falling within section 2(1) of the Homicide Act 1957) lowered the offender's degree of culpability,
(d) the fact that the offender was provoked (for example, by prolonged stress) in a way not amounting to a defence of provocation in the case of a murder committed before 4 October 2010,
(e) the fact that the offender acted to any extent in self-defence or, in the case of a murder committed on or after 4 October 2010, in fear of violence,
(f) a belief by the offender that the murder was an act of mercy, and
(g) the age of the offender.

11 Nothing in this Schedule restricts the application of—

(a) section 65 (previous convictions),
(b) section 64 (bail), or
(c) section 73 (guilty plea),

or of section 238(1)(b) or (c) or 239 of the Armed Forces Act 2006.

Offences committed before 18 December 2003

12 (1) This paragraph applies where the offence was committed before 18 December 2003.

(2) If the court makes a minimum term order, the minimum term must, in the opinion of the court, be no be greater than the period which, under the

practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to notify to the offender as the minimum period which, in the view of the Secretary of State should be served before the prisoner's release on licence.

(3) The court may not make a whole life order unless it is of the opinion that, under the practice followed by the Secretary of State before December 2002, the Secretary of State would have been likely to notify the prisoner that the Secretary of State did not intend that the prisoner should ever be released on licence.

SCHEDULE 22

Section 407

AMENDMENTS OF THE SENTENCING CODE AND RELATED AMENDMENTS OF OTHER LEGISLATION

PART 1

GENERAL PROVISIONS

Pre-sentence drug testing

1 After section 34 insert—

Pre-sentence drug testing

34A Pre-sentence drug testing

(1) This section applies where—
  (a) a person is convicted of an offence, and
  (b) the court is considering passing—
    (i) a community sentence, or
    (ii) a suspended sentence.

(2) The court may make an order requiring the offender to provide samples for the purpose of ascertaining whether the offender has any specified Class A drug in his or her body.

(3) An order under this section—
  (a) must specify the descriptions of samples to be provided,
  (b) if the offender is aged under 17, must provide for the samples to be provided in the presence of an appropriate adult, and
  (c) may include further provision about how the samples are to be provided.

(4) If it is proved to the satisfaction of the court that the offender has, without reasonable excuse, failed to comply with the order it may impose on the offender a fine of an amount not exceeding level 4.

(5) In subsection (4) "level 4" means the amount which, in relation to a fine for a summary offence, is level 4 on the standard scale.

(6) The court may not make an order under subsection (2) unless it has been notified by the Secretary of State that the power to make such

orders is exercisable by the court (and the notice has not been withdrawn).

(7) In this section—

"appropriate adult" in relation to a person aged under 17, means—

(a) the person's parent or guardian or, if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation,

(b) a social worker of a local authority, or

(c) if no person falling within paragraph (a) or (b) is available, any responsible person aged 18 or over who is not a police officer or a person employed for, or engaged on, police purposes;

"police purposes" has the meaning given by section 101(2) of the Police Act 1996;

"specified Class A drug" has the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000 (see section 70 of that Act).

2 In section 230 (threshold for imposing discretionary custodial sentence), after subsection (3) insert—

" *Exception to subsection (2) relating to pre-sentence drug testing*

(3A) Nothing in subsection (2) prevents the court from passing a custodial sentence on the offender if the offender fails to comply with an order under section 34A (pre-sentence drug testing)".

Purposes of sentencing

3 For section 58 substitute—

"58 Purposes etc of sentencing: offenders under 18

(1) This section applies where a court is dealing with an offender aged under 18 for an offence.

(2) The court must have regard to—

(a) the principal aim of the youth justice system (which is to prevent offending (or re-offending) by persons aged under 18: see section 37(1) of the Crime and Disorder Act 1998);

(b) in accordance with section 44 of the Children and Young Persons At 1933, the welfare of the offender, and

(c) the purposes of sentencing mentioned in subsection (3) (so far as it is not required to do so by paragraph (a).

(3) Those purposes of sentencing are—

(a) the punishment of offenders,

(b) the reform and rehabilitation of offenders,

(c) the protection of the public, and

(d) the making of reparation by offenders to persons affected by their offences.

(4) This section does not apply—

(a) to an offence in relation to which a mandatory sentence requirement applies;

(b) in relation to making any of the following orders under Part 3 of the Mental Health Act 1983—

(i) a hospital order (with or without a restriction order);

(ii) an interim hospital order;

(iii) a hospital direction;

(iv) a limitation direction."

Seriousness

4 In Schedule 1 (offences where terrorist connection to be considered), after paragraph 13 insert—

"13A An offence under any of the following paragraphs of Schedule 4 to the Space Industry Act 2018—

(a) paragraph 1 (hijacking of spacecraft);

(b) paragraph 2 (destroying, damaging or endangering safety of spacecraft);

(c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);

(d) paragraph 4 (endangering safety at spaceports);

(e) paragraph 5 (offences in relation to certain dangerous articles)."

PART 2

REFERRAL ORDERS

Referral orders consecutive to earlier referral orders

5 In section 87 (referral order consecutive to earlier referral order), omit subsection (2).

PART 3

FINES ETC: ABOLITION OF DETENTION IN DEFAULT OF PAYMENT

6 In section 119 (power of magistrates' court to fine where only imprisonment etc specified), in subsection (4)—

(a) for paragraph (b) substitute—

"(b) the term of imprisonment to which the offender would be subject in default of payment of the fine must not be longer than the term of imprisonment to which the offender is liable on conviction of the offence.";

(b) omit the words following paragraph (b).

7 In section 127 (remission of fines following determination under section 126), in subsection (3), omit ", or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,".

8 In section 130 (fine imposed on offender by Crown Court: duty to make term in default order)—

(a) in subsection (3), for paragraphs (a) and (b) substitute "of imprisonment";

(b) in subsection (4), omit "or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000",

(c) in subsection (6), in the words following paragraph (c), omit "or detention".

9 In section 131 (enforcement of fines imposed on offenders by Crown Court), in subsection (3) omit ", or detention under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000,".

10 In section 383 (power to determine financial circumstances of offender's parent or guardian), in subsection (4), for paragraphs (a) and (b) substitute "imprisonment".

PART 4

COMMUNITY SENTENCES

Youth rehabilitation orders with intensive supervision and surveillance

11 (1) In section 179 (exercise of power to impose youth rehabilitation order: general considerations), after subsection (4) insert—

"(4A) Nothing in subsection (2) prevents a court from making a youth rehabilitation order with intensive supervision and surveillance in respect of an offender who fails to comply with an order under section 34A (pre-sentence drug testing)."

(2) In section 180 (exercise of powers to make orders with intensive supervision and surveillance or fostering), after subsection (4) insert—

"(4A) Nothing in subsection (2) prevents a court from making a youth rehabilitation order with intensive supervision and surveillance in respect of an offender who fails to comply with an order under section 34A (pre-sentence drug testing)."

(3) In section 185 (youth rehabilitation order: exercise of power to impose particular requirements), after subsection (8) insert—

"(7A) Nothing in subsection (6) prevents a court from making a youth rehabilitation order with intensive supervision and surveillance in respect of an offender who fails to comply with an order under section 34A (pre-sentence drug testing)."

Youth rehabilitation order for offender previously fined

12 (1) In section 179 (exercise of power to impose youth rehabilitation order: general considerations), in subsection (2), at the end insert—

" This is subject to section YY (persistent offender previously fined)."

(2) After section 179 insert—

"179A Exercise of power to make youth rehabilitation order: persistent offender previously fined

(1) This section applies where—

(a) the offender is aged 16 or 17 when convicted of the offence,

(b) on three or more previous occasions a sentence consisting only of a fine has been passed on the offender on conviction by a court in the United Kingdom of an offence committed by the offender after reaching the age of 16, and

(c) despite the effect of section 65 (effect of previous convictions in determining seriousness), the court would not (apart from this section) regard—

(i) the current offence, or

(ii) the combination of the current offence and one or more associated offences,

as being serious enough to warrant a youth rehabilitation order.

Paragraph (b) must be read with section 397A (offenders fined at least three times: interpretation).

(2) The court may make a youth rehabilitation order in respect of the current offence instead of imposing a fine if it considers that, having regard to all the circumstances including the matters mentioned in subsection (3), it would be in the interests of justice to make a youth rehabilitation order.

(3) Those matters are—

(a) the nature of the offences to which the previous convictions mentioned in subsection (1)(b) relate and their relevance to the current conviction;

(b) the time that has elapsed since the offender's conviction of each of those offences.

(4) Nothing in this section limits the extent to which a court may, in accordance with section 65, treat any previous convictions of the offender as increasing the seriousness of an offence.

Availability etc of community order

13 In section 202 (availability of community order)—

(a) in subsection (1), in the opening words, after "an offence" insert ("the present offence");

(b) in that subsection, for paragraph (b) substitute—

"(b) the seriousness condition is met."

(c) after that subsection insert—

"(1A) The seriousness condition is that—

(a) the offence is punishable with imprisonment by that court, or

(b) on three or more previous occasions a sentence consisting only of a fine has been passed on the offender on conviction by a court in the United Kingdom of an offence committed by the offender after reaching the age of 16.

(1B) Subsection (1A)(b) must be read with section 397A."

14 (1) In section 204 (exercise of power to impose community order: general

considerations), in subsection (2), at the end insert—

" This is subject to section 204A (persistent offender previously fined)."

(2) After that section insert—

"204A Exercise of power to impose community order: persistent offender previously fined

"(1) Subsection (2) applies (in addition to section 204(2)) where—

(a) a community order is available to a court dealing with an offender by virtue of section 202(1A)(b) (offender fined at least three times), and

(b) the offence is not punishable with imprisonment by that court.

(2) The court may not make a community order unless it also considers that, having regard to all the circumstances including the matters mentioned in subsection (5), it would be in the interests of justice to make a community order.

(3) Subsection (4) applies where—

(a) a community order is available to a court dealing with an offender,

(b) the offence is punishable with imprisonment,

(c) on three or more previous occasions a sentence consisting only of a fine has been passed on the offender on conviction by a court in the United Kingdom of an offence committed by the offender after reaching the age of 16, and

(d) despite the effect of section 65 (effect of previous convictions in determining seriousness), the court would not (apart from this section) regard—

(i) the current offence, or

(ii) the combination of the current offence and one or more associated offences,

as being serious enough to warrant a community sentence.

(4) The court may make a community order in respect of the current offence instead of imposing a fine if it considers that, having regard to all the circumstances including the matters mentioned in subsection (5) it would be in the interests of justice to make a community order.

(5) The matters referred to in subsections (2) and (4) are—

(a) the nature of the offences to which the previous convictions mentioned in—

(i) section 202(1A)(b), or

(ii) as the case may be, subsection (3)(c),

relate and their relevance to the current offence, and

(b) the time that has elapsed since the offender's conviction of each of those offences.

(6) Nothing in this section limits the extent to which a court may, in accordance with section 65, treat any previous convictions of the offender as increasing the seriousness of an offence.

Youth rehabilitation orders and community sentences: references to previous convictions

15 After section 397 insert—

"397AOffenders fined at least three times: interpretation

(1) This section applies for the purposes of the following provisions (the "relevant provisions")—

(a) section 179A(1)(b) (exercise of power to make youth rehabilitation order: persistent offender previously fined),

(b) section 202(1A)(b) (availability of community order: seriousness condition), and

(c) section 204A(3)(c) (exercise of power to impose community order: persistent offender previously fined).

(2) In each of the relevant provisions, the reference to conviction by a court in the United Kingdom includes a reference to conviction in service disciplinary proceedings.

(3) For the purposes of the relevant provisions, the following do not form part of an offender's sentence—

(a) a criminal courts charge order (or an order under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge));

(b) a compensation order (or an order under section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (compensation orders));

(c) a service compensation order awarded in service disciplinary proceedings;

(d) a surcharge under section 42 (or an order under section 161A of the Criminal Justice Act 2003 (surcharge));

(e) an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013;

(f) a slavery and trafficking reparation order under section 8 of the Modern Slavery Act 2015.

(4) For those purposes it is immaterial whether on other previous occasions a court has passed on the offender a sentence not consisting only of a fine.

(5) In this section—

(a) "service disciplinary proceedings" means proceedings (whether or not before a court) in respect of a service offence within the meaning of the Armed Forces Act 2006;

(b) any reference to conviction or sentence, in the context of service disciplinary proceedings includes anything that under section 376(1) to (3) of that Act is to be treated as a conviction or sentence."

Community orders and youth rehabilitation orders for persistent offenders: amendments relating to offences in other member States

16 (1) Section 179A (exercise of power to make youth rehabilitation order: persistent offender previously fined), as inserted by paragraph 12 is amended as follows.

(2) In subsection (1)(b), for the words following "conviction" substitute "—

(i) by a court in the United Kingdom of an offence committed by the offender after reaching the age of 16, or

(ii) by a court in another member State of a relevant offence so committed."

17 (1) Section 202 (availability of community order), as amended by paragraph 13, is further amended as follows.

(2) In subsection (1A)(b), for the words following "conviction" substitute "—

(i) by a court in the United Kingdom of an offence committed by the offender after reaching the age of 16, or

(ii) by a court in another member State of a relevant offence so committed."

18 (1) Section 204A (exercise of power to impose community order) as inserted by paragraph 14, is amended as follows.

(2) In subsection (3)(c), for the words following "conviction" substitute "—

(i) by a court in the United Kingdom of an offence committed by the offender after reaching the age of 16, or

(ii) by a court in another member State of a relevant offence so committed."

19 (1) Section 397A (offenders fined at least three times: interpretation), inserted by paragraph 15, is amended as follows.

(2) After subsection (4) insert—

"(4A) For the purposes of the relevant provisions, an offence is "relevant" if the offence would constitute an offence under the law of any part of the United Kingdom if it were done there at the time of the conviction of the offender for the current offence."

(3) In subsection (5)—

(a) in paragraph (a)—

(i) omit "within the meaning of the Armed Forces Act 2006";

(ii) at the end insert "or a member State service offence";

(b) in paragraph (b)—

(i) after "disciplinary proceedings" insert "(other than proceedings for a member State service offence)";

(ii) for "that Act" substitute "the Armed Forces Act 2006";

(c) after that paragraph insert—

"(c) "member State service offence" means an offence which—

(i) was the subject of proceedings under the service law of a member State other than the United Kingdom, and

(ii) would constitute an offence under the law of any part of the United Kingdom, or a service offence, if it were done in any part of the United Kingdom, by a member of Her

Majesty's forces, at the time of the conviction of the offender for the current offence;

(d) "Her Majesty's forces" has the same meaning as in the Armed Forces Act 2006;

(e) "service law", in relation to a member State other than the United Kingdom, means the law governing all or any of the naval, military or air forces of that State;

(f) "service offence" has the same meaning as in the Armed Forces Act 2006."

Consequential amendment of section 77 (basis of opinion provisions)

20 (1) In section 77, subsection (5) is amended as follows.

(2) In paragraph (c), after "204" insert ", 179A, 202(1A)(b) or 204A".

Community orders: powers to imprison offender for wilful or persistent breach

21 (1) Schedule 10 (breach etc of community order) is amended as follows.

(2) In paragraph 10 (powers of magistrates' court on breach)—

(a) in sub-paragraph (5), after paragraph (c) insert—

"(d) where—

(i) the community order was made by a magistrates' court,

(ii) the offence in respect of which the order was made was not an offence punishable by imprisonment,

(iii) the offender has wilfully and persistently failed to comply with requirements of the order,

by dealing with the offender, in respect of that offence, by imposing a relevant custodial sentence for a term not exceeding 6 months."

(b) in sub-paragraph (9), after "custodial sentence" insert "(where the order was made in respect of an offence punishable with such a sentence)";

(c) after that sub-paragraph insert—

"(9A) In sub-paragraph (5)(d), "relevant custodial sentence" means—

(a) in the case of an offender who is aged under 21, a sentence of detention in a young offender institution;

(b) in any other case, a sentence of imprisonment.";

(d) in sub-paragraph (10), after "(5)(c)" insert "or (d)";

(e) in sub-paragraph (11), after "(5)(c)" insert "or (d)".

(3) In paragraph 11 (powers of Crown Court on breach)—

(a) in sub-paragraph (2), after paragraph (c) insert—

"(d) where—

(i) the offence in respect of which the order was made was not an offence punishable by imprisonment, and

(ii) the offender has wilfully and persistently failed to comply with the requirements of the order,

by dealing with the offender, in respect of that offence, by imposing a relevant custodial sentence for a term not exceeding 6 months.";

(b) in sub-paragraph (6), after "custodial sentence" insert "(where the order was made in respect of an offence punishable with such a sentence)";

(c) after that sub-paragraph insert—

"(6A) In sub-paragraph (2)(d), "relevant custodial sentence" means—

(a) in the case of an offender who is aged under 21, a sentence of detention in a young offender institution;

(b) in any other case, a sentence of imprisonment.";

(d) in sub-paragraph (7), after "(2)(c)" insert "or (d)".

Exceptions to threshold for custodial sentence where offender fails to express willingness to comply with amended requirement

22 (1) In Schedule 9 (community orders and suspended sentence orders: requirements), in paragraph 22(5)(b) (power to impose custodial sentence where offender on review of drug rehabilitation requirement where offender fails to express willingness to comply with amended requirement), after "custodial sentence" insert "(where the order was made in respect of an offence punishable with such a sentence)".

(2) In Schedule 10 (breach, revocation or amendment of community order, and effect of further conviction)—

(a) in paragraph 10(9) (power of magistrates' court to re-sentence the offender on breach), after "custodial sentence" insert "(where the order was made in respect of an offence punishable with such a sentence)";

(b) in paragraph 11(6) (corresponding power for Crown Court), after "custodial sentence" insert "(where the order was made in respect of an offence punishable with such a sentence)";

(c) in paragraph 18(9)(b) (power of court to re-sentence offender where offender fails to express willingness to comply with treatment requirement as proposed to be amended), after "custodial sentence" insert "(where the offence is punishable with such a sentence)".

Community sentences: definition of "registered psychologist"

23 In the following provisions, in the definition of "registered psychologist", for "Health and Social Work Professions Order 2001" substitute "Health Professions Order 2001"—

(a) in paragraphs 28(4) and 30(5) of Schedule 6 (mental health treatment requirement of youth rehabilitation order);

(b) in paragraphs 16(5) and 18(6) of Schedule 9 (mental health treatment requirement of community order or suspended sentence order).

Change of residence: duty of responsible officer to apply to court for amendment of order

24 In Schedule 10 (breach, revocation and amendment of community order, and effect of further conviction), in paragraph 16, at the end insert—

"(3) If the permission is given by the responsible officer—

(a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and

(b) the court must make that amendment."

PART 5

CUSTODIAL SENTENCES

Increase in magistrates' court's power to impose imprisonment

25 (1) Section 224 (general limit on magistrates' court's power to impose imprisonment or detention in a young offender institution) is amended as follows.

(2) In subsection (1), for "6 months" substitute "12 months".

(3) In subsection (2), for "6 months" substitute "12 months".

26 In—

(a) paragraph 10(5)(d) of Schedule 10 (magistrates' court's powers on breach etc of community order), as inserted by paragraph 21(2) of this Schedule, or

(b) the paragraph (d) to be inserted into paragraph 10(5) of Schedule 10 by paragraph 21(2) of this Schedule (if that paragraph 21(2) is not in force when this paragraph comes into force),

in the words following sub-paragraph (iii), for "6 months" substitute "51 weeks".

27 In—

(a) paragraph 11(2)(d) of Schedule 10 (Crown Court's powers on breach etc of community order), as inserted by paragraph 21(3) of this Schedule, or

(b) the paragraph (d) to be inserted into paragraph 11(2) of Schedule 10 by paragraph 21(3) of this Schedule (if that paragraph 21(3) is not in force when this paragraph comes into force),

in the words following sub-paragraph (ii), for "6 months" substitute "51 weeks".

Detention and training orders: offenders aged under 12

28 (1) In section 234 (detention and training orders: availability)—

(a) in subsection (1), in paragraph (a), omit ", but at least 12,";

(b) after that paragraph insert—

"(aa) in a case where the offender is aged under 12 at that time, the offence was committed after this paragraph comes into force,".

(2) In section 235 (exercise of power to make of detention and training order), after subsection (3) insert—

"(3A) If the offender is aged under 12 at the time of the conviction the court may not make a detention and training order unless it is of the opinion that only a custodial sentence would be adequate to protect the public from further offending by the offender."

(3) In section 180 (exercise of powers to make orders with intensive supervision and surveillance or fostering), in subsection (2)(a)(ii) (appropriateness of custodial sentence to be assessed in case of offender aged under 12 as if offender were 12), after "conviction" insert "and the offence was committed before section 234(1)(aa) (detention and training orders for offenders under 12) comes into force".

(4) In that section, omit subsection (2)(a)(ii) and the "or" immediately before (but not the final "and").

Detention and training orders: summary offences

29 (1) Section 236 is amended as follows.

(2) In subsection (2), at the end insert—

"(4) This is subject to subsection (2A)."

(3) After that subsection insert—

"(2A) Where—

(a) the offence is a summary offence, and

(b) the maximum term of imprisonment that a court could impose for the offence (in the case of an offender aged 21 or over) is 51 weeks,

the term of a detention and training order in respect of the offence may not exceed 6 months."

Custodial sentences where offender already subject to sentence following conviction before commencement

30 In section 237 (making of order where offender subject to other order or sentence of detention), omit subsection (7).

31 In section 238 (maximum total term where offender subject to more than one detention and training order), omit subsection (6).

32 In section 244 (offender subject concurrently to detention and training order and sentence of detention in a young offender institution), omit subsection (4).

33 In section 245 (offender subject concurrently to detention and training order and other sentence of detention), omit subsection (4).

34 In section 248 (detention and training orders: interpretation), in subsection (4) omit—

(a) paragraph (b);

(b) in paragraph (c) the words "(whether passed before or after this Code comes into force)";

(c) paragraph (e).

35 In section 253 (sentence of detention passed on offender subject to detention and training order), omit subsection (4).

36 In section 257 (extended sentence under section 254 where offender subject to detention and training order), omit subsection (4).

37 In section 270 (sentence of detention in a young offender institution where offender subject to detention and training order), omit subsection (4).

Age limit for imposing imprisonment

38 In section 222(1) (meaning of "custodial sentence"), omit paragraphs (d) and (e).

39 In section 224 (general limit on magistrates' court's power to impose imprisonment or detention in a young offender institution)—

(a) in subsection (1), for paragraphs (a) and (b) substitute "imprisonment";

(b) in subsection (2), omit "or detention in a young offender institution";

(c) in the heading, omit "or detention in a young offender institution".

40 In section 226 (custodial sentence: restriction in certain cases where offender not legally represented), in subsection (2), for paragraph (c) or (d) substitute—

"(bb) if the offender was aged at least 18 but under 21 when convicted, pass a sentence of imprisonment,".

41 In section 227 (restriction on imposing imprisonment on person under 21) in each of the following places, and in the heading to that section, for "under 21" substitute "under 18" in each of the following—

(a) subsection (1);

(b) subsection (2), in both places it occurs;

(c) subsection (3).

42 (1) Omit Chapter 3 of Part 10 (custodial sentences for adults aged under 21).

(2) In the heading for Chapter 4 of that Part, omit "aged 21 and over".

(3) The repeal by sub-paragraph (1) of section 270 does not affect the validity of any order made under subsection (2) of that section.

43 In section 236 (term of order, consecutive terms and taking account of remands)—

(a) in subsection (2)(a) and (b), and

(b) in subsection (2A)(b) (to be inserted by paragraph 29 of this Schedule),

for "21" substitute "18" (in each place).

44 In section 244 (interaction with sentences of detention in a young offender institution), in subsection (2), for paragraph (b) substitute—

"(b) section 61 of the Criminal Justice and Court Services Act 2000 (place of detention);

45 In section 246 (effect of detention and training order made where offender has reached 18), in subsection (2), for "detention in a young offender institution" substitute "imprisonment".

46 In section 250 (sentence of detention under section 249: availability), in paragraph (a) of the table in subsection (1), for "21" substitute "18".

47 In section 252 (maximum sentence), in subsection (2), in paragraphs (a) and (b), for "21" substitute "18".

48 In section 256 (term of extended sentence of detention under section 254), in subsection (5), for "21" substitute "18".

49 In section 277 (suspended sentence order for person aged 21 or over: availability), in the heading, for "person aged 21 or over" substitute "adult".

50 In section 278 (required special custodial sentence for certain offenders of particular concern), omit subsection (1)(b)(ii) (including the final "and").

51 In section 279 (extended sentence of imprisonment for certain violent or sexual offences: persons 21 or over), in the heading omit "persons 21 or over".

52 In section 280 (extended sentence of imprisonment: availability), in subsection (1)(b), for "21" substitute "18".

53 In section 283 (life sentence for second listed offence), in subsection (1)(c), for "21" substitute "18".

54 In section 285 (required life sentence for offence carrying life sentence), in subsection (1)(a), for "21" substitute "18".

55 In section 286 (suspended sentence order), in subsection (1), omit "or detention in a young offender institution".

56 In section 289 (principal sentence to be treated generally as sentence of imprisonment etc)—

(a) in subsection (1), for paragraphs (a) and (b) substitute "a sentence of imprisonment";

(b) in the heading, omit "etc".

57 In section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons), in subsection (3)—

(a) omit paragraph (b);

(b) in paragraph (c), for "21" substitute "18".

58 In section 312 (mandatory minimum sentence for offences of threatening with weapon), in subsection (3)—

(a) omit paragraph (b);

(b) in paragraph (c), for "21" substitute "18";

59 In section 313 (minimum sentence for third drug trafficking offence)—

(a) in subsection (2), for "an appropriate custodial sentence" substitute "a sentence of imprisonment";

(b) omit subsection (6).

60 In section 314 (minimum sentence for third domestic burglary offence)—

(a) in subsection (2), for "an appropriate custodial sentence" substitute "a sentence of imprisonment";

(b) omit subsection (6).

61 In section 315 (minimum sentence for repeat offence involving weapon), in subsection (3)—

(a) omit paragraph (b);

(b) in paragraph (c), for "21" substitute "18".

62 In section 324 (interpretation of sections 321 and 322), in the definition of "life sentence"—

(a) at the end of paragraph (a) insert "or";

(b) omit paragraph (c) (and the word "or" immediately before it).

63 In section 329 (conversion of sentence of detention to sentence of imprisonment)—

(a) in subsection (5), omit paragraph (b), and the word "or" immediately before it;

(b) in subsection (7), omit paragraphs (d), (e) and (f).

64 In Schedule 12, in paragraph 3 (breach of requirement of detention and training order), in sub-paragraph (8), for "21" substitute "18".

65 (1) In paragraph 10 of Schedule 10 (magistrates' court's powers on breach etc of community order), as amended by paragraph 21(2) of this Schedule—

(a) in sub-paragraph (5)(d), in the words following sub-paragraph (iii), for "relevant custodial sentence" substitute "sentence of imprisonment";

(b) omit sub-paragraph (9A).

(2) But, if paragraph 21(2) of this Schedule is not in force when this paragraph comes into force, in that paragraph—

(a) in the paragraph (d) to be inserted by it into paragraph 10(5) of Schedule 10 (magistrates' court's powers on breach etc of community order), in the words following sub-paragraph (iii), for "relevant custodial sentence" substitute "sentence of imprisonment";

(b) omit paragraph (c) (which inserts sub-paragraph (9A) into paragraph 10 of Schedule 10).

66 (1) In paragraph 11 of Schedule 10 (Crown Court's powers on breach etc of community order), as amended by paragraph 21(3) of this Schedule—

(a) in sub-paragraph (2)(d), in the words following sub-paragraph (ii), for "relevant custodial sentence" substitute "sentence of imprisonment";

(b) omit sub-paragraph (6A).

(2) But if paragraph 21(3) of this Schedule is not in force when this paragraph comes into force, in that paragraph—

(a) in the sub-paragraph (d) to be inserted by it into paragraph 11(2) of Schedule 10 (Crown Court's powers on breach etc of community order), in the words following sub-paragraph (ii), for "relevant custodial sentence" substitute "sentence of imprisonment";

(b) omit paragraph (c) (which inserts sub-paragraph (6A) into paragraph 11 of Schedule 10).

Change of residence: duty of responsible officer to apply for amendment of suspended sentence order

67 In Schedule 16 (breach or amendment of suspended sentence order, and

effect of further conviction), in paragraph 23, at the end insert—

"(3) If the permission is given by the responsible officer—

(a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and

(b) the court must make that amendment."

Dangerous offenders

68 In Schedule 18 (specified violent offences), after paragraph 29 insert—

"Space Industry Act 2018

29A An offence under any of the following paragraphs of Schedule 4 to the Space Industry Act 2018—

(a) paragraph 1 (hijacking of spacecraft);

(b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);

(c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);

(d) paragraph 4 (endangering safety at spaceports);

(e) paragraph 5 (offences in relation to certain dangerous articles)."

Life imprisonment

69 In Schedule 19 (Schedule 19 offences), after paragraph 22 insert—

"Space Industry Act 2018

22A An offence under any of the following paragraphs of Schedule 4 to the Space Industry Act 2018—

(a) paragraph 1 (hijacking of spacecraft);

(b) paragraph 2 (destroying, damaging or endangering the safety of spacecraft);

(c) paragraph 3 (other acts endangering or likely to endanger safety of spacecraft);

(d) paragraph 4 (endangering safety at spaceports)."

70 (1) Section 323 (minimum term order: other life sentences) is amended as follows.

(2) In subsection (2), at the end insert—

" This is subject to subsection (3)."

(3) After subsection (2) insert—

"(3) In taking account of the effect of the comparison required by subsection (2)(b) on the period which the court determines for the purposes of subsection (2)(a) (and before giving effect to subsection (2)(c)), the court may, instead of reducing that period by one-half, reduce it by such lesser amount as—

(a) in Case A, it considers appropriate according to the seriousness of the offence (and may be nil), or

(b) in Case B, it considers appropriate in the circumstances (but may not be less than one-third)."

(4) Case A is where the offender was aged 18 or over when the offence was committed and the court is of the opinion that the seriousness of the offence, or of the combination of the offence and one or more associated offences—

(a) is exceptional (but not such that the court proposes to make a whole life order), and

(b) would not be adequately reflected by the minimum term which the court would otherwise specify under subsection (2).

(5) Case B is where the court is of the opinion that the minimum term which it would otherwise specify under subsection (2) would have little or no effect on time spent in custody, taking into account all the circumstances of the particular offender.

PART 6

MISCELLANEOUS

71 In section 396 (execution of process between England and Wales and Scotland), at the appropriate place insert—

" section 93(4) (failure of parent or guardian to comply with order under section 90);".

SCHEDULE 23

Section 408

POWERS TO AMEND THE SENTENCING CODE

PART 1

GENERAL PROVISIONS

Seriousness: list of offences in which terrorist connection as an aggravating factor to be considered

1 (1) The Secretary of State may by regulations amend Schedule 1 (offences where terrorist connection to be considered).

(2) Regulations under this paragraph are subject to the affirmative resolution procedure.

(3) Subsection (6)(b) of section 406 (power to make different provision for different areas) does not apply to the power conferred by this paragraph.

PART 2

ORDERS FOR CONDITIONAL DISCHARGE

2 (1) The Secretary of State may by regulations amend subsection (5) of section 80 by substituting such period as may be specified in the regulations for the maximum period for the time being specified in that subsection.

(2) Regulations under this paragraph are subject to the affirmative resolution procedure.

(3) Subsections (4) and (6) of section 406 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

PART 3

REFERRAL ORDERS

Power to amend descriptions of offender for certain purposes connected with referral orders

3 (1) The Secretary of State may by regulations amend any provision of sections 84 and 85, other than paragraphs (a) to (e) of section 84(1), to alter in any way the descriptions of offenders in whose case a referral order must or may be made.

(2) The Secretary of State may by regulations amend any provision of paragraphs 14 to 16 of Schedule 4 to alter in any way the description of the offenders in the case of which an order extending the compliance period may be made.

(3) Any description of offender having effect by virtue of regulations under this paragraph may be framed by reference to such matters as the Secretary of State considers appropriate, including (in particular) one or more of the following—

(a) the offender's age,
(b) how the offender has pleaded,
(c) the offence (or offences) of which the offender has been convicted,
(d) the offender's previous convictions (if any),
(e) how (if at all) the offender has been previously punished or otherwise dealt with by any court, and
(f) any characteristics or behaviour of, or circumstances relating to, any person who has at any time been charged in the same proceedings as the offender (whether or not in respect of the same offence).

(4) Regulations under this paragraph are subject to the affirmative resolution procedure.

(5) Subsection (6)(b) of section 406 (power to make different provision for different areas) does not apply to the power conferred by this paragraph.

Power to alter amount of fine in respect of referral order on referral back to court

4 (1) The Secretary of State may by regulations amend any sum for the time being specified in paragraph 9(3) of Schedule 4 (power to impose fine where offender fails to comply with youth offender contract).

(2) Regulations under this paragraph are subject to the affirmative resolution procedure.

(3) Subsections (4) and (6) of section 406 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

PART 4

FINES AND COMPENSATION ORDERS

Standard scale

5 (1) The Secretary of State may by regulations substitute, for any sum for the time being specified in section 122, such sum as appears to the Secretary of State justified by a change in the value of money since the relevant date, in relation to offences committed after the regulations come into force.

(2) In sub-paragraph (1), the "relevant date" means—

(a) 1 October 1992, or

(b) if the sum for the time being specified has effect by virtue of regulations under this paragraph or paragraph 6, the date of those regulations.

(3) Regulations under this paragraph are subject to the negative resolution procedure.

(4) The power to make regulations under this paragraph includes power to make regulations reversing the effect of regulations previously made under it.

(5) References in sub-paragraphs (2)(b) and (4) to regulations made under this paragraph or paragraph 6 include references to any order made before the commencement date under section 143 of the Magistrates' Courts Act 1980 or section 87 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, respectively.

(6) Subsections (4) and (6) of section 406 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

6 (1) The Secretary of State may by regulations amend section 122 so as to provide for such sums as the Secretary of State considers appropriate to have effect in place of the sums for the time being specified as levels 1 to 4 on the standard scale in relation to offences committed after the regulations come into force.

(2) Regulations under this paragraph may not alter the ratio of one of those levels to another.

(3) Regulations under this paragraph are subject to the affirmative resolution procedure.

(4) Subsections (4) and (6) of section 406 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

Power to alter limits on fines and compensation orders etc in magistrates' court

7 (1) The Secretary of State may by regulations substitute, for a sum for the time being specified in any of the following provisions, such sum as appears to the Secretary of State justified by a change in the value of money since the relevant date, in relation to offences committed after the regulations come into force—

section 123	limit on magistrates' court fine for young offender
section 130	limit on term in default of payment of fine
section 139	limit on magistrates' court compensation order for young offender
section 377(2)(b) or (8)	limits on recognizance for parent or guardian of young offender, or fine for unreasonable refusal to enter into recognizance

(2) In sub-paragraph (1), the "relevant date" means—
  (a) 1 October 1992, or
  (b) if the sum for the time being specified has effect by virtue of regulations under this paragraph, the date of those regulations.

(3) Regulations under this paragraph are subject to the negative resolution procedure.

(4) The power to make regulations under this paragraph includes power to make regulations reversing the effect of regulations previously made under it.

(5) References in sub-paragraph (2)(b) and (4) to regulations made under this paragraph include references to any order made before the commencement date under section 143 of the Magistrates' Courts Act 1980.

(6) Subsections (4) and (6) of section 406 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

PART 5

YOUTH REHABILITATION ORDERS

Responsible officer

8 (1) The Secretary of State may by regulations—
  (a) amend section 191 (meaning of "the responsible officer"), and
  (b) make any other amendments of—
    (i) Chapter 1 of Part 9 (youth rehabilitation orders), or
    (ii) any provision of this Act derived from Chapter 1 of Part 12 of the Criminal Justice Act 2003 (general provisions about sentencing),

  that appear to be necessary or expedient in consequence of any amendment made by virtue of paragraph (a).

(2) Regulations under sub-paragraph (1) may, in particular, provide for the court to determine which of two or more descriptions of responsible officer is to apply in relation to any youth rehabilitation order.

(3) Regulations under this paragraph are subject to the affirmative resolution procedure.

Power to amend limits

9 (1) The Secretary of State may by regulations substitute a maximum number of hours, or a period, for the time being specified in either of the following provisions of Schedule 6 (youth rehabilitation order: requirements)—

(a) paragraph 10(3) (unpaid work requirement), or

(b) paragraph 18(4) (curfew requirement).

(2) The Secretary of State may by regulations substitute a period for the time being specified in any of the following provisions of Schedule 6 (youth rehabilitation order: requirements)—

(a) paragraph 18(5) (curfew requirement);

(b) paragraph 20(3) (exclusion requirement);

(c) paragraph 24(4)(a) (local authority residence requirement);

(d) paragraph 26(3)(a) (fostering requirement).

(3) Regulations under this paragraph which amend paragraph 26(3)(a) of Schedule 6 may also make consequential amendments of paragraphs 10(9) and (10) and 17(5) and (6) of Schedule 7.

(4) Regulations under this paragraph are subject to the affirmative resolution procedure.

Power to amend fines for breach of youth rehabilitation order

10 (1) The Secretary of State may by regulations amend any sum for the time being specified in paragraph 6(5)(a) or 7(2)(a) of Schedule 7 (fine on breach of youth rehabilitation order).

(2) The power conferred by sub-paragraph (1) may be exercised only if it appears to the Secretary of State that there has been a change in the value of money since the relevant date which justifies the change.

(3) In sub-paragraph (2), "the relevant date" means—

(a) 3 December 2012, or

(b) if the sum specified in paragraph 6(5)(a) or 7(2)(a) (as the case may be) of Schedule 7 has been substituted by regulations under sub-paragraph (1), the date on which the sum was last so substituted.

(4) In sub-paragraph (3)(b), the reference to regulations under sub-paragraph (1) includes a reference to an order under paragraph 10(1)(a) of Schedule 8 to the Criminal Justice and Immigration Act 2008.

(5) Regulations under this paragraph are subject to the negative resolution procedure.

Maximum period of fostering requirement where imposed by virtue of Schedule 7

11 (1) The Secretary of State may by regulations amend paragraph 10(9) or 17(5) of Schedule 7 by substituting, for—

(a) the period of 18 months specified in the provision, or

(b) any other period which may be so specified by virtue of a previous order under this paragraph,

such other period as may be specified in the order.

(2) Regulations under this paragraph are subject to the affirmative resolution procedure.

Power to amend provisions of Schedule 8 in consequence of changes to the law in Northern Ireland

12 (1) This paragraph applies where a change is made to the law in Northern Ireland adding further descriptions of orders to the kinds of orders which a court in that jurisdiction may impose in dealing with an offender aged under 18 at the time of conviction.

(2) The Secretary of State may by regulations make such amendments to Schedule 8 (transfer of youth rehabilitation orders to Northern Ireland) as appear expedient in consequence of the change.

(3) Regulations under this paragraph are subject to the negative resolution procedure.

PART 6

COMMUNITY REQUIREMENTS

Power to amend limits

13 (1) The Secretary of State may by regulations substitute the maximum number of hours for the time being specified in—

(a) paragraph 2(1) of Schedule 9 (unpaid work requirement), or

(b) sub-paragraph (4) or (5) of paragraph 11 of that Schedule (curfew requirement).

(2) The Secretary of State may by regulations substitute any period of time for the time being specified in—

(a) paragraph 11(7) of Schedule 9 (curfew requirement);

(b) paragraph 13(2) of that Schedule (exclusion requirement);

(c) paragraph 27(2) of that Schedule (alcohol abstinence and monitoring requirement).

(3) Regulations under this paragraph are subject to the affirmative resolution procedure.

PART 7

COMMUNITY ORDERS

Breach of community order: power to amend amounts of fines

14 (1) The Secretary of State may by regulations amend any sum for the time being specified in paragraph 10(5)(a) or 11(2)(a) of Schedule 10 to the Code (breach etc of community order).

(2) The power conferred by sub-paragraph (1) may be exercised only if it appears to the Secretary of State that there has been a change in the value of money since the relevant date which justifies the change.

(3) In sub-paragraph (2), "the relevant date" means—

(a) if the sum specified in paragraph 10(5)(a) or 11(2)(a) of Schedule 10 to the Code (as the case may be) has been substituted by an order under sub-paragraph (1), the date on which the sum was last so substituted;

(b) otherwise, 3 December 2012.

(4) Regulations under this paragraph are subject to the negative resolution procedure.

PART 8

CUSTODIAL SENTENCES

Detention and training orders: end of period of supervision

15 (1) Subject to sub-paragraphs (2) and (3), the Secretary of State may by regulations amend section 242 (detention and training order: period of supervision) as it has effect for the time being so as to alter the point at which the period of supervision of a detention and training order is to end.

(2) The period of supervision must end no later than the end of the term of the order.

(3) Regulations under this paragraph may not include provision about cases in which—

(a) the offender is aged 18 or over at the half-way point of the term of the detention and training order, and

(b) the order was made in respect of an offence committed on or after 1 February 2015.

(4) Expressions used in this paragraph and sections 233 to 237 have the same meanings in this paragraph as in those sections.

(5) For the purposes of sub-paragraph (3)(b), where an offence is found to have been committed—

(a) over a period of 2 or more days, or

(b) at some time during a period of 2 or more days,

it is to be taken to have been committed on the last of those days.

(6) Regulations under this paragraph are subject to the affirmative resolution procedure.

(7) Subsections (4) and (6) of section 406 (general powers to make provision in regulations) do not apply to the power conferred by this paragraph.

Offenders of particular concern: listed offences

16 (1) The Secretary of State may by regulations amend Schedule 13 by—
(a) adding offences, or
(b) varying or omitting offences listed in the Schedule.

(2) Regulations under this paragraph are subject to the affirmative resolution procedure.

Suspended sentence order: power to amend amounts of fines

17 (1) The Secretary of State may by regulations amend any sum for the time being specified in paragraph 13(1)(c) of Schedule 16 to the Code (breach etc of community requirement of suspended sentence order or conviction of further offence).

(2) The power conferred by sub-paragraph (1) may be exercised only if it appears to the Secretary of State that there has been a change in the value of money since the relevant date which justifies the change.

(3) In sub-paragraph (2), "the relevant date" means—
(a) if the sum specified in paragraph 13(1)(c) of Schedule 16 to the Code has been substituted by an order under sub-paragraph (1), the date on which the sum was last so substituted;
(b) otherwise, 3 December 2012.

(4) Regulations under this paragraph are subject to the negative resolution procedure.

Power to exclude application of minimum sentences to those under 18

18 (1) The Secretary of State may by regulations—
(a) amend section 311(1)(b) (minimum sentence for certain offences involving firearms that are prohibited weapons) by substituting for the word "16" the word "18";
(b) repeal section 252(1)(b) (maximum sentence of detention in case where minimum sentence required under section 311).

(2) Regulations under this paragraph may make such other provision as the Secretary of State considers necessary or expedient in consequence of, or in connection with, the provision made by virtue of sub-paragraph (1).

The provision that may be made by virtue of this sub-paragraph includes, in particular, provision amending or repealing any provision of an Act (whenever passed) including any provision of this Code.

(3) Regulations under this paragraph may make provision in relation to offences even if committed, or the offender was convicted, before the regulations come into force.

(4) Regulations under this paragraph are subject to the affirmative resolution procedure.

Determining minimum term of mandatory life sentence

19 (1) The Lord Chancellor may by regulations amend Schedule 21.

(2) Before making regulations under sub-paragraph (1), the Lord Chancellor must consult the Sentencing Council for England and Wales.

(3) Regulations under this paragraph may not have effect in relation to any offence committed before the regulations come into force.

(4) Regulations under this paragraph are subject to the affirmative resolution procedure.

SCHEDULE 24

Section 414

COMMUNITY REQUIREMENTS: PILOT SCHEMES

PART 1

ALCOHOL ABSTINENCE AND MONITORING REQUIREMENT

Piloting regulations

1 (1) The Secretary of State may by regulations provide that an alcohol and abstinence and monitoring requirement is to be available for a community order or suspended sentence order only—

(a) in relation to the area or areas specified in the regulations, and

(b) for the period specified in the regulations,

Regulations under this sub-paragraph are referred to in sections 207(1) and 291(1) (restrictions on availability of requirements) as "piloting regulations".

(2) Regulations under sub-paragraph (1) may provide for an alcohol and abstinence monitoring requirement not to be available for the purposes of the application of the Code by the Armed Forces Act 2006.

General commencement regulations

2 (1) The Secretary of State may by regulations provide that an alcohol abstinence and monitoring requirement is to be available for the whole of England and Wales.

Regulations under this sub-paragraph are referred to in this Part of this Schedule as "general commencement regulations".

(2) General commencement regulations may repeal—

(a) section 207(1) (under which alcohol abstinence and monitoring requirements are available for community orders only in accordance with pilot schemes), and

(b) section 291(1) (which makes corresponding provision in relation to suspended sentence orders).

(3) General commencement regulations may also—

(a) amend any of the other alcohol abstinence and monitoring provisions, and

(b) amend or repeal any other provision of this Act derived from the Legal Aid, Sentencing and Punishment of Offenders Act 2012 in consequence of provision made under paragraph (a).

(4) Amendments in general commencement regulations under sub-paragraph (3)(a)—

(a) may confer a power on the Secretary of State to make regulations or rules;

(b) may not enable a court to provide for an alcohol abstinence and monitoring requirement to be complied with in Scotland or Northern Ireland.

Power to repeal alcohol abstinence and monitoring provisions

3 (1) If the Secretary of State decides not to make general commencement regulations, the Secretary of State may instead, by regulations, repeal the alcohol abstinence and monitoring provisions.

(2) Regulations under sub-paragraph (1) may also make—

(a) amendments of this Act that correspond to any amendments of the Criminal Justice Act 2003 that would have been needed in order to reverse the effect of section 76 of the Legal Aid, Sentencing and Punishment of Offenders 2012 on that Act had that section been in force before the commencement date;

(b) other consequential amendments or repeals (which may include amendments or repeals of the provisions mentioned in sub-paragraph (1)).

Alcohol abstinence and monitoring pilot schemes: further provision

4 In this Part of this Schedule, "the alcohol abstinence and monitoring provisions" means—

(a) in section 201 (requirements for community order), the entry in the table for an alcohol abstinence and monitoring requirement;

(b) in section 207, subsections (1), (2) and (3) (restrictions on availability);

(c) in section 287 (community requirements for suspended sentence order), the entry in the table for an alcohol abstinence and monitoring requirement;

(d) in section 291, subsections (1), (2) and (3) (restrictions on availability);

(e) in Schedule 9 (community requirements of community orders and suspended sentence orders)—

(i) Part 12 (alcohol abstinence and monitoring requirements;

(ii) in paragraph 29 (electronic monitoring requirements), sub-paragraphs (4) and (5);

(f) in Schedule 11 (transfer of community order to Scotland or Northern Ireland), paragraphs 6(a) and 14;

(g) in Schedule 17 (transfer of suspended sentence order to Scotland or Northern Ireland), paragraph 11(1)(a) and (2)(a).

5 (1) Regulations under this Part of this Schedule may make transitional, transitory or saving provision.

(2) Subsections (4) and (6) of section 406 (general powers to make provision in regulations) do not apply to the powers conferred by this Part of this Schedule.

(3) Regulations under this Part of this Schedule which are—

(a) general commencement regulations, or

(b) regulations under paragraph 3 (power to repeal alcohol abstinence and monitoring requirements),

are subject to the affirmative resolution procedure.

PART 2

ELECTRONIC WHEREABOUTS MONITORING REQUIREMENT

6 (1) The Secretary of State may by regulations provide for an electronic whereabouts monitoring requirement to be an available requirement for a community order or a suspended sentence order.

(2) Regulations under sub-paragraph (1) which provide that an electronic monitoring whereabouts monitoring requirement is to be an available requirement only in relation to a specified area may provide that it is to be an available requirement in relation to that area only for a specified period.

(3) Regulations under sub-paragraph (1) may extend any period specified under sub-paragraph (2) for a further period.

(4) Regulations under sub-paragraph (1) which provide that an electronic whereabouts monitoring requirement is an available requirement in relation to community orders and suspended sentence orders—

(a) in relation to all areas, and

(b) without any restriction by virtue of sub-paragraph (2) or (3) as to the period for which it an available requirement,

may repeal any of the provisions mentioned in sub-paragraph (5).

(5) Those provisions are—

(a) the reference to section 207(6) in the entry for an electronic whereabouts monitoring requirement in the table in section 201,

(b) section 207(6),

(c) the reference to section 291(6) in the entry for an electronic whereabouts monitoring requirement in the table in section 287, and

(d) section 291(6).

(6) Regulations under this paragraph, other than regulations which make the provision permitted by sub-paragraph (2) or (3), are subject to the affirmative resolution procedure.

PART 3

DATA FROM ELECTRONIC MONITORING: CODE OF PRACTICE

7 (1) The Secretary of State may by regulations provide for a code of practice under section 395 to have effect in relation to community orders and suspended sentence orders.

(2) Regulations under sub-paragraph (1) which provide that a code of practice is to have effect only in relation to a specified area may provide that it is to have effect in relation to that area only for a specified period.

(3) Regulations under sub-paragraph (1) may extend any period specified under sub-paragraph (2) for a further period.

(4) Regulations under sub-paragraph (1) which provide that a code of practice under section 395 is to have effect—

(a) in relation to all areas, and

(b) without any restriction by virtue of sub-paragraph (2) or (3) as to the period for which it has effect,

may repeal section 395(3).

(5) Regulations under this paragraph, other than regulations which make the provision permitted by sub-paragraph (2) or (3), are subject to the affirmative resolution procedure.

SCHEDULE 25

Section 409

TRANSITIONAL PROVISIONS AND SAVINGS

[To be added]

SCHEDULE 26

Section 410

CONSEQUENTIAL AMENDMENTS

[To be added]

SCHEDULE 27

Section 411

REPEALS AND REVOCATIONS

Provision	*Extent of repeal or revocation*
Prevention of Crime Act 1953 (c. 14)	In section 1, subsections (2A) to (2G). Section 1ZA. In section 1A, subsections (5), (6), (7) and (9).
Firearms Act 1968 (c. 27)	In section 51A— (a) subsection (4)(a), and (b) subsection (5)(a) (together with the final "and").
Magistrates' Courts Act 1980 (c. 43)	Section 34. In section 143(2), paragraphs (cb), (d), (o) and (p).
Prosecution of Offences Act 1985 (c. 23)	Sections 21A to 21F.
Criminal Justice Act 1988 (c. 33)	In section 139, subsections (6A) to (6G). In section 139A, subsections (5A) to (5G). Section 139AZA. In section 139AA, subsections (7), (8), (9) and (11).
Road Traffic Offenders Act 1988 (c. 53)	Section 25(4).
Criminal Justice Act 1991 (c. 53)	In Schedule 11, paragraph 27(1). In Schedule 12, paragraph 6A.
Protection from Harassment Act 1997 (c. 40)	Sections 5 and 5A.
Crime and Disorder Act 1998 (c. 37)	In section 8(1), paragraphs (c) and (d). In section 8(2), the words "or, as the case may be, the person convicted of the offence under section 443 or 444". Section 8(6)(b) and (c). In section 9— (a) subsections (1) and (1A); (b) in subsection (2)(b), the words "or (c)"; (c) subsection (2)(c). In section 10, subsections (4) and (5).
Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)	The whole Act, apart from— (a) section 11; (b) sections 139 and 140 so far as they relate to recognizances; (c) section 142; (d) sections 163 to 168.
Criminal Justice and Court Services Act 2000 (c. 43)	Section 60. Section 61(7).

Provision	*Extent of repeal or revocation*
Criminal Justice and Court Services Act 2000 (c. 43) — *cont.*	In Schedule 7 — (a) paragraph 176; (b) paragraph 178; (c) paragraphs 180 and 181; (d) paragraphs 184 to 187; (e) paragraphs 190 and 191.
Proceeds of Crime Act 2002 (c. 29)	In Schedule 11, paragraph 37.
Police Reform Act 2002 (c. 30)	Section 56(6).
Crime (International Co-operation) Act 2003 (c. 32)	In Schedule 5, paragraphs 72 to 74.
Sexual Offences Act 2003 (c. 42)	Section 103A(2)(a)(i). In Schedule 6, paragraph 43(2)
Criminal Justice Act 2003 (c. 44)	Sections 142 to 154. Sections 156 to 166. Section 172. Section 174. Sections 176 and 177. Sections 178 to 180. Sections 189 to 220A. Sections 222 to 229. Sections 231 to 236A. Section 238. Section 265. Sections 269 and 270. Sections 277 and 278. Section 289. Section 291(1)(b). Section 298. In section 302, the words from "paragraph 7(2)" to "Schedule 12,". Section 324. In Schedule 3, paragraphs 21 to 28 and 74. Schedule 8. Schedule 9. Schedule 12. Schedule 13. Schedule 18A. Schedule 21. In Schedule 22, paragraphs 9 and 10. Schedule 23. In Schedule 32, paragraphs 90 to 126. Schedule 34. In Schedule 36, paragraph 98.
Domestic Violence, Crime and Victims Act 2004 (c. 28)	Section 12. In section 14, subsections (1) and (2). In Schedule 5, paragraphs 2, 7, 8 and 9. In Schedule 10, paragraphs 43, 49, 50, 51, 52 and 63. In Schedule 12, paragraph 7.
Constitutional Reform Act 2005 (c. 4)	In Schedule 9, paragraph 69.

Provision	*Extent of repeal or revocation*
Serious Organised Crime and Police Act 2005 (c. 15)	Section 75A. Section 125(6)
Criminal Defence Service Act 2006 (c.9)	In section 4, subsection (2)(c).
Fraud Act 2006 (c. 35)	In Schedule 1, paragraph 29.
Violent Crime Reduction Act 2006 (c. 38)	In section 29, subsections (4) to (6). In Schedule 1, paragraph 7 and paragraph 9(3) and (8).
Police and Justice Act 2006 (c. 48)	In Schedule 13, paragraphs 31 and 32. In Schedule 14, paragraph 62.
Armed Forces Act 2006 (c. 52)	In Schedule 16— (a) paragraphs 163 to 166; (b) paragraphs 216 and 217; (c) paragraph 236.
Tribunals, Courts and Enforcement Act 2007 (c. 15)	In Schedule 13, paragraphs 132 and 154.
Offender Management Act 2007 (c. 21)	Section 31. Section 33. Section 34. In Schedule 3, paragraph 9.
Serious Crime Act 2007 (c. 27)	In Schedule 6, paragraph 39.
Legal Services Act 2007 (c. 29)	In Schedule 21, paragraphs 147 and 148.
UK Borders Act 2007 (c. 30)	Section 25(3)(a).
Criminal Justice and Immigration Act 2008 (c. 4)	Sections 1 to 5. Sections 7 and 8. In section 9, subsections (1) and (2). Sections 10 to 12. Sections 17 to 20. In section 22, subsections (5) and (6). Sections 35 to 38. In section 147— (a) subsection (4)(b); (b) in subsection (5), paragraphs (a), (i) and (j). Schedule 1. Schedule 2. Schedule 3. In Schedule 4— (a) paragraphs 51 to 60; (b) paragraphs 62 to 64; (c) paragraphs 72 to 91; (d) paragraphs 93 and 96; (e) paragraphs 106 to 109. In Schedule 8, paragraph 28. In Schedule 13, paragraphs 8 to 10. In Schedule 26, paragraphs 40 to 49 and 64 to 70.
Children and Young Persons Act 2008 (c. 23)	In Schedule 1, paragraph 21.

Provision	*Extent of repeal or revocation*
Counter-Terrorism Act 2008 (c. 28)	In section 30, subsections (1), (4) and (5). Section 75(2)(c).
Coroners and Justice Act 2009 (c. 25)	Section 125. Section 126. In Schedule 16, paragraph 5. In Schedule 17, paragraphs 6, 8, 10 and 12. In Schedule 21, paragraphs 52, 85, 86, 95 and 98.
Policing and Crime Act 2009 (c. 26)	In Schedule 7, paragraph 22.
Health and Social Care Act 2012 (c. 7)	Section 38(5)(d).
Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)	In section 64, subsections (1) to (3). In section 65, subsections (1) to (9). Sections 66 and 67. In section 68, subsections (1) to (5). Sections 69 to 72. Section 73(2). Section 74. In section 76, subsections (1) to (10). Section 77. In section 79, subsections (1) and (2). In section 80, subsections (1) to (8). Sections 81 to 84. In section 87, subsections (1) and (2) and (5) to (7). In section 122, subsections (1) and (2). Section 124. In Schedule 5— (a) paragraphs 52 to 54; (b) paragraph 69. In Schedule 9— (a) paragraphs 2 to 12; (b) paragraph 20. In Schedule 12, paragraphs 42 to 44. In Schedule 13, paragraphs 9 to 11. In Schedule 14 paragraph 3. In Schedule 19— (a) paragraphs 3 to 7; (b) paragraphs 10 to 13; (c) paragraphs 15 to 21; (d) paragraphs 23 and 24. In Schedule 20, paragraphs 3. In Schedule 21— (a) paragraphs 7 to 15; (b) paragraphs 21 to 28; (c) paragraphs 34 and 36. In Schedule 22, paragraphs 14 to 16. In Schedule 24, paragraph 18 to 20. In Schedule 26— (a) paragraphs 9 to 13; (b) paragraphs 16 to 21; (c) paragraph 31.

Provision	*Extent of repeal or revocation*
Prevention of Social Housing Fraud Act 2013 (c. 3)	In the Schedule, paragraphs 8 and 28 to 30.
Crime and Courts Act 2013 (c. 22)	In Schedule 16, paragraphs 2, 3, 5, 6, 8, 10, 12, 13, and 16 to 24.
Offender Rehabilitation Act 2014 (c. 11)	Section 6. Section 8. Section 14(1). In section 15, subsections (1) to (3). Section 17. Section 18. In Schedule 3, paragraphs 10 to 12. In Schedule 4, paragraphs 2 to 7 and 11 to 15. In Schedule 5, paragraphs 2 to 4 and 7 and 8. In Schedule 7, paragraph 7.
Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)	Sections 22 to 33. Section 179(3).
Criminal Justice and Courts Act 2015 (c. 2)	Section 5(1) and (2). Section 15(1) to (3). Section 27. In section 28, subsections (1) to (7). Sections 43 to 45. Section 53. In section 54, subsections (1) and (4). Section 83(1). In Schedule 1, paragraphs 2 to 4, 10(2), 13, 16 and 24. In Schedule 5— (a) paragraphs 3 to 8; (b) paragraphs 10 to 15; (c) paragraph 17. In Schedule 9, paragraph 12. In Schedule 11, paragraph 23. In Schedule 12, paragraphs 9, 13, 15 and 16.
Modern Slavery Act 2015 (c. 30)	In Schedule 5, paragraphs 14, 24 and 25.
Policing and Crime Act 2017 (c. 3)	Section 79(3).
Children and Social Work Act 2017 (c. 16)	In Schedule 5, paragraph 48(b).
Assaults on Emergency Workers (Offences) Act 2018 (c. 23)	Section 2.
Sentencing (Pre-consolidation Amendments) Act [2019]	Schedule 2.
Referral Orders (Amendment of Referral Conditions) Regulations 2003 (S.I. 2003/1605)	The whole Regulations.
Courts Act 2003 (Consequential Provisions) Order 2004 (S.I. 2004/2035)	In the Schedule, paragraphs 40 to 44.

Provision	*Extent of repeal or revocation*
Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886)	In the Schedule— (a) paragraphs 62 to 85; (b) paragraph 103 to 107; (c) paragraphs 110 and 111.
Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912)	In Schedule 1— (a) paragraph 14; (b) in paragraph 19, sub-paragraphs (2), (3), (5) to (13), (17), (20) and (21).
Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182)	In Schedule 5, paragraphs 7 and 10.
Criminal Justice Act 2003 (Mandatory Life Sentence: Determination of Minimum Term) Order 2010 (S.I. 2010/197)	The whole Order.
Health and Social Care Act 2008 (Consequential Amendments No. 2) Order 2010 (S.I. 2010/813)	Articles 10, 14 and 20.
Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158)	In Schedule 2, paragraphs 45 and 63.
Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298)	In the Schedule, paragraph 14.
Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015 (S.I. 2015/664)	In Schedule 5, paragraph 3.
Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413 (W. 131))	Regulations 165 to 169, 211, 259 and 260.
Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195 (W. 44))	Regulations 24 and 40.

As to the repeals of the Powers of Criminal Courts (Sentencing) Act 2000, see further section 411.

SCHEDULE 28

Section 411

REPEALS AND REVOCATIONS FOR ENGLAND AND WALES

Provision	*Extent of repeal or revocation*
Firearms Act 1968 (c. 27)	In section 51A— (a) subsections (1) to (3), (b) subsection (4)(b), and (c) subsection (5)(b).
Misuse of Drugs Act 1971 (c. 38)	Section 4A.
Criminal Justice Act 1982 (c. 48)	Section 37.
Criminal Justice Act 1991 (c. 53)	Section 17(1).
Criminal Procedure and Investigations Act 1996 (c. 25)	Section 58. In section 61, subsections (1) and (2).
Serious Organised Crime and Police Act 2005 (c. 15).	Sections 73 to 75.
Drugs Act 2005 (c. 17)	Section 1.
Violent Crime Reduction Act 2006 (c. 38)	In section 29, subsections (11) and (12). In section 30, subsections (2) and (3).
UK Borders Act 2007 (c. 30)	Section 25.
Counter-Terrorism Act 2008 (c. 28)	Section 33 and Schedule 2.
Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)	Section 108(6).
Psychoactive Substances Act 2016 (c. 2)	Section 6.
Space Industry Act 2018 (c. 5)	In Schedule 12, paragraph 29.

DRAFT SENTENCING BILL

TABLE OF ORIGINS

This Table shows the origins of the provisions of the Bill.
The following abbreviations are used in the Table—

Acts of Parliament

P(P)A 1897	Police (Property) Act 1897 (c. 30)
PCA 1953	Prevention of Crime Act 1953 (c. 14)
FA 1968	Firearms Act 1968 (c. 27)
TA 1968	Theft Act 1968 (c. 60)
MDA 1971	Misuse of Drugs Act 1971 (c. 38)
CJA 1972	Criminal Justice Act 1972 (c. 71)
PCCA 1973	Powers of Criminal Courts Act 1973 (c. 62)
CLA 1977	Criminal Law Act 1977 (c. 45)
MCA 1980	Magistrates' Courts Act 1980 (c. 43)
CAA 1981	Criminal Attempts Act 1981 (c. 47)
CJA 1982	Criminal Justice Act 1982 (c. 48)
POA 1985	Prosecution of Offences Act 1985 (c. 23)
CJA 1988	Criminal Justice Act 1988 (c. 33)
RTOA 1988	Road Traffic Offenders Act 1988 (c. 53)
CJA 1991	Criminal Justice Act 1991 (c. 53)
CPIA 1996	Criminal Procedure and Investigations Act 1996 (c. 25)
PHA 1997	Protection from Harassment Act 1997 (c. 40)
C(S)A 1997	Crime (Sentences) Act 1997 (c. 43)
CDA 1998	Crime and Disorder Act 1998 (c. 37)
PCC(S)A 2000	Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)
CJCSA 2000	Criminal Justice and Court Services Act 2000 (c. 43)
ACSA 2001	Anti-terrorism, Crime and Security Act 2001 (c. 24)
POCA 2002	Proceeds of Crime Act 2002 (c. 29)
PRA 2002	Police Reform Act 2002 (c. 30)
C(IC)A 2003	Crime (International Co-operation) Act 2003 (c. 32)
ABA 2003	Anti-social Behaviour Act 2003 (c. 38)
CA 2003	Courts Act (c. 39)
SOA 2003	Sexual Offences Act 2003 (c. 42)
CJA 2003	Criminal Justice Act 2003 (c. 44)

Acts of Parliament

DVCVA 2004	Domestic Violence, Crime and Victims Act 2004 (c. 28)
CA 2004	Children Act 2004 (c. 31)
CRA 2005	Constitutional Reform Act 2005 (c. 4)
SOCPA 2005	Serious Organised Crime and Police Act 2005 (c. 15)
DA 2005	Drugs Act 2005 (c. 17)
CDSA 2006	Criminal Defence Service Act 2006 (c. 9)
FA 2006	Fraud Act 2006 (c. 35)
VCRA 2006	Violent Crime Reduction Act 2006 (c. 38)
PJA 2006	Police and Justice Act 2006 (c. 48)
AFA 2006	Armed Forces Act 2006 (c. 52)
TCEA 2007	Tribunals, Courts and Enforcement Act 2007 (c. 15)
OMA 2007	Offender Management Act 2007 (c. 21)
SCA 2007	Serious Crime Act 2007 (c. 27)
LSA 2007	Legal Services Act 2007 (c. 29)
UKBA 2007	UK Borders Act 2007 (c. 30)
CJIA 2008	Criminal Justice and Immigration Act 2008 (c. 4)
CYPA 2008	Children and Young Persons Act 2008 (c. 23)
CTA 2008	Counter Terrorism Act 2008 (c. 28)
CJA 2009	Coroners and Justice Act 2009 (c. 25)
PCA 2009	Policing and Crime Act 2009 (c. 26)
PRSRA 2011	Police Reform and Social Responsibility Act 2011 (c. 13)
DVCV(A)A 2012	Domestic Violence, Crime and Victims (Amendment) Act 2012 (c. 4)
HSCA 2012	Health and Social Care Act 2012 (c. 7)
PFA 2012	Protection of Freedoms Act 2012 (c. 9)
LASPOA 2012	Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10)
FSA 2012	Financial Services Act 2012 (c. 21)
PSHFA 2013	Prevention of Social Housing Fraud Act 2013 (c. 3)
CCA 2013	Crime and Courts Act 2013 (c. 22)
ORA 2014	Offender Rehabilitation Act 2014 (c. 11)
ABCPA 2014	Anti-social Behaviour, Crime and Policing Act 2014 (c. 12)
CJCA 2015	Criminal Justice and Courts Act 2015 (c. 2)
SCA 2015	Serious Crime Act 2015 (c. 9)

Acts of Parliament

DA 2015	Deregulation Act 2015 (c. 20)
MSA 2015	Modern Slavery Act 2015 (c. 30)
PSA 2016	Psychoactive Substances Act 2016 (c. 2)
DA(NI) 2016	Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
PCA 2017	Policing and Crime Act 2017 (c. 3)
CSWA 2017	Children and Social Work Act 2017 (c. 16)
SIA 2018	Space Industry Act 2018 (c. 5)
AEW(O)A 2018	Assaults on Emergency Workers (Offences) Act 2018 (c. 23)

Subordinate legislation

SI 1977/1682	Criminal Law Act (Commencement No. 3) Order 1977
SI 1978/712	Criminal Law Act 1977 (Commencement No. 5) Order 1978
SI 1981/457	Magistrates' Courts Act 1980 (Commencement) Order 1981
SI 1982/1857	Criminal Justice Act 1982 (Commencement No. 1) Order 1982
SI 1984/447	Criminal Penalties etc. (Increase) Order 1984
SI 1992/333	Criminal Justice Act 1991 (Commencement No. 3) Order 1992
SI 2003/1605	Referral Orders (Amendment of Referral Conditions) Regulations 2003
SI 2004/81	Criminal Justice Act 2003 (Commencement No. 2 and Saving Provisions) Order 2004
SI 2004/2035	Courts Act 2003 (Consequential Amendments) Order 2004
SI 2005/643	Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order 2005
SI 2005/886	Courts Act 2003 (Consequential Provisions) Order 2005
SI 2005/950	Criminal Justice Act 2003 (Commencement No. 8 and Transitional and Saving Provisions) Order 2005
SI 2007/602	Domestic Violence, Crime and Victims Act 2004 (Commencement No. 8) Order 2007
SI 2007/858	Violent Crime Reduction Act 2006 (Commencement No. 2) Order 2007
SI 2007/1324	Firearms (Sentencing) (Transitory Provisions) Order 2007
SI 2007/3001	Offender Management Act 2007 (Commencement No.1 and Transitional Provisions) Order 2007
SI 2008/912	Offender Management Act 2007 (Consequential Amendments) Order 2008
SI 2008/1587	Criminal Justice and Immigration Act 2008 (Transitory Provisions) Order 2008

Subordinate legislation

SI 2009/1059	Armed Forces Act 2006 (Transitional Provisions etc) Order 2009
SI 2009/1182	Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009
SI 2010/197	Criminal Justice Act 2003 (Mandatory Life Sentence: Determination of Minimum Term) Order 2010
SI 2010/813	Health and Social Care Act 2008 (Consequential Amendments No. 2) Order 2010
SI 2010/816	Coroners and Justice Act 2009 (Commencement No. 4, Transitional and Saving Provisions) Order 2010
SI 2010/976	Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010
SI 2010/1158	Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010
SI 2010/1858	Coroners and Justice Act 2009 (Commencement No. 5) Order 2010
SI 2011/2298	Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011
SI 2012/2906	Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No.4 and Saving Provisions) Order 2012
SI 2013/534	Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Consequential, Transitional and Saving Provisions) Regulations 2013
SI 2013/2981	Crime and Courts Act 2013 (Commencement No. 6) Order 2013
SI 2015/40	Offender Rehabilitation Act 2014 (Commencement No. 2) Order 2015
SI 2015/504	Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Commencement No. 11) Order 2015
SI 2015/664	Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Fines on Summary Conviction) Regulations 2015
SI 2015/778	Criminal Justice and Courts Act 2015 (Commencement No. 1, Saving and Transitional Provisions) Order 2015
SI 2015/1463	Criminal Justice and Courts Act 2015 (Commencement No. 2) Order 2015
SI 2016/413 (W.131)	Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016
SI 2016/992	Secretaries of State for Business, Energy and Industrial Strategy, for International Trade and for Exiting the European Union and the Transfer of Functions (Education and Skills) Order 2016

Subordinate legislation

SI 2017/80	Bank of England and Financial Services (Consequential Amendments) Regulations 2017
SI 2018/195 (W.44)	Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018

Other abbreviations

clean sweep	prospective change under clause 1 of the Sentencing (Pre-consolidation Amendments) Bill
PCA	proposed change under clause 2 of the Sentencing (Pre-consolidation Amendments) Bill
LCR	Law Commission Recommendation proposed for draft Sentencing Bill

Provision		*Origin*
1		Drafting.
2		Drafting.
3		PCC(S)A 2000 s.1(1) (part), (3) (part), (4) (part), (5) (part); CJA 2003 Sch.23 para.1; drafting.
4	(1)	PCC(S)A 2000 s.1(1), (4) (part); CJA 2003 Sch.23 para.1; drafting.
	(2)	PCC(S)A 2000 s.19(7) (part).
5	(1)	PCC(S)A 2000 s.1(1) (part); CJA 2003 Sch.23 para.1.
	(2)	PCC(S)A 2000 s.1ZA(1), s.1A(1); CJA 2003 Sch.23 para.1; CCA 2013 Sch.16 para.5.
	(3)	PCC(S)A 2000 s.1(3) (part); CJA 2003 Sch.23 para.1; drafting.
	(4)	PCC(S)A 2000 s.1(4) (part); CJA 2003 Sch.23 para.1.
	(5)	PCC(S)A 2000 s.1(5), s.1ZA(5); CJA 2003 Sch.23 para.1; CCA 2013 Sch.16 para.5; SI 2008/912 Sch.1 para.14(2).
	(6)	PCC(S)A 2000 s.1(6); CJA 2003 Sch.23 para.1.
6	(1)	PCC(S)A 2000 s.1(1) (part); CJA 2003 Sch.23 para.1; drafting.
	(2)	PCC(S)A 2000 s.1(1) (part), (2); CJA 2003 Sch.23 para.1.
	(3)	PCC(S)A 2000 s.1(7) (part); CJA 2003 Sch.23 para.1.
	(4)	PCC(S)A 2000 s.1(7) (part); CJA 2003 Sch.23 para.1.
	(5)	Drafting.
	(6)	PCC(S)A 2000 s.1D(1); CJA 2003 Sch.23 para.1.
7	(1)	PCC(S)A 2000 s.1ZA(2); CCA 2013 Sch.16 para.5; drafting.
	(2)	PCC(S)A 2000 s.1ZA(3) (part); CCA 2013 Sch.16 para.5.

Provision		*Origin*
	(3)	PCC(S)A 2000 s.1ZA(3) (part), (4); CCA 2013 Sch.16 para.5.
	(4)	PCC(S)A 2000 s.1ZA(6); CCA 2013 Sch.16 para.5; PCA.
	(5)	PCC(S)A 2000 s.1ZA(7); CCA 2013 Sch.16 para.5.
8	(1)	PCC(S)A 2000 s.1A(2), (3); CJA 2003 Sch.23 para.1; SI 2008/912 Sch.1 para.14(3).
	(2)	PCC(S)A 2000 s.1A(4); CJA 2003 Sch.23 para.1.
	(3)	PCC(S)A 2000 s.1D(4), (5), (6); CJA 2003 Sch.23 para.1.
9	(1)	PCC(S)A 2000 s.1B(1) (part), (2); CJA 2003 Sch.23 para.1.
	(2)	PCC(S)A 2000 s.1B(3); CJA 2003 Sch.23 para.1.
	(3)	PCC(S)A 2000 s.1B(1) (part); CJA 2003 Sch.23 para.1; drafting.
10	(1)	PCC(S)A 2000 s.1C(1) (part), (2) (part); CJA 2003 Sch.23 para.1.
	(2)	PCC(S)A 2000 s.1C(1) (part); CJA 2003 Sch.23 para.1; drafting.
	(3)	PCC(S)A 2000 s.1C(4); CJA 2003 Sch.23 para.1.
	(4)	PCC(S)A 2000 s.1C(2); CJA 2003 Sch.23 para.1; drafting.
	(5)	PCC(S)A 2000 s.1C(3) (part); CJA 2003 Sch.23 para.1; drafting.
	(6)	PCC(S)A 2000 s.1C(3) (part); CJA 2003 Sch.23 para.1.
	(7)	PCC(S)A 2000 s.1C(3) (part); CJA 2003 Sch.23 para.1.
11	(1)	PCC(S)A 2000 s.1D(2) (part); CJA 2003 Sch.23 para.1.
	(2)	PCC(S)A 2000 s.1D(2) (part); CJA 2003 Sch.23 para.1.
	(3)	PCC(S)A 2000 s.1D(2) (part); CJA 2003 Sch.23 para.1.
	(4)	PCC(S)A 2000 s.1D(3); CJA 2003 Sch.23 para.1.
12		PCC(S)A 2000 s.1(8); CJA 2003 Sch.23 para.1; CCA 2013 Sch.16 para.6; drafting.
13	(1)	Drafting.
	(2)	PCC(S)A 2000 s.1D(7); PCA.
14	(1)	PCC(S)A s.3(1), (2) (part); CJA 2003 Sch.3 para.22A; CJIA 2008 Sch.13 para.8; clean sweep.
	(2)	PCC(S)A s.3(2) (part); CJA 2003 Sch.3 para.22A; CJIA 2008 Sch.13 para.8.
	(3)	PCC(S)A 2000 s.3(3).
	(4)	PCC(S)A 2000 s.3(4); CJA 2003 Sch.3 para.22A; CJIA 2008 Sch.13 para.8.
	(5)	PCC(S)A 2000 s.3(5).

Provision		*Origin*
15	(1)	PCC(S)A 2000 s.3A(1), (2) (part); CJA 2003 Sch.3 para.23; LASPOA 2012 Sch.21 para.8; PCA.
	(2)	PCC(S)A 2000 s.3A(2) part; CJA 2003 Sch.3 para.23.
	(3)	PCC(S)A 2000 s.3A(3); CJA 2003 Sch.3 para.23.
	(4)	PCC(S)A 2000 s.3A(4); CJA 2003 Sch.3 para.23; PCA.
	(5)	PCC(S)A 2000 s.3A(4A); CJA 2003 Sch.3 para.23; PCA.
	(6)	PCC(S)A 2000 s.3A(5); CJA 2003 Sch.3 para.23; CJIA 2008 Sch.13 para.9; PCA.
16	(1)	PCC(S)A 2000 s.3B(1), (2) (part); CJA 2003 Sch.3 para.23; CJCA 2015 s.53(1); clean sweep.
	(2)	PCC(S)A 2000 s.3B(2) (part); CJA 2003 Sch.3 para.23.
	(3)	PCC(S)A 2000 s.3B(3); CJA 2003 Sch.3 para.23.
17	(1)	PCC(S)A 2000 s.3C(1), (2) (part), (5); CJA 2003 Sch.3 para.23; LASPOA 2012 Sch.21 para.9; PCA.
	(2)	PCC(S)A 2000 s.3C(2); CJA 2003 Sch.3 para.23.
	(3)	PCC(S)A 2000 s.3C(3); CJA 2003 Sch.3 para.23.
	(4)	PCC(S)A 2000 s.3C(4); CJA 2003 Sch.3 para.23; PCA.
18	(1)	PCC(S)A 2000 s.4(1) (part), (2) (part), (3) (part); CJA 2003 Sch.3 para.24(4A); CJIA 2008 Sch.13 para.10.
	(2)	PCC(S)A s.4(1A); CJA 2003 Sch.3 para.24(4).
	(3)	PCC(S)A 2000 s.4(3) (part); CJA 2003 Sch.3 para.24(5).
	(4)	PCC(S)A 2000 s.4(4) (part); CJA 2003 Sch.3 para.24(6).
	(5)	PCC(S)A 2000 s.4(6).
	(6)	PCC(S)A 2000 s.4(1) (part); CJA 2003 Sch.3 para.24(2), (3).
	(7)	PCC(S)S 2000 s.4(2) (part), (7).
	(8)	PCC(S)A 2000 s.4(8); CJA 2003 Sch.3 para.24(7); drafting.
	(9)	PCC(S)A 2000 s.4(9); CJA 2003 Sch.3 para.24(7); PCA; drafting.
19	(1)	PCC(S)A 2000 s.4, s.4A(1) (part), (2) (part), (3) (part); CJA 2003 Sch.3 para.25.
	(2)	PCC(S)A 2000 s.4A(3) (part); CJA 2003 Sch.3 para.25.
	(3)	PCC(S)A 2000 s.4A(4) (part); CJA 2003 Sch.3 para.25.
	(4)	PCC(S)A 2000 s.4A(6); CJA 2003 Sch.3 para.25.
	(5)	PCC(S)A 2000 s.4A(1) (part); CJA 2003 Sch.3 para.25; PCA.
	(6)	PCC(S)S 2000 s.4(7), s.4A(2) (part), (7); CJA 2003 Sch.3 para.25.

Provision		*Origin*
20	(1)	PCC(S)A 2000 s.6(1), (4); CJA 2003 Sch.3 para.28, Sch.32 para.91(3); PCA.
	(2)	PCC(S)A 2000 s.6(2) (part).
	(3)	PCC(S)A 2000 s.6(2) (part).
	(4)	PCC(S)A 2000 s.6(3) (part); CJA 2003 Sch.32 para.91(2); drafting.
	(5)	PCC(S)A 2000 s.6(3) (part).
	(6)	PCC(S)A 2000 s.6(2) (part), (3) (part).
21	(1)	PCC(S)A 2000 s.5(1) (part); CJA 2003 Sch.3 para.26.
	(2)	PCC(S)A 2000 s.5(1) (part), (2); CJA 2003 Sch.3 para.26.
	(3)	RTOA 1988 s.25(4) (part); PCC(S)A 2000 s.7(3) (part), Sch.9 para.118.
	(4)	PCC(S)A 2000 s.4(4) (part), (5) (part); CJA 2003 Sch.3 para.24(6).
	(5)	PCC(S)A 2000 s.4(4) (part), (5) (part); CJA 2003 Sch.3 para.24(6); PCA.
	(6)	PCC(S)A 2000 s.5(3); CJA 2003 Sch.3 para.26.
22	(1)	PCC(S)A 2000 s.5A(1) (part); CJA 2003 Sch.3 para.27.
	(2)	PCC(S)A 2000 s.5A(1) (part), (2); CJA 2003 Sch.3 para.27; PCA.
	(3)	RTOA 1988 s.25(4) (part); PCC(S)A 2000 s.7(3) (part), Sch.9 para.118.
	(4)	PCC(S)A 2000 s.4A(4) (part); CJA 2003 Sch.3 para.25.
	(5)	PCC(S)A 2000 s.4A(4) (part), (5); CJA 2003 Sch.3 para.25; PCA.
23	(1)	PCC(S)A 2000 s.7(1) (part).
	(2)	PCC(S)A 2000 s.7(1) (part); PCA; drafting.
	(3)	PCC(S)A 2000 s.7(2) (part).
	(4)	PCC(S)A 2000 s.7(2) (part); CJA 2003 Sch.32 para.92.
	(5)	PCC(S)A 2000 s.7(3) (part).
	(6)	RTOA 1988 s.25(4) (part); PCC(S)A 2000 s.7(3) (part), Sch.9 para.118.
24	(1)	Drafting.
	(2)	Drafting.
25	(1)	PCC(S)A 2000 s.8(1).
	(2)	PCC(S)A 2000 s.8(2) (part); CJA 2003 Sch.3 para.74(2); PCA.
	(3)	PCC(S)A 2000 s.8(2) (part); CJA 2003 Sch.3 para.74(2); PCA.

Provision		*Origin*
	(4)	PCC(S)A 2000 s.8(2) (part), (6) (part); PCA; drafting.
	(5)	PCC(S)A 2000 s.8(6) (part), (7), (8); PCA.
	(6)	PCC(S)A 2000 s.8(9); drafting.
	(7)	PCC(S)A 2000 s.8(2) (part); PCA.
	(8)	PCC(S)A 2000 s.8(3); PCA; drafting.
	(9)	PCC(S)A 2000 s.8(4) (part); SI 2005/886 Sch. para.62; PCA.
	(10)	PCC(S)A 2000 s.8(10); SI 2005/886 Sch. para.62.
26	(1)	PCC(S)A 2000 s.8(4) (part), (5) (part); PCA.
	(2)	PCC(S)A 2000 s.8(4) (part); PCA; drafting.
	(3)	PCC(S)A 2000 s.8(5) (part); PCA.
27	(1)	PCC(S)A 2000 s.9(1) (part).
	(2)	PCC(S)A 2000 s.9(1) (part).
	(3)	PCC(S)A 2000 s.9(2) (part); PCA; drafting.
	(4)	PCC(S)A 2000 s.9(3).
28	(1)	PCC(S)A 2000 s.10(1) (part).
	(2)	PCC(S)A 2000 s.10(1) (part).
	(3)	PCC(S)A 2000 s.10(2); PCA.
	(4)	PCC(S)A 2000 s.10(3) (part); PCA; drafting.
	(5)	PCC(S)A 2000 s.10(4).
	(6)	PCC(S)A 2000 s.10(5).
	(7)	PCC(S)A 2000 s.10(7).
	(8)	PCC(S)A 2000 s.10(8) (part).
29	(1)	PCC(S)A 2000 s.8(4A) (part), (5) (part), 9(2) (part), 10(3) (part); PCA.
	(2)	PCC(S)A 2000 s.8(4A) (part), 9(2) (part), 10(3) (part); PCA.
	(3)	PCC(S)A 2000 s.8(4A) (part), 9(2) (part), 10(3) (part); PCA.
	(4)	PCC(S)A 2000 s.8(4A) (part), (4B), s.9(2) (part), (5), s.10(3) (part), (8) (part); PCA.
	(5)	PCC(S)A 2000 s.8(5) (part), s.9(4), s.10(6); PCA.
30	(1)	Drafting; clean sweep.
	(2)	CJA 2003 s.156(3) (part), (4) (part); drafting.
	(3)	CJA 2003 s.156(3) (part), (4) (part), (5).
	(4)	CJA 2003 s.156(6) (part).

Provision		*Origin*
31	(1)	CJA 2003 s.158(1).
	(2)	CJA 2003 s.158(2); SI 2008/912 Sch.1 para.19(2).
	(3)	CJA 2003 s.330(6).
	(4)	CJA 2003 s.158(1A); CJIA 2008 s.12.
	(5)	CJA 2003 s.156(3) (part), s.158(1B); CJIA 2008 s.12; LASPOA 2012 Sch.21 para.22(2).
32	(1)	CJA 2003 s.159(1).
	(2)	CJA 2003 s.159(2) (part); LSA 2007 Sch.21 para.147.
	(3)	CJA 2003 s.159(3), (7) (part).
	(4)	CJA 2003 s.159(2) (part).
	(5)	CJA 2003 s.159(4); DA 2015 s.105(1).
	(6)	CJA 2003 s.159(5).
	(7)	CJA 2003 s.330(6).
33	(1)	CJA 2003 s.156(6) (part).
	(2)	CJA 2003 s.156(7) (part); drafting.
	(3)	CJA 2003 s.156(7) (part), (8).
34	(1)	CJA 2003 s.160(1); SI 2008/912 Sch.1 para.19(3) (part).
	(2)	CJA 2003 s.160(2); LSA 2007 Sch.21 para.148.
	(3)	CJA 2003 s.159(7) (part), s.160(3).
35	(1)	CJA 2003 s.162(3); CCA 2013 Sch.16 para.24.
	(2)	CJA 2003 s.162(1).
	(3)	CJA 2003 s.162(2).
	(4)	PCC(S)A 2000 s.136(1), (2) (part), s.137(1) (part); CJA 2003 Sch.32 para.118; DVCVA 2004 Sch.10 para.50.
36	(1)	PCC(S)A 2000 s.136(2) (part); CJA 2003 s.162(4) (part); drafting.
	(2)	PCC(S)A 2000 s.136(2) (part); CJA 2003 s.162(4) (part); drafting.
	(3)	PCC(S)A 2000 s.136(2) (part); CJA 2003 s.162(5) (part); drafting.
	(4)	PCC(S)A 2000 s.136(2) (part); CJA 2003 s.162(5) (part): drafting.
	(5)	PCC(S)A 2000 s.136(2) (part); CJA 2003 s.162(6).
37		Drafting.
38	(1)	CPIA 1996 s.59(1) (part).
	(2)	Drafting.

Provision		*Origin*
39	(1)	CPIA 1996 s.58(1) (part); clean sweep.
	(2)	CPIA 1996 s.58(2) (part); clean sweep.
	(3)	CPIA 1996 s.58(4) (part).
	(4)	CPIA 1996 s.58(3) (part); drafting.
	(5)	CPIA 1996 s.58(5) (part).
	(6)	CPIA 1996 s.58(6) (part); drafting.
	(7)	CPIA 1996 s.58(8) (part).
	(8)	CPIA 1996 s.58(7) (part).
	(9)	CPIA 1996 s.58(9) (part).
	(10)	CPIA 1996 s.58(7) (part), (8) (part).
40	(1)	CPIA 1996 s.60(1) (part).
	(2)	CPIA 1996 s.60(2) (part); LASPOA 2012 s.85.
	(3)	CPIA 1996 s.60(3) (part).
	(4)	CPIA 1996 s.60(4) (part).
	(5)	CPIA 1996 s.60(5) (part).
41	(1)	CPIA 1996 s.59(2) (part), s.60(6) (part).
	(2)	CPIA 1996 s. 59(3) (part), s.60(6) (part).
	(3)	CPIA 1996 s.61(3) (part).
42	(1)	CJA 2003 s.161A(1); DVCVA 2004 s.14(1), Sch.12 para.7; SI 2007/602 art.2 (part).
	(2)	CJA 2003 s.161A(2); DVCVA 2004 s.14(1); DA 2015 s.105(1).
	(3)	CJA 2003 s.161A(3); DVCVA 2004 s.14(1); MSA 2015 Sch.5 para.25(2).
	(4)	PCC(S)A 2000 s.137(1A) (part), s.138(1) (part); DVCVA 2004 Sch.10 paras.51(3), 52(3); PCA; drafting.
	(5)	CJA 2003 s.161A(4); DVCVA 2004 s.14(1).
	(6)	CJA 2003 s.161A(5); PSHFA 2013 Sch. para.30(3); MSA 2015 Sch.5 para.25(3).
	(7)	CJA 2003 s.330(6) (part).
43	(1)	CJA 2003 s.161B; DVCVA 2004 s.14(1); DA 2015 s.105(1).
	(2)	CJA 2003 s.161B(2); DVCVA 2004 s.14(1).
	(3)	CJA 2003 s.330(6) (part).
44		POA 1985 s.21B(1) (part), (2) (part); CJCA 2015 s.54(1); drafting.
45	(1)	Drafting.
	(2)	POA 1985 s.21B(2) (part); CJCA 2015 s.54(1); drafting.

Provision		*Origin*
	(3)	POA 1985 s.21B(3); CJCA 2015 s.54(1); drafting.
	(4)	POA 1985 s.21B(1) (part); CJCA 2015 s.54(1); drafting.
46	(1)	POA 1985 s.21A(1), (2), (3); CJCA 2015 s.54(1), (4); SI 2015/778 Sch.1 para.44; drafting.
	(2)	POA 1985 s.21A(5); CJCA 2015 s.54(1); drafting.
	(3)	Drafting.
47		POA 1985 s.21A(4); CJCA 2015 s.54(1).
48		POA 1985 s.21C; CJCA 2015 s.54(1).
49		POA 1985 s.21D; CJCA 2015 s.54(1).
50		POA 1985 s.21E; CJCA 2015 s.54(1); drafting.
51	(1)	Drafting.
	(2)	POA 1985 s.29(1A) (part); LASPOA 2012 Sch.7 para.8(2).
52	(1)	CJA 2003 s.174(1); LASPOA 2012 s.64(2).
	(2)	CJA 2003 s.174(2); LASPOA 2012 s.64(2).
	(3)	CJA 2003 s.174(3); LASPOA 2012 s.64(2).
	(4)	CJA 2003 s.174(4); LASPOA 2012 s.64(2).
	(5)	CJA 2003 s.174(5); LASPOA 2012 s.64(2).
	(6)	CJA 2003 s.174(6); LASPOA 2012 s.64(2).
	(7)	CJA 2003 s.174(7); LASPOA 2012 s.64(2).
	(8)	CJA 2003 s.174(8) (part); LASPOA 2012 s.64(2); drafting.
	(9)	CJA 2003 s.174(8) (part); LASPOA 2012 s.64(2); drafting.
		CJA 2003 s.174(8) (part); LASPOA 2012 s.64(2).
53		Drafting.
54		PCC(S)A 2000 s.73(8).
55		PCC(S)A 2000 s.130(3).
56		Drafting.
57	(1)	CJA 2003 s.142(1) (part), (2) (part).
	(2)	CJA 2003 s.142(1) (part).
	(3)	CJA 2003 s.142(2) (part); drafting.
58		PCA 1953 s.1(2D), s.1A(7); CJA 1988 s.139(6D), s.139A(5D), s.139AA(9); CJCA 2015 s.28(2), (5), (6); drafting.
59	(1)	CJA 2009 s.125(1); clean sweep.
	(2)	CJA 2009 s.125(6); LASPOA 2012 Sch.19 para.23, Sch.26 para.31; CJCA 2015 Sch.5 para.17(2), (3); drafting.
	(3)	CJA 2009 s.125(7).

Provision		*Origin*
60	(1)	CJA 2009 s.125(2); clean sweep; PCA.
	(2)	CJA 2009 s.125(3) (part).
	(3)	CJA 2009 s.125(5).
	(4)	CJA 2009 s.125(3) (part).
	(5)	CJA 2009 s.125(4).
	(6)	CJA 2009 s.126(1), (1A); LASPOA 2012 Sch.21 para.34(2); PCA.
61	(1)	CJA 2009 s.126(2) (part); LASPOA 2012 Sch.21 para.34(3).
	(2)	CJA 2009 s.126(2) (part), (3) (part); LASPOA 2012 Sch.21 para.34(3).
	(3)	CJA 2009 s.126(2) (part); PCA.
	(4)	CJA 2009 s.126(3) (part), (4); PCA.
	(5)	CJA 2009 s.126(2) (part).
	(6)	CJA 2009 s.126(3) (part).
	(7)	CJA 2009 s.126(4).
	(8)	C(S)A 1997 s.34(2) (part); CJA 2009 s.126(5); LASPOA 2012 Sch.21 para.34(4).
62	(1)	CJA 2009 s.125(8), s.136 (part); drafting.
	(2)	Drafting.
63		CJA 2003 s.143(1) (part).
64		Origin CJA 2003 s.143(3); PCA.
65	(1)	CJA 2003 s.143(2) (part).
	(2)	CJA 2003 s.143(2) (part).
	(3)	CJA 2003 s.143(2A); PCA.
	(4)	CJA 2003 s.143(4) (part); AFA 2006 Sch.16 para.216; CJA 2009 Sch.17 para.6(2); clean sweep.
	(5)	CJA 2003 s.143(4) (part); AFA 2006 Sch. 16 para.216; SI 2009/1059 Sch.1 para.53(5).
	(6)	CJA 2003 s.143(6) (part); CJA 2009 Sch.17 para.6(3); PCA; drafting.
	(7)	CJA 2003 s.143(6) (part); CJA 2009 Sch.17 para.6(3); PCA.
66	(1)	CJA 2003 s.145(1) (part), (2) (part), s.146(1), (2) (part); LASPOA 2012 s.65(4); clean sweep.
	(2)	CJA 2003 s.145(2) (part), s.146(3).
	(3)	CJA 2003 s.145(1) (part).
	(4)	CDA 1998 s.28(1); ACSA 2001 s.39(3) (part); CJA 2003 s.145(3) (part), s.146(2) (part); LASPOA 2012 s.65(4), (5).

Provision		*Origin*
	(5)	CDA 1998 s.28(3); ACSA 2001 s.39(3) (part); CJA 2003 s.145(3) (part), s.146(4).
	(6)	CDA 1998 s.28(2), (4), (5); ACSA 2001 s.39(3) (part), (4); CJA 2003 s.145(3) (part), s.146(5), (6), (7); LASPOA 2012 s.65(6); PCA.
67	(1)	AEW(O)A 2018 s.2(1) (part).
	(2)	AEW(O)A 2018 s.2(1) (part), (2).
	(3)	AEW(O)A 2018 s.2(3).
	(4)	AEW(O)A 2018 s.2(4).
	(5)	AEW(O)A 2018 s.2(5) (part).
	(6)	AEW(O)A 2018 s.2(6).
68	(1)	AEW(O)A 2018 s.3(1).
	(2)	AEW(O)A 2018 s.3(2).
	(3)	AEW(O)A 2018 s.3(3).
69	(1)	CTA 2008 s.30(1); clean sweep.
	(2)	CTA 2008 s.30(4).
	(3)	CTA 2008 s.92, s.93.
70	(1)	VCRA 2006 s.29(11) (part).
	(2)	VCRA 2006 s.29(11) (part), (12).
	(3)	VCRA 2006 s.29(13) (part).
	(4)	VCRA 2006 s.29(13) (part), (14); drafting.
71	(1)	MDA 1971 s.4A(1) (part); DA 2005 s.1(1); clean sweep.
	(2)	MDA 1971 s.4A(2) (part); DA 2005 s.1(1).
	(3)	MDA 1971 s.4A(3) (part); DA 2005 s.1(1).
	(4)	MDA 1971 s.4A(5) (part), (8) (part); DA 2005 s.1(1).
	(5)	MDA 1971 s.4A(4) (part); DA 2005 s.1(1).
	(6)	MDA 1971 s.4A(6) (part); DA 2005 s.1(1).
	(7)	MDA 1971 s.4A(7) (part); DA 2005 s.1(1).
	(8)	Drafting.
72	(1)	PSA 2016 s.6(1) (part).
	(2)	PSA 2016 s.6(2) (part).
	(3)	PSA 2016 s.6(3) (part).
	(4)	PSA 2016 s.6(4) (part), (5) (part).
	(5)	PSA 2016 s.6(6) (part).
	(6)	PSA 2016 s.6(7) (part).
	(7)	PSA 2016 s.6(8) (part).

Provision		*Origin*
	(8)	PSA 2016 s.6(9) (part).
	(9)	PSA 2016 s.6(10) (part).
	(10)	PSA 2016 s.2(1) (part).
73	(1)	CJA 2003 s.144(1) (part).
	(2)	CJA 2003 s.144(1) (part).
	(3)	CJA 2003 s.144(2); LASPOA 2012 Sch.26 para.18(2); CJCA 2015 Sch.5 para.12(2); drafting.
	(4)	CJA 2003 s.144(3); LASPOA 2012 Sch.26 para.18(3); CJCA 2015 Sch.5 para.12(3).
	(5)	CJA 2003 s.144(4), (5); LASPOA 2012 Sch.26 para.18(3); CJCA 2015 Sch.5 para.12(4), (5).
74	(1)	SOCPA 2005 s.73(1) (part), (2) (part), (9) (part).
	(2)	SOCPA 2005 s.73(2) (part).
	(3)	SOCPA 2005 s.73(3) (part).
	(4)	SOCPA 2005 s.73(4) (part), (7) (part); PCA.
	(5)	SOCPA 2005 s.73(5) (part), (5A); PCA; drafting.
75	(1)	SOCPA 2005 s.71(4), s.73(10) (part), s.74(11) (part); CJA 2009 s.113(3); FSA 2012 Sch.18 para.106(2); SI 2016/992 Sch. para.10.
	(2)	SOCPA 2005 s.71(6A) (part); CJA 2009 s.113(4); FSA 2012 Sch.18 para.106(3); SI 2016/992 Sch. para.10.
	(3)	SOCPA 2005 s.71(6B) (part), (6BA) (part); FSA 2012 Sch.18 para.106(4); SI 2017/80 Sch. para.17.
	(4)	SOCPA 2005 s.75B(1) (part); CJA 2009 s.113(7) (part).
	(5)	SOCPA 2005 s.75B(2) (part); CJA 2009 s.113(7) (part).
	(6)	Drafting.
76		CJA 2003 s.143(5); SOCPA 2005 s.73(6) (part), (6A); PCA; drafting.
77	(1)	CJA 2003 s.166(1) (part).
	(2)	CJA 2003 s.166(2).
	(3)	CJA 2003 s.166(3); CJIA 2008 Sch.4 para.79(3) (part).
	(4)	CJA 2003 s.166(4).
	(5)	CJA 2003 s.166(1) (part); CJIA 2008 Sch.4 para.79(2); clean sweep.
78	(1)	CJA 2003 s.166(5); CJIA 2008 Sch.4 para.79(3) (part).
	(2)	CJA 2003 s.166(6); drafting.
79	(1)	PCC(S)A 2000 s.12(1) (part); drafting.
	(2)	PCC(S)A 2000 s.12(1) (part), (1A) (part).

Provision		*Origin*
	(3)	PCC(S)A 2000 s.12(1) (part).
	(4)	PCC(S)A 2000 s.12(7) (part), (8) (part); CJCA 2015 Sch.12 para.9(2) (part), (3); PSHFA 2013 Sch. para.8.
80	(1)	PCC(S)A 2000 s.12(1) (part), (3) (part).
	(2)	PCC(S)A 2000 s.12(1) (part), (1A) (part).
	(3)	PCC(S)A 2000 s.12(2); LASPOA 2012 Sch.24 para.19; drafting.
	(4)	PCC(S)A 2000 s.12(1) (part).
	(5)	PCC(S)A 2000 s.12(1) (part), (3) (part); PCA.
	(6)	PCC(S)A 2000 s.12(6).
	(7)	PCC(S)A 2000 s.12(7) (part), (8) (part); CJCA 2015 Sch.12 para.9(2) (part), (3); PSHFA 2013 Sch. para.8.
81		Drafting.
82	(1)	Drafting.
	(2)	PCC(S)A 2000 s.14(1).
	(3)	PCC(S)A 2000 s.12(5), s.14(2).
	(4)	PCC(S)A 2000 s.14(3).
	(5)	PCC(S)A 2000 s.14(4) (part).
	(6)	PCC(S)A 2000 s.14(5).
	(7)	PCC(S)A 2000 s.14(6).
83	(1)	PCC(S)A 2000 s.16(2) (part), (3) (part), (6), 18(1) (part); drafting.
	(2)	Drafting.
	(3)	Drafting.
		Drafting.
84	(1)	PCC(S)A 2000 s.16(1), s.17(1) (part), (2) (part); CJIA 2008 s.35(3); LASPOA 2012 s.79(1); PCA; drafting.
	(2)	PCC(S)A 2000 s.16(5).
85	(1)	PCC(S)A 2000 s.16(1) (part), (2), (3); drafting.
	(2)	PCC(S)A 2000 s.17(1); CJIA 2008 s.35(2) (part); CJA 2009 Sch.17 para.12(2); SI 2003/1605 reg.2(1); drafting.
	(3)	Drafting.
86	(1)	PCC(S)A 2000 s.18(1) (part); drafting.
	(2)	PCC(S)A 2000 s.18(1) (part).
	(3)	PCC(S)A 2000 s.18(2).
	(4)	PCC(S)A 2000 s.18(3); drafting.

Provision		*Origin*
87	(1)	PCC(S)A 2000 s.18(3A); CJCA 2015 s.45(3).
	(2)	Drafting.
88	(1)	PCC(S)A 2000 s.18(4).
	(2)	PCC(S)A 2000 s.18(5) (part).
	(3)	PCC(S)A 2000 s.18(5) (part); drafting.
	(4)	PCC(S)A 2000 s.18(6) (part).
	(5)	PCC(S)A 2000 s.18(6) (part).
	(6)	PCC(S)A 2000 s.18(7).
89	(1)	PCC(S)A 2000 s.19(1).
	(2)	PCC(S)A 2000 s.19(3) (part).
	(3)	PCC(S)A 2000 s.19(2), (3) (part), (4); CJIA 2008 Sch.4 para.52; PCA 2009 Sch.7 para.22; drafting.
	(4)	PCC(S)A 2000 s.19(5); CJA 2003 Sch.34 para.3 (part).
	(5)	PCC(S)A 2000 s.19(7) (part).
	(6)	PCC(S)A 2000 s.19(6).
90	(1)	PCC(S)A s.20(1) (part).
	(2)	PCC(S)A 2000 s.20(1) (part), (2) (part).
	(3)	PCC(S)A 2000 s.20(2) (part).
	(4)	PCC(S)A 2000 s.20(3).
	(5)	PCC(S)A 2000 s.20(4), (5); drafting.
	(6)	PCC(S)A 2000 s.20(6); SI 2016/413 (W.131) reg.166; drafting.
	(7)	PCC(S)A 2000 s.20(7); drafting.
91	(1)	PCC(S)A 2000 s.21(1) (part).
	(2)	PCC(S)A 2000 s. 21(1) (part); drafting.
	(3)	PCC(S)A 2000 s.21(2) (part).
	(4)	PCC(S)A 2000 s.21(3).
	(5)	PCC(S)A 2000 s.21(4).
	(6)	PCC(S)A 2000 s.30(2).
	(7)	Drafting.
	(8)	PCC(S)A 2000 s.21(2) (part); drafting.
92	(1)	PCC(S)A 2000 s.22(1) (part); drafting.
	(2)	PCC(S)A 2000 s.22(1) (part).
	(3)	PCC(S)A 2000 s.22(2).

Provision		*Origin*
93	(1)	PCC(S)A 2000 s.22(2A); CJA 2003 Sch.34 para.4; SI 2005/886 Sch. para.65.
	(2)	PCC(S)A 2000 Sch.1 para.9B; CJA 2003 Sch.34 para.6; drafting.
	(3)	PCC(S)A 2000 Sch.1 para.9C(1); CJA 2003 Sch.34 para.6.
	(4)	PCC(S)A 2000 Sch.1 para.9C(2), (3); CJA 2003 Sch.34 para.6; SI 2005/886, Sch. para.81 (part).
	(5)	Drafting.
	(6)	PCC(S)A 2000 Sch.1 para.9F(1); CJA 2003 Sch.34 para.6; drafting.
	(7)	PCC(S)A 2000 Sch.1 para.9F(2); CJA 2003 Sch.34 para.6; drafting.
94	(1)	PCC(S)A 2000 s.22(3) (part).
	(2)	PCC(S)A 2000 s.22(3) (part).
	(3)	PCC(S)A 2000 s.22(4) (part).
	(4)	PCC(S)A 2000 s.22(5).
	(5)	PCC(S)A 2000 s.22(4) (part).
95		PCC(S)A 2000 s.21(1) (part).
96	(1)	PCC(S)A 2000 s.23(1) (part); drafting.
	(2)	PCC(S)A 2000 s.23(1) (part).
	(3)	PCC(S)A 2000 s.23(2) (part); drafting.
	(4)	PCC(S)A 2000 s.23(5), (6) (part); drafting.
		PCC(S)A 2000 s.23(6) (part).
97	(1)	PCC(S)A 2000 s.24(1).
	(2)	PCC(S)A 2000 s.24(2); drafting.
	(3)	PCC(S)A 2000 s.24(3), (4); drafting.
	(4)	PCC(S)A 2000 s.24(5); CJIA 2008 Sch.26, para.42; PCA.
	(5)	PCC(S)A 2000 s.24(6); drafting.
98	(1)	PCC(S)A 2000 s.25(1) (part); drafting.
	(2)	PCC(S)A 2000 s.25(1) (part).
	(3)	PCC(S)A 2000 s.25(2); drafting.
	(4)	PCC(S)A 2000 s.25(3).
99	(1)	PCC(S)A 2000 s.26(1) (part).
	(2)	PCC(S)A 2000 s.26(1) (part); drafting.
	(3)	PCC(S)A 2000 s.26(2).
	(4)	PCC(S)A 2000 s.26(3) (part); drafting.
	(5)	PCC(S)A 2000 s.26(3) (part); drafting.

Provision		*Origin*
	(6)	PCC(S)A 2000 s.26(3) (part); drafting.
100	(1)	Drafting.
	(2)	PCC(S)A 2000 s.26(4); drafting.
	(3)	PCC(S)A 2000 s.26(5).
	(4)	PCC(S)A 2000 s.26(6), (7) (part); drafting.
	(5)	PCC(S)A 2000 s.26(7) (part); drafting.
	(6)	PCC(S)A 2000 s.26(8).
	(7)	PCC(S)A 2000 s.26(9); drafting.
	(8)	PCC(S)A 2000 s.26(10); drafting.
101	(1)	PCC(S)A 2000 s.27(1) (part); drafting.
	(2)	PCC(S)A 2000 s.27(1) (part); drafting.
	(3)	PCC(S)A 2000 s.27(2); drafting.
	(4)	PCC(S)A 2000, s.27(3), (5) (part); drafting.
	(5)	PCC(S)A 2000 s.27(4); drafting.
	(6)	PCC(S)A 2000 s.27(6).
102	(1)	PCC(S)A 2000 s.27A(1) (part); CJIA 2008, s.36(2).
	(2)	PCC(S)A 2000 s.27A(2); CJIA 2008 s.36(2).
	(3)	PCC(S)A 2000 s.27A(1) (part), (3); CJIA 2008 s.36(2); drafting.
	(4)	PCC(S)A 2000 s.27A(4), (5); CJIA 2008 s.36(2).
103	(1)	PCC(S)A 2000 s.27B(1); CJIA 2008 s.37(2).
	(2)	PCC(S)A 2000 s.27B(2); CJIA 2008 s.37(2).
	(3)	PCC(S)A 2000 s.27B(3); CJIA 2008 s.37(2).
104		PCC(S)A 2000 s.28.
105	(1)	PCC(S)A 2000 s.21(5) (part); drafting.
	(2)	PCC(S)A 2000 s.21(5) (part).
	(3)	PCC(S)A 2000 s.21(6) (part); drafting.
	(4)	PCC(S)A 2000 s.21(6) (part); drafting.
106	(1)	drafting.
	(2)	PCC(S)A 2000 s.29(1).
	(3)	PCC(S)A 2000 s.29(2).
	(4)	PCC(S)A 2000 s.29(3) (part).
	(5)	PCC(S)A 2000 s.29(3) (part); drafting.
107	(1)	PCC(S)A 2000 s.31(1) (part); SI 2004/2035 Sch. para.40(2).
	(2)	PCC(S)A 2000 s.31(1) (part).

Provision		*Origin*
108	(1)	PCC(S)A 2000 s.18(1) (part), s.21(7), s.32, Sch.1 paras.1(2) (part), 9ZB(2); CJIA 2008 s.37(3); SI 2005/886 Sch. para.81 (part); drafting.
	(2)	PCC(S)A 2000 s.16(4), s.32; drafting.
	(3)	Drafting.
	(4)	Drafting.
109	(1)	PCC(S)A 2000 s.73(1) (part).
	(2)	PCC(S)A 2000 s.73(3) (part); PCA.
110	(1)	PCC(S)A 2000 s.73(1) (part), (4); CJIA 2008 Sch.4 para.53 (part); PCA.
	(2)	PCC(S)A 2000 s.73(6).
	(3)	PCC(S)A 2000 s.73(4A); CJIA 2008 Sch.4 para.53 (part).
		PCC(S)A 2000 s.73(4B); CJIA 2008 Sch.4 para.53 (part); PCA; drafting.
111	(1)	Drafting.
	(2)	PCC(S)A 2000 s.73(5) (part); PCA.
	(3)	PCC(S)A 2000 s.73(5) (part).
112	(1)	Drafting.
	(2)	PCC(S)A 2000 s.73(1) (part).
	(3)	PCC(S)A 2000 s.74(2).
	(4)	PCC(S)A 2000 s.73(1) (part).
	(5)	PCC(S)A 2000 s.74(1) (part).
	(6)	PCC(S)A 2000 s.74(1) (part); PCA; drafting.
	(7)	PCC(S)A 2000 s.74(3); PCA.
113	(1)	Drafting.
	(2)	PCC(S)A 2000 s.74(4) (part); SI 2005/886 Sch. para.76 (part); drafting.
	(3)	PCC(S)A 2000 s.74(5) (part).
	(4)	PCC(S)A 2000 s.74(5) (part), (6A), (7); SI 2008/912 Sch.1 para.14(15) (part); drafting.
114	(1)	PCC(S)A 2000 s.74(8) (part); drafting.
	(2)	PCC(S)A 2000 s.74(8) (part); PCA.
115		PCC(S)A 2000 s.75.
116		PCC(S)A 2000 s.73(3) (part), s.74(4) (part), (5); SI 2005/886 Sch. para.76 (part); PCA; drafting.
117		Drafting.
118	(1)	Drafting.
	(2)	MCA 1980 s.34(1) (part); drafting.

Provision		*Origin*
	(3)	Drafting.
		MCA 1980 s.150(1); drafting.
119	(1)	MCA 1980 s.34(3) (part).
	(2)	MCA 1980 s.34(3) (part).
	(3)	MCA 1980 s.34(3) (part); LASPOA 2012 s.85(4) (part); SI 2015/504 art.2.
	(4)	MCA 1980 s.34(3) (part); CJA 1991 Sch.4 Pt.2; drafting.
	(5)	MCA 1980 s.150(1).
120	(1)	CJA 2003 s.163 (part).
	(2)	CJA 2003 s.163 (part); LASPOA 2012 Sch.19 para.14; PCA; drafting.
	(3)	CLA 1977 s.32(1), Sch.14 para.5; SI 1978/712 art.2(2), Sch..
121		Drafting.
122	(1)	CJA 1982 s.37(1), (2); CJA 1991 s.17(1) (part), Sch.12 para.6A; PCC(S)A 2000 Sch.9 para.149 (part), Sch.11 paras.1, 2; SI 1982/1857 art.2 Sch.2; SI 1992/333 art.2(2) (part), Sch.2 (part).
	(2)	CJA 1982 s.37(3) (part); drafting.
	(3)	CJA 1982 s.37(4); SI 2015/504 art.2; SI 2015/664 Sch.5 para.3; drafting.
	(4)	CJA 1982 s.37(3) (part); drafting.
123		PCC(S)A 2000 s.135.
124	(1)	CJA 2003 s.164(1).
	(2)	Drafting.
	(3)	Drafting.
125	(1)	CJA 2003 s.164(2).
	(2)	CJA 2003 s.164(3); PCA.
	(3)	CJA 2003 s.164(4).
	(4)	CJA 2003 s.164(4A); DVCVA 2004 s.14(2).
	(5)	Drafting.
126	(1)	CJA 2003 s.164(5) (part); CJCA 2015 Sch.11 para.23.
	(2)	CJA 2003 s.164(5) (part).
127	(1)	CJA 2003 s.165(1).
	(2)	CJA 2003 s.165(2).
	(3)	CJA 2003 s.165(3); PCA.
	(4)	CJA 2003 s.165(4).
	(5)	CJA 2003 s.165(5) (part); ABCPA 2014 s.179(3).

Provision		*Origin*
	(6)	CJA 2003 s.165(5) (part); ABCPA 2014 s.179(3).
128	(1)	PCC(S)A 2000 s.137(1) (part); drafting.
	(2)	PCC(S)A 20000 s.137(1) (part); drafting.
	(3)	PCC(S)A 2000 s.138(1) (part).
	(4)	PCC(S)A 2000 s.138(1) (part); CJA 2003 Sch.32 para.119(2).
	(5)	PCC(S)A 2000 s.138(1) (part); drafting.
	(6)	PCC(S)A 2000 s.138(1) (part).
	(7)	PCC(S)A 2000 s.138(2) (part).
129		PCC(S)A 2000 s.139(1) (part).
130	(1)	PCC(S)A 2000 s.139(2) (part), (9) (part); PCA.
	(2)	PCC(S)A 2000 s.139(9) (part); CRA 2005 Sch.9 para.69; PCA.
	(3)	PCC(S)A 2000 s.139(2) (part).
	(4)	PCC(S)A 2000 s.139(4) (part).
	(5)	PCC(S)A 2000 s.139(3) (part); drafting.
	(6)	PCC(S)A 2000 s.139(5) (part).
	(7)	PCC(S)A 2000 s.139(7) (part).
	(8)	PCC(S)A 2000 s.139(8).
	(9)	PCC(S)A 2000 s.139(10) (part).
	(10)	PCC(S)A 2000 s.139(11) (part).
131	(1)	PCC(S)A 2000 s.140(1) (part); CJA 2003 Sch.3 para.74(4) (part).
	(2)	PCC(S)A 2000 s.140(2) (part).
	(3)	PCC(S)A 2000 s.140(3) (part).
	(4)	PCC(S)A 2000 s.140(4) (part); CRA 2005 Sch.9 para.69.
	(5)	PCC(S)A 2000 s.140(5) (part); CRA 2005 Sch.9 para.69.
	(6)	PCC(S)A 2000 s.140(6) (part); PCA.
132		PCC(S)A 2000 s.141.
133		PCC(S)A 2000 s.130(1) (part).
134	(1)	PCC(S)A 2000 s.130(1) (part).
	(2)	PCC(S)A 2000 s.130(1A); PCA.
135	(1)	Drafting.
	(2)	PCC(S)A 2000 s.130(4); drafting.
	(3)	PCC(S)A 2000 s.130(11).
	(4)	PCC(S)A 2000 s.130(12).

Provision		*Origin*
	(5)	Drafting.
136	(1)	PCC(S)A 2000 s.130(1) (part).
	(2)	PCC(S)A 2000 s.130(6) (part); FA 2006 Sch.1 para.29.
	(3)	PCC(S)A 2000 s.130(6) (part), (8).
	(4)	PCC(S)A 2000 s.130(7) (part).
	(5)	PCC(S)A 2000 s.130(1) (part), (6) (part), (7) (part).
137	(1)	PCC(S)A 2000 s.130(5) (part); FA 2006 Sch.1 para.29.
	(2)	PCC(S)A 2000 s.130(5) (part).
	(3)	Drafting.
	(4)	Drafting.
138	(1)	PCC(S)A 2000 s.130(9).
	(2)	PCC(S)A 2000 s.130(10) (part).
	(3)	PCC(S)A 2000 s.130(10) (part).
	(4)	Drafting.
139	(1)	PCC(S)A 2000 s.131(A1); CCA 2013 Sch.16 para.8(2); drafting.
	(2)	PCC(S)A 2000 s.131(1); CCA 2013 Sch.16 para.8(3).
	(3)	PCC(S)A 2000 s.131(2); drafting.
	(4)	PCC(S)A 2000 s.131(2A); PCA.
	(5)	Drafting.
140	(1)	PCC(S)A 2000 s.137(1) (part); drafting.
	(2)	PCC(S)A 2000 s.137(1) (part); drafting.
	(3)	PCC(S)A 2000 s.138(1) (part).
	(4)	PCC(S)A 2000 s.138(1) (part).
	(5)	PCC(S)A 2000 s.138(2) (part).
141	(1)	PCC(S)A 2000 s.132(1); PCA.
	(2)	PCC(S)A 2000 s.132(2) (part); SI 2004/2035 Sch. para.42; PCA; drafting.
	(3)	PCC(S)A 2000 s.132(3) (part).
	(4)	PCC(S)A 2000 s.132(3) (part), (4A) (part); DVCVA 2004 Sch.10 para.49.
	(5)	PCC(S)A 2000 s.132(4); CRA 2005 Sch.9 para.69.
	(6)	PCC(S)A 2000 s.132(4A) (part); DVCVA 2004 Sch.10 para.49; CJCA 2015 s.83(1).
	(7)	PCC(S)A 2000 s.132(5).

Provision		*Origin*
142	(1)	PCC(S)A 2000 s.131(1) (part); CCA 2013 Sch.16 para.10; SI 2013/2981 art.2 (part); drafting.
	(2)	PCC(S)A 2000 s.131(1) (part); CCA 2013 Sch.16 para.10; SI 2013/2981 art.2 (part).
	(3)	PCC(S)A 2000 s.131(2) (part); CCA 2013 Sch.16 para.10; SI 2013/2981 art.2 (part).
	(4)	CJA 1972 s.1(5) (part); PCCA 1973 s.35(5) (part); CLA 1977 s.60(1); MCA 1980, s.40(1) (part), Sch.8 para.3(3); CJA 1991 s.17(3) (part), Sch.4 Pt.1 (part), Sch.12 para.6A; PCC(S)A 2000 s.131(1) (part), Sch.9 para.149, Sch.11 para.2; SI 1977/1682 art.2, Sch.1; SI 1984/447 art.1(1) (part), (2), Sch.1 (part); SI 1992/333 art.2(2); drafting.
	(5)	Drafting.
143	(1)	PCC(S)A s.133(1) (part), (2); PCA.
	(2)	PCC(S)A 2000 s.133(1) (part).
	(3)	PCC(S)A 2000 s.133(3) (part), (4).
	(4)	Drafting.
	(5)	PCC(S)A 2000 s.133(3) (part); MSA 2015 Sch.5 para.14.
	(6)	PCC(S)A 2000 s.133(3) (part).
	(7)	PCC(S)A 2000 s.133(5).
144	(1)	PCC(S)A 2000 s.134(1) (part).
	(2)	PCC(S)A 2000 s.134(2) (part).
	(3)	PCC(S)A 2000 s.134(2) (part); PCA.
	(4)	PCC(S)A 2000 s.134(2) (part); PCA.
145	(1)	PCC(S)A 2000 s.132(2) (part), s.133(1) (part), s.163(1) (part); drafting.
	(2)	Drafting.
146		Drafting.
147	(1)	PCC(S)A 2000 s.148(2) (part), (4) (part).
	(2)	PCC(S)A 2000 s.148(2) (part), (4) (part).
148	(1)	PCC(S)A 2000 s.148(1).
	(2)	PCC(S)A 2000 s.148(2) (part).
	(3)	PCC(S)A 2000 s.148(4) (part).
	(4)	PCC(S)A 2000 s.148(2) (part).
149	(1)	Drafting.
	(2)	PCC(S)A 2000 s.148(5), (6); CJA 2003 Sch.3 para.74(5).
	(3)	PCC(S)A 2000 s.148(3) (part).
	(4)	PCC(S)A 2000 s.148(2) (part).

Provision		*Origin*
	(5)	Drafting.
	(6)	PCC(S)A 2000 s.148(4) (part).
	(7)	PCC(S)A 2000 s.148(4) (part).
150	(1)	PCC(S)A 2000 s.149(1) (part), (3) (part), (3A) (part).
	(2)	PCC(S)A 2000 s.149(3) (part); PCA.
	(3)	PCC(S)A 2000 s.149(3) (part); PCA.
	(4)	PCC(S)A 2000 s.149(1) (part), (4) (part).
	(5)	PCC(S)A 2000 s.149(4) (part); PCA.
	(6)	PCC(S)A 2000 s.149(4) (part).
	(7)	PCC(S)A 2000 s.148(7).
	(8)	Drafting.
151	(1)	PCC(S)A 2000 s.148(8); drafting.
	(2)	TA 1968 s.24(4) (part); PCC(S)A 2000 s.148(9) (part); FA 2006 Sch.1 para.6(1).
	(3)	TA 1968 s.24(1) (part), (4) (part), (5) (part); PCC(S)A s.148(9) (part); FA 2006 Sch.1 para.6(2); clean sweep.
	(4)	PCC(S)A 2000 s.148(10).
	(5)	PCC(S)A 2000 s.148(11).
152		PCC(S)A 2000 s.143(3) (part).
153	(1)	PCC(S)A 2000 s.143(1) (part), (2) (part).
	(2)	PCC(S)A 2000 s.143(1) (part), (2) (part).
	(3)	PCC(S)A 2000 s.143(1) (part).
	(4)	PCC(S)A 2000 s.143(8).
	(5)	PCC(S)A 2000 s.143(2) (part).
	(6)	PCC(S)A 2000 s.143(4) (part); drafting.
154	(1)	PCC(S)A 2000 s.143(6) (part); PRA 2002 s.56(6).
	(2)	PCC(S)A 2000 s.143(7).
	(3)	PCC(S)A 2000 s.143(6) (part).
155	(1)	PCC(S)A 2000 s.143(5).
	(2)	PCC(S)A 2000 s.143(4) (part).
156	(1)	Drafting.
	(2)	UKBA 2007 s.25(1) (part), (2) (part), (3) (part).
	(3)	Drafting.
	(4)	PCC(S)A 2000 s.143(3) (part); drafting.

Provision		*Origin*
157	(1)	PCC(S)A 2000 s.144(1) (part).
	(2)	P(P)A 1897 s.1(1) (part); PCC(S)A 2000 s.144(1) (part); drafting.
	(3)	PCC(S)A 2000 s.144(1) (part); PCA.
	(4)	P(P)A 1897 s.1(2); PCC(S)A s.144(1); PCA.
158	(1)	PCC(S)A 2000 s.144(1) (part), (2).
	(2)	PCC(S)A 2000 s.144(4).
	(3)	P(P)A 1897 s.2(2B); PCC(S)A 2000 s.144(3), (5); PRSRA 2011 Sch.16 para.62(3); PCA.
159	(1)	PCC(S)A s.145(1) (part).
	(2)	PCC(S)A s.145(1) (part).
	(3)	PCC(S)A s.145(2).
	(4)	PCC(S)A s.145(3); drafting.
160		Drafting.
161		Drafting.
162		PCC(S)A 2000 s.146(1) (part), s.147(3) (part), (4) (part).
163	(1)	PCC(S)A 2000 s.146(1) (part); (3).
	(2)	PCC(S)A 2000 s.146(1) (part), (2); drafting.
164	(1)	PCC(S)A 2000 s.147(1), (3) (part); PCA.
	(2)	PCC(S)A 2000 s.147(6).
	(3)	PCC(S)A 2000 s.147(2) (part), (4) (part), Sch.11 para.8 (part); SCA 2007 s.63(1), Sch.6 para.39.
165		PCC(S)A s.146(1) (part), s.147(3) (part), (4) (part); drafting.
166		PCC(S)A 2000 s.146(4), s.147(5); C(IC)A 2003 Sch.5 paras.73, 74.
167	(1)	PCC(S)A 2000 s.147A(1); CJA 2009 Sch.16 para.5(1); clean sweep.
	(2)	PCC(S)A 2000 s.147(7); CJA 2009 Sch.16 para.5(1).
	(3)	PCC(S)A 2000 s.147A(2); CJA 2009 Sch.16 para.5(1).
	(4)	PCC(S)A 2000 s.147A(3); CJA 2009 Sch.16 para.5(1).
	(5)	PCC(S)A 2000 s.147A(4); CJA 2009 Sch.16 para.5(1); LASPOA 2012 Sch.21 para.15(2), (3); CJCA 2015 Sch.1 para.13.
	(6)	PCC(S)A 2000 s.147A(5); CJA 2009 Sch.16 para.5(1).
	(7)	PCC(S)A 2000 s.147A(8), (9); CJA 2009 Sch.16 para.5(1); LASPOA 2012 Sch.14 para.3 (part); DA 2015 s.105(1); drafting.
	(8)	PCC(S)A 2000 s.160(3) (part); CJA 2009 Sch.16 para.5(2).

Provision		*Origin*
	(9)	Drafting.
168	(1)	PCC(S)A 2000 s.147B(1); CJA 2009 Sch.16 para.5(1).
	(2)	PCC(S)A 2000 s.147B(2), (3), (4); CJA 2009 Sch.16 para.5(1).
	(3)	PCC(S)A 2000 s.76(1) (part).
169		PCC(S)A 2000 s.146(5), s.147(7); drafting.
170		Drafting.
171		Drafting.
172		Drafting.
173	(1)	CJIA 2008 s.1(1) (part).
	(2)	CJIA 2008 s.1(1) (part).
	(3)	Drafting.
174		CJIA 2008 s.1(1) (part), (2) (part), Sch.1 paras.2(3), 4(5); drafting.
175	(1)	CJA 2003 s.176; CJIA 2008 Sch.1 para.3(2) (part), (3) (part), (4), (5) (part).
	(2)	CJIA 2008 Sch.1 paras.3(5) (part), 5(1).
176	(1)	CJA 2003 s.176; CJIA 2008 Sch.1 para.4(2) (part), (4), (6) (part).
	(2)	CJIA 2008 Sch.1 para.4(6) (part); drafting.
177	(1)	CJIA 2008 s.1(1) (part).
	(2)	CJIA 2008 s.1(6) (part); drafting.
	(3)	CJA 2003 s.150(1) (part), (3) (part); VCRA 2006 Sch.1 para.9(3); CJIA 2008 Sch.4 para.75, Sch.26 para.65; CCA 2013 Sch.16 para.23(1) (part); PCA.
178	(1)	CJIA 2008 s.1(4) (part), Sch.1 paras.3(1) (part), 4(1) (part).
	(2)	Drafting.
179	(1)	CJIA 2008 s.1(6) (part); drafting.
	(2)	CJA 2003 s.147(1) (part), s.148(1) (part).
	(3)	CJA 2003 s.156(1) (part).
	(4)	CJA 2003 s.156(3) (part).
	(5)	CJA 2003 s.148(5) (part); CJIA 2008 s.10.
	(6)	CJIA 2008 Sch.1 para.28.
180	(1)	CJIA 2008 Sch.1 paras.3(1) (part), 4(1) (part).
	(2)	CJIA 2008 s.1(4) (part).
	(3)	CJA 2003 s.156(1) (part); CJIA 2008 Sch.4 para.77(2) (part).

Provision		*Origin*
	(4)	CJA 2003 s.156(3) (part); CJIA 2008 Sch.4 para.77(4).
181	(1)	CJIA 2008 Sch.1 para.30(2).
	(2)	CJIA 2008 Sch.1 para.30(3).
	(3)	Drafting.
	(4)	CJIA 2008 Sch.1 para.30(4).
	(5)	CJIA 2008 Sch.1 para.30(5).
	(6)	Drafting.
182	(1)	CJIA 2008 Sch.1 para.31(1); PCA.
	(2)	CJIA 2008 Sch.1 para.31(2).
	(3)	CJIA 2008 Sch.1 para.31(3); PCA.
	(4)	CJIA 2008 Sch.1 para.31(4) (part).
	(5)	CJIA 2008 Sch.1 para.31(4) (part); drafting.
	(6)	CJIA 2008 Sch.1 para.31(5).
	(7)	CJIA 2008 Sch.1 para.31(6).
	(8)	CJIA 2008 Sch.1 para.31(7).
183	(1)	Drafting.
	(2)	CJIA 2008 s.1(6) (part), Sch.1 para.1.
184	(1)	CJIA 2008 Sch.1 para.3(2) (part), (5) (part); drafting.
	(2)	CJIA 2008 Sch.1(1) (part).
	(3)	CJIA 2008 Sch.1 para.4(2) (part), (6) (part); drafting.
	(4)	CJIA 2008 s.1(2) (part); drafting.
185	(1)	CJA 2003 s.147(1) (part); CJIA 2008 s.1(6) (part); drafting.
	(2)	CJIA 2008 Sch.1 para.1.
	(3)	CJA 2003 s.148(2) (part) (2A) (part); CJIA 2008 Sch.4 para.73(2) (part), (3).
	(4)	CJA 2003 s.156(3) (part); CJIA 2008 Sch.4 para.77(4) (part).
	(5)	CJA 2003 s.156(2) (part).
	(6)	CJA 2003 s.148(2) (part), (2A) (part); CJIA 2008 Sch.4 para.73(3).
	(7)	CJA 2003 s.156(1) (part); CJIA 2008 Sch.4 para.77(2) (part).
	(8)	CJA 2003 s.156(3) (part); CJIA 2008 Sch.4 para.77(4) (part).
	(9)	CJA 2003 s.148(5) (part); CJIA 2008 s.10.
	(10)	CJIA 2008 Sch.1 para.29(1) (part), (2).

Provision		*Origin*
	(11)	CJIA 2008 Sch.1 para.29(3), (4); DA 2015 s.105(1); PCA.
	(12)	CJIA 2008 s.147(3).
186	(1)	CJA 2003 s.149(1) (part); CJIA 2008 Sch.4 para.74.
	(2)	CJA 2003 s.149(2) (part), s.242(2); LASPOA 2012 Sch.12 para.51 (part).
187	(1)	CJIA 2008 Sch.1 para.32(1) (part); LASPOA 2012 s.83(1) (part).
	(2)	CJIA 2008 Sch.1 para.32(1) (part), (3).
	(3)	CJIA 2008 Sch.1 para.32(2); LASPOA 2012 s.83(1) (part).
188	(1)	CJIA 2008 Sch.1 para.33 (part).
	(2)	CJIA 2008 Sch.1 para.33 (part).
189	(1)	CJIA 2008 Sch.1 para.36(1) (part); PCA.
	(2)	CJIA 2008 Sch.1 para.36(1) (part), (2); drafting.
190	(1)	CJIA 2008 Sch.1 para.34(A1); PCA.
	(2)	CJIA 2008 Sch.1 para.34(1), (3) (part); PCA.
	(3)	CJIA 2008 Sch.1 para.34(4); SI 2010/1158 Sch.2 para.63(2) (part).
	(4)	CJIA 2008 Sch.1 para.34(2), (3) (part); PCA.
191	(1)	CJIA 2008 s.4(1) (part).
	(2)	CJIA 2008 s.4(1) (part).
	(3)	CJIA 2008 s.4(1) (part).
	(4)	CJIA 2008 s.4(1) (part).
	(5)	CJIA 2008 s.4(2); PCA.
192	(1)	CJIA 2008 s.5(1) (part); PCA.
	(2)	CJIA 2008 s.5(1) (part).
	(3)	CJIA 2008 s.5(2).
	(4)	CJIA 2008 s.5(3), (4); DA 2015 s.105(1); PCA; drafting.
	(5)	CJIA 2008 s.147(3).
193	(1)	CJIA 2008 s.5(5) (part).
	(2)	CJIA 2008 s.5(5) (part).
	(3)	CJIA 2008 s.5(6).
194	(1)	CJIA 2008 Sch.1 para.35(1); DA 2015 s.105(1).
	(2)	CJIA 2008 Sch.1 para.35(2).
	(3)	CJIA 2008 Sch.1 para.35(3).
	(4)	CJIA 2008 s.147(5) (part).
195		CJIA 2008 s.2.

Provision		*Origin*
196		CJIA 2008 s.3.
197	(1)	CJIA 2008 s.7(1) (part), Sch.2 paras.6(6D), 8(6D), 16A(4); LASPOA 2012 s.83(2) (part); drafting.
	(2)	CJIA 2008 s.7(1) (part).
198	(1)	CJIA 2008 Sch.1 para.30(1) (part); PCA.
	(2)	CJIA 2008 Sch.1 para.30(1) (part), (1A), (2) (part); CJA 2009 Sch.21 para.98(4).
	(3)	CJIA 2008 Sch.1 paras.10(7) (part), 32(4); LASPOA 2012 s.83(1) (part); PCA; drafting.
	(4)	Drafting.
	(5)	CJIA 2008 Sch.1 para.10(7) (part); drafting.
199	(1)	CJIA 2008 s.8; DA 2015 s.105(1).
	(2)	CJIA 2008 s.147(3).
200	(1)	CJA 2003 s.177(1) (part).
	(2)	CJA 2003 s.177(1) (part).
	(3)	Drafting.
201		CJA 2003 s.177(1) (part); LASPOA 2012 s.72(1), s.76(2), (3) (part); ORA 2014 s.15(2); CCA 2013 Sch.16 para.12(2) (part), (3) (part); clean sweep; drafting.
202	(1)	CJA 2003 s. 150A(1) (part), (2), s.177(1) (part); CJIA 2008 s.11(1), Sch.4 para.82.
	(2)	Drafting.
	(3)	CJA 2003 s.150(1) (part), (2) (part), (3) (part); VCRA 2006 Sch.1 para.9(3); CJIA 2008 Sch.26 para.65; LASPOA 2012 Sch.19 para.10; CCA 2013 Sch.16 para.23(1); CJCA 2015 Sch.5 para.13; PCA.
203		CJA 2003 s.147(1) (part); s.189(5) (part).
204	(1)	Drafting.
	(2)	CJA 2003 s.147(1) (part), s.148(1) (part).
	(3)	CJA 2003 s.156(1) (part).
	(4)	CJA 2003 s.156(3) (part).
	(5)	CJA 2003 s.148(5) (part); CJIA 2008 s.10.
205	(1)	CJA 2003 s.149(1) (part).
	(2)	CJA 2003 s.149(2) (part), s.242(2); .
	(3)	LASPOA 2012 Sch.12 para.51 (part); SI 2012/2906 arts.2 (part), 7(2) (part), (3); PCA; drafting.
206	(1)	Drafting.
	(2)	CJA 2003 s.177(2) (part); drafting.

Provision		*Origin*
207	(1)	LASPOA 2012 s.77(4) (part).
	(2)	CJA 2003 s.212A(6) (part); LASPOA 2012 s.76(1).
	(3)	CJA 2003 s.212A(4) (part); LASPOA 2012 s.76(1).
	(4)	CJA 2003 s.177(1) (part); PCA.
	(5)	CJA 2003 s.177(3), (4), s.215(1) (part); LASPOA 2012 s.72(2); CCA 2013 Sch.16 para.12(4); ORA 2014 Sch.5 para.2(4) (part); drafting.
	(6)	Drafting.
208	(1)	CJA 2003 s.147(1) (part); drafting.
	(2)	CJA 2003 s.177(2) (part).
	(3)	CJA 2003 s.148(2) (part), (2A) (part); CCA 2013 Sch.16 para.3.
	(4)	CJA 2003 s.156(3) (part).
	(5)	CJA 2003 s.156(2).
	(6)	CJA 2003 s.148(2) (part), (2A) (part); CCA 2013 Sch.16 para.3.
	(7)	CJA 2003 s.156(1) (part).
	(8)	CJA 2003 s.156(3) (part).
	(9)	CJA 2003 s.148(5) (part); CJIA 2008 s.10.
	(10)	CJA 2003 s.177(2A) (part); CCA 2013 Sch.16 para.2; clean sweep.
	(11)	CJA 2003 s.177(2A) (part), (2B); CCA 2013 Sch.16 para.2.
	(12)	CJA 2003 s.177(6), (7) (part); PCA.
	(13)	CJA 2003 s.217(1) (part), (3) (part); CJIA 2008 Sch.4 para.91; DA 2015 s.105(1); PCA; drafting.
	(14)	CJA 2003 s.330(6).
209	(1)	CJA 2003 s.177(5) (part); LASPOA 2012 s.66(1) (part).
	(2)	CJA 2003 s.177(5) (part).
	(3)	CJA 2003 s.177(5A), (7) (part); LASPOA 2012 s.66(2); PCA.
	(4)	Drafting.
210		CJA 2003 s.216(1) (part); SI 2005/886 Sch. para.103.
211		CJA 2003 Sch.8 paras.4 (part), 5(4) (part), 6(2) (part), 6A(2) (part), 7(1) (part), 8(1) (part), 14(1) (part), 16(4) (part); ORA 2014 Sch.4 para.6(5); drafting.
212	(1)	CJA 2003 s.178(1); DA 2015 s.105(1).
	(2)	CJA 2003 s.178(2).
	(3)	CJA 2003 s.178(3); LCR.

Provision		*Origin*
	(4)	CJA 2003 s.330(5) (part).
213	(1)	Drafting.
	(2)	CJA 2003 s.219(1) (part); ORA 2014 Sch.4 para.12(2); PCA.
	(3)	CJA 2003 s.219(2) (part), Sch.14 (part).
	(4)	CJA 2003 s.219(3) (part), SI 2005/886 Sch. para.105 (part).
	(5)	CJA 2003 s.219(4) (part); ORA 2014 Sch.4 para.12(3).
214		CJA 2003 s.197 (part); ORA 2014 s.14(1).
215	(1)	CJA 2003 s.198(1) (part); PCA.
	(2)	CJA 2003 s.198(1) (part).
	(3)	Drafting.
	(4)	CJA 2003 s.217(1) (part), (2) (part), (3) (part); CJIA 2008 Sch.4 para.91; DA 2015 s.105(1); PCA; drafting.
	(5)	CJA 2003 s.330(6).
216	(1)	CJA 2003 s.220(1) (part).
	(2)	CJA 2003 s.220(1) (part); clean sweep.
	(3)	CJA 2003 s. 220(2) (part).
217	(1)	CJA 2003 s.220A(1) (part), (6) (part); ORA 2014 s.18(2); clean sweep.
	(2)	CJA 2003 s.220A(1) (part); ORA 2014 s.18(2).
	(3)	CJA 2003 s.220A(5) (part); ORA 2014 s.18(2).
	(4)	CJA 2003 s.220A(2) (part), (8) (part); ORA 2014 s.18(2).
	(5)	CJA 2003 s.220A(3) (part); ORA 2014 s.18(2).
	(6)	CJA 2003 s.220A(4) (part); ORA 2014 s.18(2).
	(7)	CJA 2003 s.220A(4A) (part); PCA.
	(8)	CJA 2003 s.220A(7) (part); ORA 2014 s.18(2).
218		CJA 2003 s.179.
219		CJA 2003 s.180.
220		CJA 2003 s.177(5B), s.200(3); LASPOA 2012 s.66(2); PCA; drafting.
221		Drafting.
222	(1)	PCC(S)A 2000 s.76(1) (part); CJA 2003 s.305(1) (part), Sch.32 para.108; CJIA 2008 s.7(1) (part); LASPOA 2012 Sch.21 para.10.
	(2)	PCC(S)A 2000 s.76(2); CJA 2003 s.305(1) (part).
	(3)	Drafting.
	(4)	PCC(S)A 2000 s.76(1) (part), Sch.22 para.1(2); drafting.

Provision		*Origin*
223		PCC(S)A 2000 s.77.
224	(1)	PCC(S)A 2000 s.78(1); CJA 2003 s.154(1) (part); PCA.
	(2)	PCC(S)A 2000 s.78(2); CJA 2003 s.154(2) (part); PCA.
	(3)	PCC(S)A 2000 s.78(3); CJA 2003 s.154(3).
	(4)	PCC(S)A 2000 s.78(4); CJA 2003 s.154(4); TCEA 2007 Sch.13 paras.132(2), 154(2); PCA.
	(5)	PCC(S)A 2000 s.78(4A), (5); CJA 2003 s.154(5), (8); TCEA 2007 Sch.13 paras.132(3), 154(3); PCA.
	(6)	PCC(S)A 2000 s.78(6); CJA 2003 s.154(6); PCA.
	(7)	PCC(S)A 2000 s.78(7); CJA 2003 s.154(7).
225	(1)	CJA 2003 s.265(1); CJIA 2008 s.20(4) (part).
	(2)	CJA 2003 s.237(3) (part), s.265(2) (part); LASPOA 2012 s.117(3), (9) (part), Sch.20 paras.2(3), 13; CJCA 2015 Sch.1 paras.15(4), 24 (part).
	(3)	PCC(S)A 2000 Sch.11 para.1(2); ; CJA 2003 s.237(1B), (3) (part), s.265(2) (part); AFA 2006 Sch.16 para.219; LASPOA 2012 s.117(3), (9), Sch.20 paras.2(3), 13, Sch.22 para.21; CJCA 2015 Sch.1 paras.15(3), (4), 24; ; SI 2009/ 1059 Sch.1 para.53(8).
226	(1)	PCC(S)A 2000 s.83(1) (part), (2) (part).
	(2)	PCC(S)A 2000 s.83(2) (part), (3) (part); PCA.
	(3)	PCC(S)A 2000 s.83(1) (part), (3) (part).
	(4)	PCC(S)A 2000 s.83(5); PCA.
	(5)	PCC(S)A 2000 s.83(6); PCA.
	(6)	PCC(S)A 2000 s.83(4).
	(7)	PCC(S)A 2000 s.83(3) (part); LASPOA 2012 Sch.5 para.53.
	(8)	PCC(S)A 2000 s.83(3) (part); CDSA 2006 s.4(2) (part), (3) (part); LASPOA 2012 Sch.5 para.53; drafting.
227	(1)	PCC(S)A 2000 s.89(1) (part).
	(2)	PCC(S)A 2000 s.89(1) (part).
	(3)	PCC(S)A 2000 s.89(2); CJA 2003 Sch.3 para.74(3) (part).
228		Drafting.
229	(1)	MCA 1980 s.34(1) (part).
	(2)	MCA 1980 s.34(1) (part); drafting.
	(3)	MCA 1980 s.150(1).
230	(1)	CJA 2003 s.152(1) (part); CJCA 2015 Sch.5 para.14(2); clean sweep.
	(2)	PCC(S)A 2000 s.96 (part); CJA 2003 s.152(2); PCA.

Provision		*Origin*
	(3)	CJA 2003 s.152(1) (part), (1A); CJCA 2015 Sch.5 para.14(3); drafting.
	(4)	PCC(S)A 2000 s.96 (part); CJA 2003 s.152(3) (part); PCA.
	(5)	Drafting.
	(6)	CJA 2003 s.156(1) (part), (9) (part); LASPOA 2012 Sch.19 para.13.
	(7)	CJA 2003 s.156(3) (part), (9) (part); LASPOA 2012 Sch.19 para.13.
	(8)	Drafting.
231	(1)	CJA 2003 s.153(1) (part).
	(2)	CJA 2003 s.153(2) (part).
	(3)	CJA 2003 s.153(1) (part); LASPOA 2012 Sch.19 para.12; drafting.
	(4)	CJA 2003 s.153(2) (part), (3) (part); CJCA 2015 Sch.5 para.15.
	(5)	CJA 2003 s.153(2) (part); CJCA 2015 Sch.5 para.15; drafting.
	(6)	CJA 2003 s.156(1) (part), (9) (part), (10) (part); LASPOA 2012 Sch.19 para.13, Sch.21 para.22(3).
	(7)	CJA 2003 s.156(3) (part), (9) (part); LASPOA 2012 Sch.19 para.13; drafting.
	(8)	Drafting.
232	(1)	CJA 2003 s.157(1) (part), (3) (part).
	(2)	CJA 2003 s.157(1) (part), (2).
	(3)	CJA 2003 s.157(3) (part).
	(4)	CJA 2003 s.157(4) (part).
	(5)	CJA 2003 s.157(4) (part).
	(6)	CJA 2003 s.157(5), (6); HSCA 2012 s.38(5) (part).
	(7)	CJA 2003 s.157(7); drafting.
233		PCC(S)A 2000 s.100(3).
234	(1)	PCC(S)A 2000 s.100(1) (part), (2) (part); CJA 2003 Sch.32 para.111(2); drafting.
	(2)	PCC(S)A 2000 s.100(1A); LASPOA 2012 Sch.26 para.11; CJCA 2015 Sch.5 para.5; drafting.
235	(1)	Drafting.
	(2)	PCC(S)A 2000 s.100(1) (part); CJA 2003 Sch.32 para.111(2) (part); LASPOA 2012 Sch.21 para.13, drafting.
	(3)	PCC(S)A 2000 s.100(2) (part).
	(4)	PCC(S)A 2000 s.100(1) (part); CJA 2003 Sch.32 para.111(2) (part); drafting.

Provision		*Origin*
236	(1)	PCC(S)A 2000 s.101(1).
	(2)	PCC(S)A 2000 s.101(1A), (2), (14) (part); CJCSA 2000 Sch.7 para.185; PCA.
	(3)	Drafting.
	(4)	PCC(S)A 2000 s.101(2B), s.104B(1) (part), s.106A(3) (part); CJA 2003 Sch.32 para.113; LASPOA 2012 s.80(7); PCA.
237	(1)	Drafting.
	(2)	PCC(S)A 2000 s.101(3) (part); drafting.
	(3)	PCC(S)A 2000 s.101(3) (part); (6).
	(4)	PCC(S)A 2000 s.106A(3) (part); CJA 2003 Sch.32 para.113.
	(5)	PCC(S)A 2000 s.106A(5); CJA 2003 Sch.32 para.113.
	(6)	PCC(S)A s.104B(1) (part); LASPOA 2012 s.80(7).
	(7)	PCC(S)A 2000 s.101(3) (part); drafting.
	(8)	Drafting.
238	(1)	PCC(S)A 2000 s.101(4) (part).
	(2)	PCC(S)A 2000 s.101(5) (part).
	(3)	PCC(S)A 2000 s.101(7) (part).
	(4)	PCC(S)A 2000 s.101(13) (part).
	(5)	PCC(S)A 2000 s.101(13) (part); ORA 2014 s.6(2).
	(6)	PCC(S)A 2000 s.101(4) (part), (5) (part), (7) (part), (13) (part); drafting.
239	(1)	PCC(S)A 2000 s.101(8) (part); CJIA 2008 s.22(6) (part).
	(2)	PCC(S)A 2000 s.101(8) (part).
	(3)	PCC(S)A 2000 s.101(9); CJIA 2008 s.22(6) (part).
	(4)	PCC(S)A 2000 s.101(10).
	(5)	PCC(S)A 2000 s.101(11), (12); Terrorism Act 2000 Sch.15 para.20(3); LASPOA 2012 Sch.12 para.43 (part).
	(6)	PCC(S)A 2000 s.101(8) (part); CJIA 2008 s.22(6) (part).
240	(1)	PCC(S)A 2000 s.101(12A) (part); CJA 2003 s.243(1); PJA 2006 Sch.13 para.32; drafting.
	(2)	PCC(S)A 2000 s.101(8) (part), (12A) (part); CJA 2003 s.243(2), (2A); LASPOA 2012 s.110(8), Sch.13 para.11.
241	(1)	PCC(S)A 2000 s.102(1); OMA 2007 s.34(2) (part).
	(2)	PCC(S)A 2000 s.102(2).
	(3)	PCC(S)A 2000 s.102(3).
	(4)	PCC(S)A 2000 s.102(4); OMA 2007 s.33(1).

Provision		*Origin*
	(5)	PCC(S)A 2000 s.102(5).
	(6)	PCC(S)A 2000 s.106A(4); CJA 2003 Sch.32 para.113; LASPOA 2012 Sch.21 para.14(2), Sch.22 para.16; drafting.
	(7)	PCC(S)A 2000 s.106A(1) (part); AFA 2006 Sch.16 para.165(2); LASPOA 2012 Sch.21 para.14(2), Sch.22 para.16.
	(8)	PCC(S)A 2000 s.102(6).
242	(1)	PCC(S)A 2000 s.103(1).
	(2)	PCC(S)A 2000 s.103(3) (part), (6) (part); SI 2008/912 Sch.1 para.14(16) (part).
	(3)	PCC(S)A 2000 s.103(3) (part), (6) (part); drafting.
	(4)	PCC(S)A 2000 s.103(6) (part).
	(5)	PCC(S)A 2000 s.103(7).
	(6)	PCC(S)A 2000 s.103(4A); SI 2008/912 Sch.1 para.14(16) (part).
	(7)	PCC(S)A 2000 s.103(5).
243		Drafting.
244	(1)	PCC(S)A 2000 s.106(4) (part).
	(2)	PCC(S)A 2000 s.106(4) (part); CJCA 2015 s.15(3); PCA.
	(3)	PCC(S)A 2000 s.106(5).
	(4)	Drafting.
245	(1)	PCC(S)A 2000 s.106A(7) (part); CJA 2003 Sch.32 para.113.
	(2)	PCC(S)A 2000 s.106A(7) (part), (8); CJA 2003 Sch.32 para.113; AFA 2006 Sch.16 para.165(3).
	(3)	PCC(S)A 2000 s.106A(9); CJA 2003 Sch.32 para.113.
	(4)	Drafting.
246		PCC(S)A 2000 s.106(6); PCA.
247	(1)	PCC(S)A 2000 s.106B(1); ORA 2014 s.6(4); SI 2015/40 art.2 (part).
	(2)	PCC(S)A 2000 s.106B(2); ORA 2014 s.6(4).
	(3)	PCC(S)A 2000 s.106B(3); ORA 2014 s.6(4).
	(4)	PCC(S)A 2000 s.106B(4); ORA 2014 s.6(4); PCA.
	(5)	PCC(S)A 2000 s.106B(5); ORA 2014 s.6(4).
	(6)	PCC(S)A 2000 s.106B(6); ORA 2014 s.6(4).
	(7)	PCC(S)A 2000 s.106B(7); ORA 2014 s.6(4).
	(8)	PCC(S)A 2000 s.107(3) (part); ORA 2014 Sch.3 para.12 (part).

Provision		*Origin*
248	(1)	PCC(S)A 2000 s.107(1); OMA 2007 s.34(6); CJCA 2015 Sch.9 para.12; DA 2015 s.105(1).
	(2)	PCC(S)A 2000 s.107(2) (part); ORA 2014 Sch.3 para.12 (part).
	(3)	PCC(S)A 2000 s.106(1) (part), s.106A(2) (part); CJA 2003 Sch.32 para.113; drafting.
	(4)	PCC(S)A 2000 s.106A(1) (part); CJA 2003 Sch.32 para.113; AFA 2006 Sch.16 para.165(2); LASPOA 2012 Sch.21 para.14(2), Sch.22 para.16; drafting.
	(5)	PCC(S)A 2000 s.160(2); CJA 2009 Sch.21 para.94(2).
	(6)	Drafting.
249		PCC(S)A 2000 s.91(3) (part).
250	(1)	PCC(S)A 2000 s.91(1) (part), (1A) (part), (1B) (part), (1C) (part), (5) (part); SOA 2003 Sch.6 para.43(2); CJA 2003 s.289(2), (3); VCRA 2006 Sch.1 para.7(1), (2), (3).
	(2)	Drafting.
	(3)	PCC(S)A 2000 s.91(1A) (part), (1B) (part), (1C) (part), (5) (part); CJA 2003 s.289(2), (3); VCRA 2006 Sch.1 para.7(1), (2), (3).
251	(1)	PCC(S)A 2000 s.91(1) (part), (1A) (part), (1B) (part), (1C) (part); CJA 2003 s.289(2); VCRA 2006 Sch.1 para.7(2).
	(2)	PCC(S)A 2000 s.91(3) (part); CJA 2003 Sch.32 para.110(2); CJIA 2008 Sch.4 para.56.
	(3)	PCC(S)A 2000 s.91(4); CJA 2003 Sch.32 para.110(3).
252	(1)	PCC(S)A 2000 s.91(3) (part), (5) (part); CJA 2003 s.289(3); VCRA 2006 Sch.1 para.7(3); PCA.
	(2)	PCC(S)A 2000 s.91(3) (part), (5) (part), (6) (part); CJA 2003 s.289(3); VCRA 2006 Sch.1 para.7(3); PCA.
253	(1)	PCC(S)A 2000 s.106A(2) (part); CJA 2003 Sch.32 para.113.
	(2)	PCC(S)A 2000 s.106A(2) (part); CJA 2003 Sch.32 para.113.
	(3)	PCC(S)A 2000 s.106A(2) (part); CJA 2003 Sch.32 para.113.
	(4)	PCC(S)A 2000 s.106A(2) (part); CJA 2003 Sch.32 para.113; drafting.
254		CJA 2003 s.226B(3); LASPOA 2012 s.124.
255	(1)	CJA 2003 s.226B(1), (2); LASPOA 2012 s.124; drafting.
	(2)	CJA 2003 s.156(3) (part); LASPOA 2012 Sch.21 para.22(2).
256	(1)	Drafting
	(2)	CJA 2003 s.226B(4); LASPOA 2012 s.124.

Provision		*Origin*
	(3)	CJA 2003 s.226B(5); LASPOA 2012 s.124; ORA 2014 s.8(3) (part).
	(4)	CJA 2003 s.226B(5A), (6); LASPOA 2012 s.124; ORA 2014 s.8(3) (part); drafting.
	(5)	CJA 2003 s.226B(7); LASPOA 2012 s.124, Sch.21 para.36(3) (part).
257	(1)	PCC(S)A 2000 s.106A(2) (part); CJA 2003 Sch.32 para.113.
	(2)	PCC(S)A 2000 s.106A(2) (part); CJA 2003 Sch.32 para.113.
	(3)	PCC(S)A 2000 s.106A(2) (part); CJA 2003 Sch.32 para.113.
	(4)	PCC(S)A 2000 s.106A(2) (part); CJA 2003 Sch.32 para.113; drafting.
258	(1)	CJA 2003 s.226(1), (2) (part); SI 2005/950 art.2(1), Sch.1 para.18.
	(2)	CJA 2003 s.226(2) (part).
	(3)	CJA 2003 s.156(3) (part).
	(4)	CJA 2003 s.226(5).
259	(1)	PCC(S)A 2000 s.90 (part); CJCSA 2000 s.60(2).
	(2)	PCC(S)A 2000 s.90 (part).
	(3)	PCC(S)A 2000 s.90 (part).
260	(1)	PCC(S)A 2000 s.92(1) (part); drafting.
	(2)	PCC(S)A 2000 s.92(2); LASPOA 2012 Sch.21 para.27.
261		CJA 2003 s.235 (part).
262	(1)	PCC(S)A 2000 s.96 (part).
	(2)	Drafting.
	(3)	Drafting.
263	(1)	PCC(S)A 2000 s.97(1); drafting.
	(2)	PCC(S)A 2000 s.97(2).
	(3)	Drafting.
	(4)	Drafting.
264	(1)	LASPOA 2012 Sch.9 para.20 (part); drafting.
	(2)	CJA 2003 s.189(1) (part); LASPOA 2012 s.68(1), Sch.9 para.20 (part); clean sweep.
	(3)	CJA 2003 s.189(2); LASPOA 2012 s.68(2).
	(4)	Drafting.

Provision		*Origin*
265	(1)	CJA 2003 s.236A(1) (part), (5) (part), (8) (part); CJCA 2015 Sch.1 paras.2, 10(2) (part).
	(2)	CJA 2003 s.236A(2) (part), (4) (part), (8) (part); CJCA 2015 Sch.1 para.2.
	(3)	CJA 2003 s.236A(3) (part); CJCA 2015 Sch.1 para.2.
266		CJA 2003 s.226A(5) (part), (12) (part); LASPOA 2012 s.124, Sch.21 para.36(1) (part), (2) (part).
267	(1)	CJA 2003 s.226A(1) (part), (4) (part), (12) (part); LASPOA 2012 s.124, Sch.21 para.36(1) (part), (2) (part).
	(2)	CJA 2003 s.156(3) (part); LASPOA 2012 Sch.21 para.22.
	(3)	CJA 2003 s.226A(2) (part); LASPOA 2012 s.124.
	(4)	CJA 2003 s.226A(3) (part), (12) (part); LASPOA 2012 s.124, Sch.21 para.36(2).
268	(1)	Drafting.
	(2)	CJA 2003 s.226A(6) (part), (12) (part); LASPOA 2012 s.124, Sch.21 para.36(2).
	(3)	CJA 2003 s.226A(7); LASPOA 2012 s.124; ORA 2014 s.8(2) (part); clean sweep.
	(4)	CJA 2003 s.226A(7A), (8); LASPOA 2012 s.124; ORA 2014 s.8(2) (part); clean sweep; drafting.
	(5)	CJA 2003 s.226A(9), (12) (part); LASPOA 2012 s.124, Sch.21 para.36(2); drafting.
269	(1)	PCC(S)A 2000 s.97(4).
	(2)	PCC(S)A 2000 s.97(5); PCA.
270	(1)	PCC(S)A 2000 s.106(1) (part); drafting.
	(2)	PCC(S)A 2000 s.106(1) (part).
	(3)	PCC(S)A 2000 s.106(1) (part).
	(4)	PCC(S)A 2000 s.106(1) (part).
271	(1)	PCC(S)A 2000 s.98(1).
	(2)	PCC(S)A 2000 s.98(2).
272	(1)	PCC(S)A 2000 s.94(1) (part).
	(2)	PCC(S)A 2000 s.94(1) (part), (2).
273	(1)	CJA 2003 s.224A(1) (part); LASPOA 2012 s.122(1), Sch.19 para.24(1) (part), (2) (part); CJCA 2015 s.3(9); SI 2012/2906 art.2 (part).
	(2)	SI 2012/2906 art.3 (part); drafting.
	(3)	CJA 2003 s.224A(2) (part); LASPOA 2012 s.122(1), Sch.19 para.24(2) (part).
	(4)	CJA 2003 s.224A(3) (part); LASPOA 2012 s.122(1), Sch.19 para.24(2) (part).

Provision		*Origin*
	(5)	CJA 2003 s.224A(4) (part); LASPOA 2012 s.122(1).
	(6)	CJCA 2015 s.3(9); drafting.
	(7)	CJA 2003 s.224A(5) (part); LASPOA 2012 s.122(1).
	(8)	CJA 2003 s.224A(6) (part); LASPOA 2012 s.122(1).
	(9)	CJA 2003 s.224A(7) (part); LASPOA 2012 s.122(1).
	(10)	CJA 2003 s.224A(8) (part); LASPOA 2012 s.122(1).
	(11)	CJA 2003 s.224A(9) (part); LASPOA 2012 s.122(1).
	(12)	C(S)A 1997 s.34(2) (part); PCC(S)A 2000 Sch.9 para.183(2); CJA 2003 s.224A(10) (part); Sch.18 para.3; AFA 2006 Sch.16 para.142(2); LASPOA 2012 s.117(10) (part), s.122(1).
	(13)	CJA 2003 s.224A(11) (part); LASPOA 2012 s.122(1).
	(14)	CJA 2003 s.224A(12) (part); CJCA 2015 s.5(1).
274	(1)	CJA 2003 s.225(1) (part), (2) (part); SI 2005/643 art.3(4) (part); SI 2005/950 art.2(1), Sch.1 para.18.
	(2)	CJA 2003 s.156(3) (part).
	(3)	CJA 2003 s.225(2) (part); SI 2005/643 art.3(4) (part); PCA.
	(4)	CJA 2003 s.225(5) (part).
275		PCC(S)A 2000 s.93.
276		PCC(S)A 2000 s.95.
277	(1)	CJA 2003 s.189(1) (part); LASPOA 2012 s.68(1).
	(2)	CJA 2003 s.189(1) (part); LASPOA 2012 s.68(1); clean sweep.
	(3)	CJA 2003 s.189(2); LASPOA 2012 s.68(2).
	(4)	Drafting.
278	(1)	CJA 2003 s.236A(1) (part), (2) (part), (5) (part); CJCA 2015 Sch.1 paras.2, 10(2) (part); drafting.
	(2)	CJA 2003 s.236A(2) (part), (4) (part); CJCA 2015 Sch.1 para.2.
	(3)	CJA 2003 s.236A(3) (part); CJCA 2015 Sch.1 para.2.
279		CJA 2003 s.226A(5) (part); LASPOA 2012 s.124.
280	(1)	CJA 2003 s.226A(1) (part); LASPOA 2012 s.124, Sch.21 para.36(1) (part), (2) (part).
	(2)	CJA 2003 s.156(3) (part); LASPOA 2012 Sch.21 para.22(2).
	(3)	CJA 2003 s.226A(2) (part); LASPOA 2012 s.124.
	(4)	CJA 2003 s.226A(3) (part); LASPOA 2012 s.124.

Provision		*Origin*
281	(1)	Drafting.
	(2)	CJA 2003 s.226A(6) (part); LASPOA 2012 s.124.
	(3)	CJA 2003 s.226A(7) (part); LASPOA 2012 s.124; ORA 2014 s.8(2) (part).
	(4)	CJA 2003 s.226A(7A) (part), (8) (part); LASPOA 2012 s.124; ORA 2014 s.8(2) (part); drafting.
	(5)	CJA 2003 s.226A(9) (part); LASPOA 2012 s.124.
282		CJA 2003 s.226A(10); LASPOA 2012 s.124.
283	(1)	CJA 2003 s.224A(1) (part); LASPOA 2012 s.122(1), Sch.19 para.24(1) (part), (2) (part); CJCA 2015 s.3(9); SI 2012/2906 art.3 (part).
	(2)	SI 2012/2906 art.3 (part); drafting.
	(3)	CJA 2003 s.224A(2) (part); LASPOA 2012 s.122(1).
	(4)	CJA 2003 s.224A(3) (part); LASPOA 2012 s.122(1).
	(5)	CJA 2003 s.224A(4) (part); LASPOA 2012 s.122(1).
	(6)	CJCA 2015 s.3(9); drafting.
	(7)	CJA 2003 s.224A(5) (part); LASPOA 2012 s.122(1).
	(8)	CJA 2003 s.224A(6) (part); LASPOA 2012 s.122(1).
	(9)	CJA 2003 s.224A(7) (part); LASPOA 2012 s.122(1).
	(10)	CJA 2003 s.224A(8) (part); LASPOA 2012 s.122(1).
	(11)	CJA 2003 s.224A(9) (part); LASPOA 2012 s.122(1).
	(12)	C(S)A 1997 s.34(2); PCC(S)A 2000 Sch.9 para.183(2); Sch.11 para.1(2); CJA 2003 s.224A(10) (part); Sch.18 para.3; AFA 2006 Sch.16 para.142(2); LASPOA 2012 s.117(10) (part), s.122(1); SI 2009/1059 Sch.1 para.40.
	(13)	CJA 2003 s.224A(11) (part); LASPOA 2012 s.122(1).
	(14)	CJA 2003 s.224A(12) (part); CJCA 2015 s.5(1).
285	(1)	CJA 2003 s.225(1) (part), (2) (part); SI 2005/643 art.3(4) (part); SI 2005/950 art.2(1), Sch.1 para.18.
	(2)	CJA 2003 s.156(3) (part).
	(3)	CJA 2003 s.225(2) (part).
	(4)	CJA 2003 s.225(5) (part).
286	(1)	CJA 2003 s.189(1) (part), (1B) (part); LASPOA 2012 s.68(1), Sch.9 para.20 (part); drafting.
	(2)	CJA 2003 s.189(1A); LASPOA 2012 s.68(1).
	(3)	CJA 2003 s.189(1) (part); (1B) (part); LASPOA 2012 s.68(1); drafting.
	(4)	CJA 2003 s.189(1A) (part); LASPOA 2012 s.68(1); drafting.

Provision		*Origin*
	(5)	Drafting.
	(6)	CJA 2003 s.189(7) (part).
	(7)	CJA 2003 s.189(7) (part); LASPOA 2012 s.68(5).
287		CJA 2003 s.190(1) (part); LASPOA 2012 s.72(3), s.76(4), (5), (9) (part); CCA 2013 Sch.16 para.13(2) (part), (3) (part); ORA 2014 s.15(2); clean sweep; drafting.
288	(1)	CJA 2003 s.189(1) (part); LASPOA 2012 s.68(1); drafting.
	(2)	CJA 2003 s.189(3) (part); LASPOA 2012 s.68(3).
	(3)	CJA 2003 s.189(1A) (part); LASPOA 2012 s.68(1); drafting.
	(4)	CJA 2003 s.189(3) (part), (4); LASPOA 2012 s.68(3), (4).
	(5)	CJA 2003 s.200(4).
289	(1)	CJA 2003 s.189(6) (part); SI 2005/643 art.3(2) (part).
	(2)	CJA 2003 s.189(6) (part).
290	(1)	Drafting.
	(2)	CJA 2003 s.190(2) (part); drafting.
291	(1)	LASPOA 2012 s.77(4) (part).
	(2)	CJA 2003 s.212A(6) (part); LASPOA 2012 s.76(1).
	(3)	CJA 2003 s.212A(4) (part); LASPOA 2012 s.76(1).
	(4)	CJA 2003 s.190(1) (part); PCA.
	(5)	CJA 2003 s.190(3), (4); LASPOA 2012 s.72(4); CCA 2013 Sch.16 para.13(4); ORA 2014 Sch.5 para.3(4) (part); drafting.
	(6)	Drafting.
292	(1)	Drafting.
	(2)	CJA 2003 s.190(2) (part).
	(3)	CJA 2003 s.190(5), (6); PCA.
	(4)	CJA 2003 s.217(1) (part), (3) (part); CJIA 2008 Sch.4 para.91; DA 2015 s.105(1); PCA.
	(5)	CJA 2003 s.330(6).
293	(1)	CJA 2003 s.191(1) (part); LASPOA 2012 Sch.9 para.5.
	(2)	CJA 2003 s.191(1) (part); ORA 2014 Sch.4 para.2.
	(3)	CJA 2003 s.191(2); PCA; drafting.
	(4)	CJA 2003 s.191(3).
	(5)	CJA 2003 s.191(4); PCA.
	(6)	CJA 2003 s.191(5).

Provision		*Origin*
294	(1)	CJA 2003 s.192(1) (part); drafting.
	(2)	CJA 2003 s.192(1) (part); ORA 2014 Sch.4 para.3(2) (part).
	(3)	CJA 2003 s.192(2).
	(4)	CJA 2003 s.192(3).
	(5)	CJA 2003 s.192(6).
	(6)	CJA 2003 s.192(1) (part); ORA 2014 Sch.4 para.3(2) (part).
295	(1)	CJA 2003 s.192(4) (part); ORA 2014 Sch.4 para.3(3).
	(2)	CJA 2003 s.192(4) (part).
	(3)	CJA 2003 s.192(4) (part).
	(4)	CJA 2003 s.192(5); ORA 2014 Sch.4 para.3(3).
	(5)	CJA 2003 s.192(7).
	(6)	CJA 2003 s.192(8).
	(7)	CJA 2003 s.192(1) (part); ORA 2014 Sch.4 para.3(2) (part).
296		CJA 2003 s.196(1A), 216(1) (part); LASPOA 2012 Sch.9 para.7(3); SI 2005/886 Sch. para.103; clean sweep.
297		CJA 2003 s.196(1A) (part), Sch.12 paras.3 (part), 6(1) (part); LASPOA 2012 Sch.9 para.7(3); drafting.
298	(1)	CJA 2003 s.196(1A), s.219(1) (part); LASPOA 2012 Sch.9 para.7(3); ORA 2014 Sch.4 para.12(2); drafting.
	(2)	CJA 2003 s.219(1) (part); ORA 2014 Sch.4 para.12(2); PCA.
	(3)	CJA 2003 s.219(2) (part), Sch.14 (part); PCA; clean sweep.
	(4)	CJA 2003 s.219(3) (part); SI 2005/886 Sch. para.105 (part).
	(5)	CJA 2003 s.219(4) (part); ORA 2014 Sch.4 para.12(3).
299	(1)	CJA 2003 s.196(1A) (part), s.197(1) (part); LASPOA 2012 Sch.9 para.7(3); ORA 2014 s.14(1).
	(2)	CJA 2003 s.197(1) (part); LASPOA 2012 Sch.9 para.7(3); ORA 2014 s.14(1).
		CJA 2003 s.197(2) (part); ORA 2014 s.14(1).
300	(1)	CJA 2003 s.196(1A) (part), (1B) (part), s.198(1) (part); LASPOA 2012 Sch.9 para.7(3); PCA.
	(2)	CJA 2003 s.198(1) (part).
	(3)	Drafting.
	(4)	CJA 2003 s.217(1) (part), (2) (part), (3) (part); CJIA 2008 Sch.4 para.91; DA 2015 s.105(1); PCA; drafting.

Provision		*Origin*
	(5)	CJA 2003 s.330(6).
301	(1)	CJA 2003 s.196(1A) (part), (1B) (part), s.220(1) (part); LASPOA 2012 Sch.9 para.7(3); PCA.
	(2)	CJA 2003 s.220(1) (part).
	(3)	CJA 2003 s.220(2) (part); clean sweep.
302	(1)	CJA 2003 s.196(1B), s.220A(1) (part), (6) (part); ORA 2014 s.18(2); PCA; clean sweep.
	(2)	CJA 2003 s.220A(1) (part); ORA 2014 s.18(2).
	(3)	CJA 2003 s.220A(5) (part); ORA 2014 s.18(2); drafting.
	(4)	CJA 2003 s.220A(2) (part); ORA 2014 s.18(2).
	(5)	CJA 2003 s.220A(3) (part); ORA 2014 s.18(2).
	(6)	CJA 2003 s.220A(4) (part); ORA 2014 s.18(2).
	(7)	CJA 2003 s.220A(4A) (part); PCA.
	(8)	CJA 2003 s.220A(7) (part); ORA 2014 s.18(2).
	(9)	CJA 2003 s.220A(8) (part); ORA 2014 s.18(2).
303		CJA 2003 s.193.
304		CJA 2003 s.194.
305		CJA 2003 s.195; LASPOA 2012 Sch.9 para.6(2), (3); drafting.
306	(1)	CJA 2003 s.224(1) (part).
	(2)	CJA 2003 s.224(3).
307	(1)	CJA 2003 s.224(1) (part), (2); LASPOA 2012 Sch.19 para.16; SI 2005/643 art.3(3); drafting.
	(2)	CJA 2009 Sch.22 para.37(2); CJCA 2015 s.2(11).
308	(1)	CJA 2003 s.229(1); drafting.
	(2)	CJA 2003 s.229(2); CJIA 2008 s.17(2) (part).
	(3)	CJA 2003 s.229(2A); CJIA 2008 s.17(3); CJA 2009 Sch.21 para.95(2).
	(4)	CJA 2003 s.229(2B); CJA 2009 Sch.21 para.95(3).
309	(1)	CJA 2003 s.231(A1); LASPOA 2012 Sch.19 para.20(2).
	(2)	CJA 2003 s.231(1); LASPOA 2012 Sch.19 para.20(3), Sch.21 para.25.
	(3)	CJA 2003 s.231(2).
	(4)	CJA 2003 s.231(3); LASPOA 2012 Sch.19 para.20(4).
	(5)	CJA 2003 s.231(4); LASPOA 2012 Sch.19 para.20(4).
310		CJA 2003 s.232A (part); LASPOA 2012 Sch.19 para.21; CJCA 2015 s.5(2).

Provision		*Origin*
311	(1)	FA 1968 s.51A(1); CJA 2003 s.287; VCRA 2006 s.29(3) (part), (4) (part), (6) (part), s.30(2) (part), (3) (part), (5) (part); SI 2004/81 art.3(2) (part); drafting.
	(2)	FA 1968 s.51A(2) (part); CJA 2003 s.287; VCRA 2006 s.29(4) (part), (6) (part); drafting.
	(3)	FA 1968 s.51A(4) (part); CJA 2003 s.287; VCRA 2006 s.29(4) (part), (5) (part), (6) (part); SI 2007/1324 art.2 (part); PCA.
	(4)	FA 1968 s.51A(5) (part); CJA 2003 s.287; VCRA 2006 s.29(4) (part), (6) (part).
312	(1)	PCA 1953 s.1A(5) (part); CJA 1998 s.139AA(7) (part); LASPOA 2012 s.142(1), (2).
	(2)	PCA 1953 s.1A(5) (part); CJA 1998 s.139AA(7) (part); LASPOA 2012 s.142(1), (2).
	(3)	PCA 1953 s.1A(6) (part), (9) (part); CJA 1998 s.139AA(8) (part), (11) (part); LASPOA 2012 s.142(1), (2).
313	(1)	PCC(S)A 2000 s.110(1); CJA 2009 Sch.17 para.10(2) (part).
	(2)	PCC(S)A 2000 s.110(2).
	(3)	PCC(S)A 2000 s.110(2A), s.114(1) (part), (1A) (part), (1B) (part); AFA 2006 Sch.16 para.166; CJA 2009 Sch.17 para.10(2) (part), (5) (part); SI 2009/1059 Sch.1 para.45(3); SI 2010/1858 art.3.
	(4)	PCC(S)A 2000 s.110(4).
	(5)	PCC(S)A 2000 s.110(5); POCA 2002 Sch.11 para.37(2).
	(6)	PCC(S)A 2000 s.110(6); PCA.
314	(1)	PCC(S)A 2000 s.111(1); CJA 2009 Sch.17 para.10(3) (part).
	(2)	PCC(S)A 2000 s.111(2).
	(3)	PCC(S)A 2000 s.111(2A), s.114(1) (part), (1A) (part), (1B) (part); AFA 2006 Sch.16 para.166; CJA 2009 Sch.17 para.10(3) (part), (5) (part); SI 2009/1059 Sch.1 para.45(3); SI 2010/1858 art.3.
	(4)	PCC(S)A 2000 s.111(4).
	(5)	PCC(S)A 2000 s.111(5).
	(6)	PCC(S)A 2000 s.111(6).
315	(1)	PCA 1953 s.1(2A); CJA 1988 s.139(6A), s.139A(5A); CJCA 2015 s.28(2), (5), (6); SI 2015/1463 art.2 (part).
	(2)	PCA 1953 s.1(2B) (part); CJA 1988 s.139(6B) (part), s.139A(5B) (part); CJCA 2015 s.28(2), (5), (6).
	(3)	PCA 1953 s.1(2C) (part), (2G) (part); CJA 1988 s.139(6C) (part), (6G) (part), s.139A(5C) (part), (5G) (part); CJCA 2015 s.28(2), (5), (6).

Provision		*Origin*
	(4)	PCA 1953 s.1ZA(1); CJA 1988 s.139AZA(1); CJCA 2015 s.28(3), (7); drafting.
	(5)	Drafting.
316	(1)	PCA 1953 s.1(2E) (part); CJA 1988 s.139(6E) (part), s.139A(5E) (part); PCC(S)A 2000 s.112(1); CJCA 2015 s.28(2), (5), (6); drafting.
	(2)	PCA 1953 s.1(2E) (part); CJA 1988 s.139(6E) (part), s.139A(5E) (part); PCC(S)A 2000 s.112(2); CJCA 2015 s.28(2), (5), (6).
317	(1)	PCC(S)A 2000 s.113(1) (part), (2) (part).
	(2)	PCC(S)A 2000 s.113(1) (part), (1A) (part), (2) (part), (2A) (part); CJA 2009 Sch.17 para.10(4) (part).
	(3)	PCC(S)A 2000 s.113(1) (part), (1A) (part), (2) (part), (2A) (part); CJA 2009 Sch.17 para.10(4) (part).
	(4)	PCC(S)A 2000 s.113(3); CJA 2009 Sch.17 para.10(4) (part).
318	(1)	PCA 1953 s.1ZA(2); CJA 1988 s.139AZA(2); PCC(S)A 2000 s.114(1B) (part); CJA 2009 Sch.17 para.10(5) (part); CJCA 2015 s.28(3), (7).
	(2)	PCC(S)A 2000 s.114(3) (part), (4) (part); AFA 2006 Sch.16 para.166; CJA 2009 Sch.17 para.10(5); drafting.
	(3)	PCA 1953 s.1ZA(3); CJA 1988 s.139AZA(3); PCC(S)A 2000 s.114(3) (part), (4) (part); AFA 2006 Sch.16 para.166; CJA 2009 Sch.17 para.10(5) (part); CJCA 2015 s.28(3), (7); PCA; drafting.
319		PCA 1953 s.1(2B) (part), s.1A(5) (part); FA 1968 s.51A(2) (part); CJA 1988 s.139(6B) (part), s.139A(5B) (part), s.139AA(7) (part); CJA 2003 s.287; VCRA 2006 s.29(4) (part), (6) (part); LASPOA 2012 s.142(1), (2); CJCA 2015 s.28(2), (5), (6); drafting.
320		PCA 1953 s.1(2F); FA 1968 s.51A(3); CJA 1988 s.139(6F), s.139A(5F); PCC(S)A 2000 s.115; CJA 2003 s.287; VCRA 2006 s.29(13) (part); CJCA 2015 s.28(2), (5), (6); drafting.
321	(1)	PCC(S)A 2000 s.82A(1) (part), (2) (part), (4) (part); CJCSA 2000 s.60(1), (3); CJA 2003 s.269(1), (2) (part), (4) (part), s.336(2).
	(2)	PCC(S)A 2000 s.82A(2) (part), (4) (part); CJCSA 2000 s.60(1); CJA 2003 s.269(2) (part), (4) (part); drafting.
	(3)	PCC(S)A 2000 s.82A(4) (part); CJCSA 2000 s.60(1); CJA 2003 s.269(4) (part).
	(4)	PCC(S)A 2000 s.82A(2) (part); CJCSA 2000 s.60(1); CJA 2003 s.269(2) (part).
	(5)	PCC(S)A 2000 s.82A(4) (part); CJCSA 2000 s.60(1); CJA 2003 s.269(4) (part).

Provision		*Origin*
322	(1)	CJA 2003 s.270(1); LASPOA 2012 s.64(3) (part).
	(2)	CJA 2003 s.269(3), Sch.32 para.109(3); LASPOA 2012 s.110(10) (part); CJCA 2015 s.15(1).
	(3)	CJA 2003 s.269(5).
	(4)	CJA 2003 s.270(2); LASPOA 2012 s.64(3) (part).
323	(1)	PCC(S)A 2000 s.82A(1) (part); CJCSA 2000 s.60(1); CJA 2003 Sch.32 para.109(2).
	(2)	PCC(S)A 2000 s.82A(3); CJCSA 2000 s.60(1); CJA 2003 Sch.32 para.109(3); CJCA 2015 s.15(1); drafting.
324		C(S)A 1997 s.34(2) (part); PCC(S)A 2000 s.82A(7) (part), Sch.9 para.183(2); CJCSA 2000 s.60(1); CJA 2003 s.277 (part); CJA 2009 Sch.21 para.86.
325	(1)	CJA 2003 s.240A(1); CJIA 2008 s.21(4); clean sweep.
	(2)	CJA 2003 s.240A(2) (part); CJIA 2008 s.21(4).
	(3)	CJA 2003 s.240A(3); LASPOA 2012 s.109(3).
	(4)	CJA 2003 s.240A(8); CJIA 2008 s.21(4).
	(5)	CJA 2003 s.240ZA(1) (part), (11), s.240A(11) (part); CJIA 2008 s.21(4); LASPOA 2012 Sch.20 para.4; CJCA 2015 Sch.1 para.16; drafting.
	(6)	Drafting.
326	(1)	CJA 2003 s.242(1) (part); drafting.
	(2)	CJA 2003 s.240ZA(7) (part), s.240A(11) (part); CJIA 2008 s.21(4); LASPOA 2012 s.108(2).
	(3)	CJA 2003 s.240ZA(9) (part), s.240A(11) (part); CJIA 2008 s.21(4); LASPOA 2012 s.108(2); clean sweep.
	(4)	CJA 2003 s.240A(12); CJIA 2008 s.21(4); LASPOA 2012 s.109(7) (part).
327	(1)	CJA 2003 s.243(1); PJA 2006 Sch.13 para.31.
	(2)	CJA 2003 s.237(1).
	(3)	CJA 2003 s.243(2); LASPOA 2012 s.110(8).
328	(1)	CJA 2003 s.238(1) (part); SI 2005/643 art.3(8) (part).
	(2)	CJA 2003 s.238(1) (part); SI 2005/643 art.3(8); PCA.
	(3)	CJA 2003 s.238(3).
329	(1)	PCC(S)A 2000 s.99(1) (part); CJA 2003 s.236; OMA 2007 Sch.3 para.9.
	(2)	PCC(S)A 2000 s.99(1) (part); CJA 2003 s.236.
	(3)	Drafting.
	(4)	PCC(S)A 2000 s.99(2); CJA 2003 s.236.
	(5)	PCC(S)A 2000 s.99(3A); LASPOA 2012 Sch.21 para.12(3); PCA.

Provision		*Origin*
	(6)	PCC(S)A 2000 s.99(4): CJA 2003 s.236.
	(7)	PCC(S)A 2000 s.99(5) (part); CJA 2003 s.236; SI 2005/643 art.3(6) (part); PCA.
330		ABCPA 2014 s.22(5).
331	(1)	ABCPA 2014 s.22(1), (7).
	(2)	ABCPA 2014 s.22(2), (3) (part), (4).
	(3)	ABCPA 2014 s.22(6); PCA.
	(4)	ABCPA 2014 s.22(9); PCA.
	(5)	ABCPA 2014 s.22(8).
	(6)	ABCPA 2014 s.22(10); PCA.
332	(1)	ABCPA 2014 s.23(1).
	(2)	ABCPA 2014 s.23(2).
	(3)	ABCPA 2014 s.23(3).
	(4)	ABCPA 2014 s.23(4).
	(5)	ABCPA 2014 s.23(5).
	(6)	ABCPA 2014 s.23(6).
	(7)	ABCPA 2014 s.23(7).
	(8)	ABCPA 2014 s.23(8).
333	(1)	ABCPA 2014 s.24(1).
	(2)	ABCPA 2014 s.24(2).
	(3)	ABCPA 2014 s.24(3).
	(4)	ABCPA 2014 s.24(4).
	(5)	ABCPA 2014 s.24(5); PCA.
	(6)	ABCPA 2014 s.24(6).
334	(1)	ABCPA 2014 s.25(1).
	(2)	ABCPA 2014 s.25(2).
	(3)	ABCPA 2014 s.25(3).
	(4)	ABCPA 2014 s.25(4).
	(5)	ABCPA 2014 s.25(5).
	(6)	ABCPA 2014 s.25(6).
335	(1)	ABCPA 2014 s.26(1).
	(2)	ABCPA 2014 s.26(2).
	(3)	ABCPA 2014 s.26(3).
	(4)	ABCPA 2014 s.26(4).

Provision		*Origin*
336	(1)	ABCPA 2014 s.27(1).
	(2)	ABCPA 2014 s.27(2).
	(3)	ABCPA 2014 s.27(3).
	(4)	ABCPA 2014 s.27(4).
	(5)	ABCPA 2014 s.27(5).
	(6)	ABCPA 2014 s.27(6).
337	(1)	ABCPA 2014 s.28(1).
	(2)	ABCPA 2014 s.28(2).
	(3)	ABCPA 2014 s.28(3).
	(4)	ABCPA 2014 s.28(4).
338	(1)	ABCPA 2014 s.29(1); PCA.
	(2)	ABCPA 2014 s.29(2); PCA.
	(3)	ABCPA 2014 s.29(3).
	(4)	ABCPA 2014 s.29(4).
339	(1)	ABCPA 2014 s.30(1).
	(2)	ABCPA 2014 s.30(2).
	(3)	ABCPA 2014 s.30(3).
	(4)	ABCPA 2014 s.30(4).
	(5)	ABCPA 2014 s.30(5).
	(6)	ABCPA 2014 s.30(6).
340	(1)	ABCPA 2014 s.31(1).
	(2)	ABCPA 2014 s.31(2).
	(3)	ABCPA 2014 s.31(3).
	(4)	ABCPA 2014 s.31(4).
	(5)	ABCPA 2014 s.31(5).
341	(1)	ABCPA 2014 s.32(1).
	(2)	ABCPA 2014 s.32(2).
	(3)	ABCPA 2014 s.32(3).
342		Drafting.
343	(1)	SOA 2003 s.103C(1) (part); ABCPA 2014 Sch.5 para.2; drafting.
	(2)	SOA 2003 s.103C(4) (part); ABCPA 2014 Sch.5 para.2.
344	(1)	SOA 2003 s.103B(1) (part), s.103C(4) (part), s.103E(6) (part), s.136ZC(9) (part); ABCPA 2014 Sch.5 para.2.
	(2)	SOA 2003 s.103B(8) (part), (9) (part); ABCPA 2014 Sch.5 para.2.

Provision		*Origin*
345	(1)	SOA 2003 s.103A(1) (part), (2) (part); ABCPA 2014 Sch.5 para.2; drafting.
	(2)	SOA 2003 s.103B(8) (part), (9) (part); ABCPA 2014 Sch.5 para.2.
346		SOA 2003 s.103A(2) (part); ABCPA 2014 Sch.5 para.2.
347	(1)	SOA 2003 s.103C(2) (part); ABCPA 2014 Sch.5 para.2; drafting.
	(2)	SOA 2003 s.103C(2) (part); ABCPA 2014 Sch.5 para.2; drafting.
	(3)	SOA 2003 s.103C(3) (part); ABCPA 2014 Sch.5 para.2.
348	(1)	SOA 2003 s.103D(1) (part); ABCPA 2014 Sch.5 para.2.
	(2)	SOA 2003 s.103D(3) (part); ABCPA 2014 Sch.5 para.2.
	(3)	SOA 2003 s.103D(2) (part); ABCPA 2014 Sch.5 para.2.
	(4)	SOA 2003 s.103D(4) (part); ABCPA 2014 Sch.5 para.2; drafting.
	(5)	SOA 2003 s.103D(5) (part); ABCPA 2014 Sch.5 para.2.
	(6)	SOA 2003 s.103D(6) (part); ABCPA 2014 Sch.5 para.2.
	(7)	SOA 2003 s.103D(7) (part); ABCPA 2014 Sch.5 para.2.
349	(1)	SOA 2003 s.103C(6) (part); ABCPA 2014 Sch.5 para.2; drafting.
	(2)	SOA 2003 s.136ZB(1) (part); ABCPA 2014 Sch.5 para.6.
350	(1)	SOA 2003 s.103E(1) (part); ABCPA 2014 Sch.5 para.2.
	(2)	SOA 2003 s.103E(2) (part); ABCPA 2014 Sch.5 para.2.
	(3)	SOA 2003 s.103E(3) (part); ABCPA 2014 Sch.5 para.2.
	(4)	SOA 2003 s.103E(4) (part); ABCPA 2014 Sch.5 para.2.
	(5)	SOA 2003 s.103E(4) (part); ABCPA 2014 Sch.5 para.2.
	(6)	SOA 2003 s.103E(5) (part); ABCPA 2014 Sch.5 para.2.
	(7)	SOA 2003 s.103E(7) (part); ABCPA 2014 Sch.5 para.2.
	(8)	SOA 2003 s.103E(8) (part); ABCPA 2014 Sch.5 para.2.
	(9)	SOA 2003 s.103E(9) (part); ABCPA 2014 Sch.5 para.2.
351	(1)	SOA 2003 s.136ZC(1) (part); ABCPA 2014 Sch.5 para.6.
	(2)	SOA 2003 s.136ZC(2) (part), (9) (part); ABCPA 2014 Sch.5 para.6.
	(3)	SOA 2003 s.136ZC(3) (part); ABCPA 2014 Sch.5 para.6.
	(4)	SOA 2003 s.136ZC(4) (part); ABCPA 2014 Sch.5 para.6.
	(5)	SOA 2003 s.136ZC(4) (part); ABCPA 2014 Sch.5 para.6.
	(6)	SOA 2003 s.136ZC(5) (part); ABCPA 2014 Sch.5 para.6.
	(7)	SOA 2003 s.136ZC(6) (part); ABCPA 2014 Sch.5 para.6.

Provision		*Origin*
	(8)	SOA 2003 s.136ZC(7) (part); ABCPA 2014 Sch.5 para.6.
	(9)	SOA 2003 s.136ZC(8) (part); ABCPA 2014 Sch.5 para.6.
	(10)	SOA 2003 s.136ZC(9) (part); ABCPA 2014 Sch.5 para.6.
352	(1)	SOA 2003 s.80(2) (part), s.103G(1) (part); ABCPA 2014 Sch.5 para.2.
	(2)	SOA 2003 s.80(2) (part), s.103G(2) (part); ABCPA 2014 Sch.5 para.2.
	(3)	SOA 2003 s.103G(3) (part); ABCPA 2014 Sch.5 para.2.
	(4)	SOA 2003 s.80(2) (part); drafting.
353	(1)	SOA 2003 s.103H(1) (part); ABCPA 2014 Sch.5 para.2.
	(2)	SOA 2003 s.103H(3) (part); ABCPA 2014 Sch.5 para.2.
	(3)	SOA 2003 s.103H(4) (part); ABCPA 2014 Sch.5 para.2.
354	(1)	SOA 2003 s.103I(1) (part); ABCPA 2014 Sch.5 para.2.
	(2)	SOA 2003 s.136ZA(1) (part), (2) (part); ABCPA Sch.5 para.6.
	(3)	SOA 2003 s.103I(2) (part); ABCPA 2014 Sch.5 para.2.
	(4)	SOA 2003 s.103I(3) (part); CJA 2003 s.163 (part); ABCPA 2014 Sch.5 para.2.
	(5)	SOA 2003 s.103I(4) (part); ABCPA 2014 Sch.5 para.2.
355		Drafting.
356	(1)	SOA 2003 s.103J(1) (part).
	(2)	SOA 2003 s.103J(2) (part).
	(3)	SOA 2003 s.103J(3) (part).
	(4)	SOA 2003 s.103K(1) (part); ABCPA 2014 Sch.5 para.2.
357		SOA 2003 s.132A (part); PCA 2009 s.22(2).
358		SOA 2003 s.103B(1) (part), s.103C(5) (part), s.103E(6) (part), s.136ZC(9) (part); ABCPA 2014 Sch.5 paras.2, 6.
359	(1)	PHA 1997 s.5(2) (part), s.5A(1) (part); DVCVA 2004 s.12(5).
	(2)	PHA 1997 s.5(3), s.5A(2) (part); DVCVA 2004 s.12(5).
360	(1)	PHC 1997 s.5(1) (part).
	(2)	PHA 1997 s.5(1) (part), (2); SOCPA 2005 s.125(6).
	(3)	PHA 1997 s.5(1) (part).
361	(1)	PHA 1997 s.5A(1) (part); DVCVA 2004 s.12(5); PCA.
	(2)	PHA 1997 s.5A(1) (part); DVCVA 2004 s.12(5).
	(3)	PHA 1997 s.5A(3): DVCVA 2004 s.12(5).
	(4)	PHA 1997 s.5A(4); DVCVA 2004 s.12(5).

Provision		*Origin*
	(5)	PHA 1997 s.5A(5); DVCVA 2004 s.12(5).
362	(1)	PHA 1997 s.5(4), s.5A(2) (part); DVCVA 2004 s.12(5).
	(2)	PHA 1997 s.5(4A), s.5A(2) (part); DVCVA 2004 s.12(3), (5).
363	(1)	PHA 1997 s.5(3A) (part), s.5A(2) (part); DVCVA 2004 s.12(2), (5); PCA.
	(2)	PHA 1997 s.5(3A) (part), s.5A(2) (part); DVCVA 2004 s.12(2), (5).
364	(1)	PHA 1997 s.5(5), s.5A(2) (part); DVCVA 2004 s.12(5).
	(2)	PHA 1997 s.5(6), s.5A(2) (part); DVCVA 2004 s.12(5); LASPOA 2012 s.85.
	(3)	PHA 1997 s.12(1) (part).
	(4)	PHA 1997 s.12(1) (part).
	(5)	PHA 1997 s.12(3) (part).
	(6)	PHA 1997 s.5(7), s.5A(2) (part); DVCVA 2004 s.12(4), (5).
365		PHA 1997 s.7(2) (part), (4) (part); drafting.
366	(1)	CDA 1998 s.8(4) (part); PCC(S)A 2000 Sch.1 para.9D(2); ABA 2003 s.18(2); CJA 2003 Sch.34 para.6.
	(2)	CDA 1998 s.8(5) (part); PCC(S)A 2000 Sch.1 para.9D(4); ABA 2003 s.18(2); CJA 2003 Sch.34 para.6.
	(3)	CDA 1998 s.8(7A) (part); PCC(S)A 2000 Sch.1 para.9D(5) (part); ABA 2003 s.18(3); CJA 2003 Sch.34 para.6; drafting.
367	(1)	CDA 1998 s.8(1) (part), (2) (part); drafting.
	(2)	Drafting.
	(3)	CDA 1998 s.8(6) (part), 9(1), (1A); CJA 2003 Sch.34 para.2(2).
	(4)	CDA 1998 s.8(2) (part), (6) (part).
	(5)	Drafting.
	(6)	CDA 1998 s.8(7) (part).
	(7)	CDA 1998 s.8(7A) (part); ABA 2003 s.18(3); drafting.
	(8)	CDA 1998 s.9(2) (part).
	(9)	Drafting.
	(10)	CDA 1998 s.10(4).
368	(1)	CDA 1998 s.9(2A) (part); CJA 2003 Sch.34 para.2(3).
	(2)	CDA 1998 s.9(2A) (part); CJA 2003 Sch.34 para.2(3).
	(3)	CDA 1998 s.9(2B); CJA 2003 Sch.32 para.2(3); SI 2008/912 Sch.1 para.13(4).

Provision		*Origin*
369	(1)	PCC(S)A 2000 Sch.1 para.9D(1) (part); CJA 2003 Sch.34 para.6; drafting.
	(2)	PCC(S)A 2000 Sch.1 para.9D(1) (part); CJA 2003 Sch.34 para.6.
	(3)	Drafting.
	(4)	PCC(S)A 2000 Sch.1 para.9D(3); CJA 2003 Sch.34 para.6.
	(5)	PCC(S)A 2000 Sch.1 para.9D(5); CJA 2003 Sch.34 para.6; drafting.
	(6)	PCC(S)A 2000 Sch.1 para.9D(6); CJA 2003 Sch.34 para.6.
	(7)	PCC(S)A 2000 Sch.1 para.9E(1) (part); CJA 2003 Sch.34 para.6.
	(8)	CDA 1998 s.10(2) (part); PCC(S)A 2000 Sch.1 para.9E(2) (part); CJA 2003 Sch.34 para.6.
	(9)	CDA 1998 s.10(3) (part); PCC(S)A 2000 Sch.1 para.9E(2) (part); CJA 2003 Sch.34 para.6.
370	(1)	Drafting.
	(2)	Drafting.
	(3)	Drafting.
371	(1)	CDA 1998 s.8(2) (part); drafting.
	(2)	CDA 1998 s.8(2) (part), (6) (part).
	(3)	Drafting.
	(4)	CDA 1998 s.8(7) (part).
	(5)	CDA 1998 s.8(7A) (part); ABA 2003 s.18(3); drafting.
	(6)	CDA 1998 s.9(2) (part).
372		CDA 1998 s.8(3); PCC(S)A 2000 Sch.1 para.9D(7) (part).
373	(1)	Drafting; PCC(S)A 2000 Sch.1 para.9D(7) (part).
	(2)	CDA 1998 s.9(4) (part); PCC(S)A 2000 Sch.1 para.9D(7) (part).
	(3)	CDA 1998 s.9(3); PCC(S)A 2000 Sch.1 para.9D(7) (part).
	(4)	CDA 1998 s.8(8) (part); PCC(S)A 2000 Sch.1 para.9D(7) (part).
	(5)	CDA 1998 s.8(8) (part), s.18(3A) (part), (4) (part); PCC(S)A 2000 Sch.1 para.9D(7) (part); CJCSA 2000 s.73; CA 2004 Sch.2 para.5(2); ABCPA 2014 Sch.11 para.27(3) (part); SI 2008/912 Sch.1 para.13(3), (5); PCA.
	(6)	CDA 1998 s.18(5) (part); PCC(S)A 2000 Sch.1 para.9D(7) (part); drafting.
374		CDA 1998 s.9(4) (part); PCC(S)A 2000 Sch.1 para.9D(7) (part); drafting.

Provision		*Origin*
375	(1)	CDA 1998 s.9(5) (part); PCC(S)A 2000 Sch.1 para.9D(7) (part).
	(2)	CDA 1998 s.9(5) (part), (5A); PCC(S)A 2000 Sch.1 para.9D(7) (part); PCA.
	(3)	CDA 1998 s.9(6) (part); PCC(S)A 2000 Sch.1 para.9D(7) (part).
376		CDA 1998 s.9(7) (part); PCC(S)A 2000 Sch.1 para.9D(7) (part); drafting.
377	(1)	PCC(S)A 2000 s.150(1) (part).
	(2)	PCC(S)A 2000 s.150(1) (part), (2) (part).
	(3)	PCC(S)A 2000 s.150(11).
	(4)	PCC(S)A 2000 s.150(1) (part).
	(5)	PCC(S)A 2000 s.150(1) (part).
	(6)	PCC(S)A 2000 s.150(2) (part); CJIA 2008 Sch.4 para.58.
	(7)	PCC(S)A 2000 s.150(4).
	(8)	PCC(S)A 2000 s.150(3).
	(9)	PCC(S)A 2000 s.150(7) (part); PCA.
	(10)	PCC(S)A 2000 s.150(5).
	(11)	PCC(S)A 2000 s.150(6).
	(12)	Drafting.
378	(1)	PCC(S)A 2000 s.150(8).
	(2)	PCC(S)A 2000 s.150(9).
	(3)	PCC(S)A 2000 s.150(10); PCA.
379		Drafting.
380		Drafting.
381	(1)	PCC(S)A 2000 s.137(1) (part), (1A) (part), (2) (part), (3); DVCVA 2004 Sch.10 para.51(3), (4).
	(2)	PCC(S)A 2000 s.137(1) (part), (1A) (part), (2) (part); DVCVA 2004 Sch.10 para.51(3).
	(3)	PCC(S)A 2000 s.137(4).
	(4)	PCC(S)A 2000 s.137(5).
	(5)	PCC(S)A 2000 s.137(6).
	(6)	PCC(S)A 2000 s.137(7).
382		PCC(S)A 2000 s.137(1) (part).
383	(1)	PCC(S)A 2000 s.138(3).
	(2)	PCC(S)A 2000 s.138(4) (part).
	(3)	PCC(S)A 2000 s.138(4) (part); CJA 2003 s.165(2), Sch.32 para.119(4) (part).

Provision		*Origin*
	(4)	PCC(S)A 2000 s.138(4) (part); CJA 2003 s.165(3), Sch.32 para.119(4) (part); PCA.
	(5)	PCC(S)A 2000 s.138(4) (part); CJA 2003 s.165(4), Sch.32 para.119(4) (part).
384	(1)	PCC(S)A 2000 s.154(1) (part); PCA.
	(2)	PCC(S)A 2000 s.154(2); CJA 2003 Sch.32 para.121.
	(3)	Drafting.
		PCC(S)A 2000 s.154(1) (part), (3), s.155(8) (part); LASPOA 2012 Sch.5 para.54; drafting.
385	(1)	PCC(S)A 2000 s.155(1) (part).
	(2)	PCC(S)A 2000 s.155(1) (part); CJIA 2008 Sch.8 para.28(2) (part).
	(3)	PCC(S)A 2000 s.155(1A); CJIA 2008 Sch.8 para.28(3).
	(4)	PCC(S)A 2000 s.155(4).
	(5)	PCC(S)A 2000 s.155(5);
	(6)	PCC(S)A 2000 s.155(6).
	(7)	PCC(S)A 2000 s.155(7); SI 2004/2035 Sch. para.43.
	(8)	PCC(S)A 2000 s.155(8) (part); LASPOA 2012 Sch.5 para.52(4).
386		Drafting.
387	(1)	SOCPA 2005 s.74(1) (part), (2) (part).
	(2)	SOCPA 2005 s.74(3) (part).
	(3)	SOCPA 2005 s.74(4) (part).
	(4)	SOCPA 2005 s.74(5) (part).
	(5)	SOCPA 2005 s.73(3) (part), s.74(15) (part).
	(6)	SOCPA 2005 s.74(14) (part).
	(7)	SOCPA 2005 s.73(4) (part), (7) (part), s.74(15) (part);
	(8)	SOCPA 2005 s.74(7) (part).
	(9)	Drafting.
388	(1)	SOCPA 2005 s.73(9) (part), s.74(1) (part), (3) (part), (11) (part), (15) (part).
	(2)	SOCPA 2005 s.74(2) (part), (13) (part), (16) (part); PCA.
	(3)	SOCPA 2005 s.74(3) (part).
	(4)	SOCPA 2005 s.74(4) (part).
	(5)	SOCPA 2005 s.74(6) (part).
	(6)	SOCPA 2005 s.73(5) (part), (5A) (part), s.74(15) (part);
	(7)	SOCPA 2005 s.73(3), s.74(15) (part); drafting.

Provision		*Origin*
	(8)	SOCPA 2005 s.74(14) (part), (16) (part); PCA.
	(9)	SOCPA 2005 s.73(4) (part), (7) (part), s.74(15) (part);
	(10)	SOCPA 2005 s.74(7) (part).
389	(1)	SOCPA 2005 s.74(8) (part).
	(2)	SOCPA 2005 s.74(9) (part).
	(3)	SOCPA 2005 s.74(12) (part); SI 2010/976 Sch.15 para.19; DA 2015 s.105(1).
	(4)	SOCPA 2005 s.172(3).
390	(1)	SOCPA 2005 s.75(1) (part).
	(2)	SOCPA 2005 s.75(2) (part), (6) (part); PCA.
	(3)	SOCPA 2005 s.75(3) (part), (6) (part); PCA.
	(4)	SCOPA 2005 s.75(4) (part).
	(5)	SOCPA 2005 s.75(5) (part).
391		SOCPA 2005 s.75A; PJA 2006 Sch.14 para.62.
392	(1)	Drafting.
	(2)	SOCPA 2005 s.74(10) (part), (16) (part); PCA.
	(3)	SOCPA 2005 s.74(11) (part).
393	(1)	MCA 1980 s.34(2) (part).
	(2)	MCA 1980 s.34(2) (part).
	(3)	MCA 1980 s.150(1) (part).
394	(1)	CJA 2003 s.222(1); CJIA 2008 Sch.4 para.93; ORA 2014 Sch.5 para.5 (part); SI 2008/912 Sch.1 para.19(13).
	(2)	CJA 2003 s.222(2).
	(3)	CJA 2003 s.330(6).
395	(1)	CJA 2003 s.215A(1); CCA 2013 Sch.16 para.17.
	(2)	CJA 2003 s.215A(2); CCA 2013 Sch.16 para.17.
	(3)	Drafting.
396		PCC(S)A 2000 s.159 (part); CJA 2003 s.302 (part), Sch.23 para.2.
397	(1)	CDA 1998 s.117(1); PCC(S)A 2000 s.3A(6), s.147A(10) (part), s.147B(5), s.163(1), Sch.1 para.4(1) (part), Sch.8 para.6(4) (part); CJA 2003 s.147(1), s.196(1), s.305(1), Sch.3 para.23, Sch.8 paras.9(3ZC), 10(3ZC), 19A(4); AFA 2006 Sch.16 para.231 (part); CJIA 2008 s.7(1) (part), Sch.1 para.18(8), CJIA 2008 Sch.2 para.21(5); CJA 2009 s.125(8), s.136 (part), Sch.16 para.5(1); LASPOA 2012 s.66(3) (part), (4) (part), (5); SI 2016/413 (W.131) reg.260; drafting.
	(2)	PCC(S)A 2000 s.164(2); CJA 2003 s.305(3); CJIA 2008 s.7(3).

Provision		*Origin*
	(3)	PCC(S)A 2000 s.163(2); CJA 2003 s.305(1A); TCEA 2007 Sch.13 paras.133, 155; LASPOA 2012 s.110(11).
	(4)	Drafting.
398	(1)	Drafting.
	(2)	CJA 2003 Sch.15 paras.64 (part), 153 (part), Sch.15B para.44 (part), Sch.18A para.21 (part); CTA 2008 s.94(1) (part); LASPOA 2012 Sch.18; CJCA 2015 s.2(3), (7), Sch.1 para.4; AEW(O)A 2018 s.2(5) (part); drafting.
	(3)	CJA 2003 CJA 2003 Sch.15 paras.64 (part), 65 (part), 153 (part), Sch.15B para.44 (part), Sch.18A paras.21 (part), 22 (part); CTA 2008 s.94(1) (part); LASPOA 2012 Sch.18; CJCA 2015 s.2(3), (4), (7), (10), Sch.1 para.4; AEW(O)A 2018 s.2(5) (part).
	(4)	Drafting.
	(5)	Drafting.
399	(1)	PCC(S)A 2000 s.12(1A), s.164(3); CJA 2003 s.142(2) (part), (2AA) (part), s.150(1) (part), (2) (part), s.152(1) (part), (1A) (part), s.153(1) (part), (3) (part), s.305(4); VCRA Sch.1 para.9(3), (8); CJIA 2008 Sch.26 paras.65, 72; LASPOA 2012 Sch.19 paras.10, 12, 22, Sch.26 para.22; CCA 2013 Sch.16 para.23(1); CJCA 2015 Sch.5 paras.4, 10, 13, 14, 15(3), 16; SI 2008/1587 art.2(4); drafting.
	(2)	Drafting.
400		PCC(S)A 2000 s.161(1); CJA 2003 s.305(1) (part); CJIA 2008 s.7(1) (part).
401		CJA 2003 s.142(3); SOCPA 2005 s.73(8) (part), (8A); CTA 2008 s.30(5); CJA 2009 s.136 (part); PCA.
402	(1)	PCC(S)A 2000 s.13(6) (part), (7) (part), (8) (part), Sch.1 para.5(5), Sch.8 para.2(2) (part), (4) (part); CJA 2003 s.211(3) (part), Sch.8 paras.9(1) (part), 10(1) (part), 13(2) (part), 14(2) (part), 17(3) (part), 21(2) (part), 23(2) (part), Sch.12 para.15(4) (part), (4A) (part); CJIA 2008 Sch.2 paras.6(2) (part), 8(2) (part), 11(2) (part), 12(2) (part), 16(4) (part), 18(4) (part), 19(3) (part); PCA.
	(2)	PCC(S)A 2000 s.13(6A) (part), (7) (part), Sch.8 para.2(4A) (part); CJA 2003 s.211(3A) (part), Sch.8 paras.10(1) (part), (3C), 14(2) (part), (2A) (part), 17(3) (part), (3A) (part), 23(2) (part), (2A) (part), Sch.12 para.15(4A) (part); CJIA 2008 Sch.2 paras.8(2) (part), 12(2A) (part), 16(4A) (part), 19(3A) (part); PCA.
	(3)	PCC(S)A 2000 s.13(6A) (part), (7) (part), Sch.8 para.2(4A); CJA 2003 s.211(3A) (part), Sch.8 paras.10(3C), 14(2A) (part), 17(3A) (part), 23(2A) (part), Sch.12 para.15(4A); CJIA 2008 Sch.2 paras.8(2) (part), 12(2A) (part), 16(4A) (part), 19(3A) (part); PCA.

Provision		*Origin*
403	(1)	PCC(S)A 2000 s.138(5), s.163(1) (part), Sch.1 paras.4(5) (part), 9ZA(7) (part); CJIA 2008 s.7(1A) (part); PCA; drafting.
	(2)	CDA 1998 s.18(5) (part); PCC(S)A 2000 s.163(1) (part); Sch.1 para.9D(7) (part); CJIA 2008 s.7(1B) (part); PCA; drafting.
404	(1)	PCC(S)A 2000 s.137(8) (part), Sch.1 paras.9ZA(6) (part), (7) (part), 9ZE (part), Sch.8 para.6A(6) (part); CJA 2003 s.159(6) (part), s.160(4) (part); CJIA 2008 s.7(1A) (part), (4) (part), s.37(4), Sch.4 paras.107, 108(6); SI 2016/413 (W.131) reg.167 (part); PCA.
	(2)	PCC(S)A 2000 s.137(8) (part), Sch.1 paras.9ZA(6) (part), (7) (part), 9ZE (part), Sch.8 para.6A(6) (part); CJA 2003 s.159(6) (part), s.160(4) (part); CJIA 2008 s.7(1A) (part), (4) (part), s.37(4), Sch.4 paras.107, 108(6); PCA.
	(3)	CJIA 2008 s.7(4) (part).
	(4)	PCC(S)A 2000 s.137(8A), (9), Sch.1 paras.9ZA(7), 9ZE (part), Sch.8 para.6A(7); CJA 2003 s.159(7) (part); CJIA 2008 s.7(5), s.37(3), Sch.4 paras.107, 108(6); SI 2016/413 (W.131) regs.167 (part), 168, 169, 211, 259; drafting.
405		CDA 1998 s.117(3); PCC(S)A 2000 s.164(1); SOA 2003 s.103K(2) (part); CJA 2003 s.305(2); CJIA 2008 s.7(2) (part); ABCPA 2014 Sch.5 para.2; PCA.
406	(1)	Drafting.
	(2)	MCA 1980 s.143(6) (part); POA 1985 s.29(1); PCC(S)A 2000 s.30(1), s.104B(7) (part), s.160(1) (part); CJCSA 2000 s.76(2); CJA 2003 s.330(2); SOCPA 2005 s.172(1) (part); CJIA 2008 s.147(1) (part); CTA 2008 s.96(1); CJA 2009 s.176(1); LASPOA 2012 s.77(9), s.80(7), s.87(5), Sch.7 para.8(2); CCA 2013 s.58(1); ORA 2014 s.21(4), s.22(4); SIA 2018 s.68(4).
	(3)	Drafting.
	(4)	PCC(S)A 2000 s.30(4), s.104B(7) (part); CJCSA 2000 s.76(4) (part); CJA 2003 s.330(4); CJIA 2008 s.147(2) (part); CTA 2008 s.96(2) (part); CJA 2009 s.176(3) (part); CCA 2013 s.58(12) (part); SIA 2018 s.68(3) (part); PCA.
	(5)	POA 1985 s.21F (part); PCC(S)A 2000 s.30(4), s.104B(7) (part), s.160(6); CJCSA 2000 s.76(4) (part); CJA 2003 s.330(4); CJIA 2008 s.147(2) (part); CTA 2008 s.96(2) (part); CJA 2009 s.176(3) (part); CCA 2013 s.58(12) (part); ORA 2014 s.21(2); CJCA 2015 s.54(1); SIA 2018 s.68(3) (part), s.70(2) (part); PCA.
	(6)	POA 1985 s.21F (part) ; CJCSA 2000 s.76(3), s.80(2); CJA 2003 s.330(3) (part); CJIA 2008 s.147(2) (part); CTA 2008 s.96(2) (part); CJA 2009 s.176(3) (part); CCA 2013 s.58(12) (part); CJCA 2015 s.54(1) SIA 2018 s.68(3) (part); s.70(2) (part).
	(7)	Drafting.

Provision		*Origin*
	(8)	Drafting.
	(9)	CJA 2003 s.330(5) (part); SOCPA 2005 s.172(5) (part); CJIA 2008 s.147(5) (part); LASPOA 2012 s.77(10) (part); LCR; drafting.
408	(1)	Drafting.
	(2)	PCC(S)A 2000 s.15(1A), s.17(4A), s.100(2A) (part), Sch.1 paras.6A(8), 13 (part); CJA 2003 s.223(4), s.236A(7), Sch.8 para.11A(4), Sch.12 para.12A(4); CJIA 2008 s.4(5), Sch.1 para.27(5), Sch.2 paras.10(4), 25(2), Sch.3 para.17(3); LASPOA 2012 s.67(7), s.69(3); CTA 2008 s.33(3); CJCA 2015 Sch.1 para.2; PCA.
412	(1)	PCA 1953 s.2(3); MCA 1980 s.155(6); POA 1985 s.31(7); CJA 1988 s.172(1); PHA 1997 s.14(1); CDA 1998 s.121(4), (6); PCC(S)A 2000 s.167(1); ABA 2003 s.96(1); CJA 2003 s.337(1), (7) (part); DVCVA 2004 s.62(1); CJIA 2008 s.152(1), (5); CJA 2009 s.181(1); LASPOA 2012 s.152(1), (6), Sch.26 para.17; CCA 2013 s.61(15); ORA 2014 s.23(1); ABCPA 2014 s.184(1) (part); CJCA 2015 s.96(1); AEW(O)A 2018 s.4(1); drafting.
	(2)	Drafting
	(3)	Drafting.
	(4)	SOA 2003 s.142(2) (part); CJIA 2008 s.152(3) (part); ABCPA 2014 s.113(2) (part).
	(5)	CPIA 1996 s.79(1) (part); SOA 2003 s.142(2) (part), (3) (part); CJA 2003 s.337(2) (part); LASPOA 2012 s.152(4); ABCPA 2014 s.113(2) (part); drafting.
	(6)	PCC(S)A 2000 s.167(2) (part); CJA 2003 s.337(3) (part), (7) (part).
413	(1)	CJA 2003 s.338(1); CJA 2009 s.181(7); LASPOA 2012 s.153(3); CCA 2013 s.61(20), (22); ORA 2014 s.23(7); CJCA 2015 s.97(3).
	(2)	CJA 2003 s.338(2); drafting.
	(3)	CJA 2003 s.338(4); drafting.
414		Drafting.
415	(1)	Drafting.
	(2)	Drafting.
	(3)	CJA 2003 s.336(3); CJIA 2008 s.153(7); CJA 2009 s.182(5); ORA 2014 s.22(1); DA 2015 s.105(1); SIA 2018 s.70(1).
	(4)	CJCSA 2000 s.80(1); Law Commission Recommendation (to be drafted: transitory provision to come into force by regulation).
	(5)	CJIA 2008 s.153(4) (part).
	(6)	Drafting.
	(7)	Drafting.

Provision		*Origin*
	(8)	Drafting.
	(9)	Drafting.
	(10)	Drafting.
	(11)	Drafting.
	(12)	Drafting.
	(13)	PCC(S)A 2000 s.160(3) (part).
	(14)	Drafting.
Sch.1		CTA 2008 Sch.2 (part).
Sch.2		
	para.1	PCC(S)A s.13(1) (part).
	para.2	PCC(S)A 2000 s.15(2).
	para.3(1)	PCC(S)A 2000 s.13(1) (part), (2) (part), (3) (part); SI 2005/886 Sch. para.64 (part).
	para.3(2)	PCC(S)A 2000 s.13(1) (part), (3) (part).
	para.3(3)	PCC(S)A 2000 s.13(4).
	para.4(1)	PCC(S)A 2000 s.13(1) (part), (2) (part).
	para.4(2)	PCC(S)A 2000 s.13(1) (part).
	para.4(3)	PCC(S)A 2000 s.13(4).
	para.5(1)	PCC(S)A 2000 s.13(8) (part).
	para.5(2)	PCC(S)A 2000 s.13(6) (part); PCA.
	para.5(3)	PCC(S)A 2000 s.13(8) (part); PCA.
	para.5(4)	PCC(S)A 2000 s.13(5); SI 2005/886 Sch. para.64 (part); PCA.
	para.5(5)	Drafting.
	para.6(1)	PCC(S)A 2000 s.13(6) (part), (10) (part).
	para.6(2)	PCC(S)A 2000 s.13(6) (part); PCA.
	para.7(1)	PCC(S)A 2000 s.13(6) (part), (7) (part), (10) (part).
	para.7(2)	PCC(S)A 2000 s.13(6) (part), (6A) (part), (7) (part); PCA.
	para.7(3)	PCC(S)A 2000 s.15(3).
	para.7(4)	RTOA 1988 s.25(4) (part); PCC(S)A 2000 s.7(3) (part), Sch.9 para.118.
Sch.3		
	para.1	Drafting.
	para.2	PCC(S)A 2000 s.23(2) (part); drafting.
	para.3	PCC(S)A 2000 s.23(2) (part); drafting.
	para.4	PCC(S)A 2000 s.23(2) (part); drafting.

Provision		*Origin*
	para.5	PCC(S)A 2000 s.23(3).
	para.6	PCC(S)A 2000 s.23(4).
	para.7	PCC(S)A 2000 s.23(2) (part), (4) (part).
Sch.4		
	para.1	PCC(S)A 2000 Sch.1 paras.1(1), 9ZB(1) (part); CJIA 2008 s.37(3).
	para.2	PCC(S)A 2000 Sch.1 paras.2, 9ZC; CJIA 2008 s.37(3); drafting.
	para.3(1)	PCC(S)A 2000 Sch.1 paras.3(1) (part), 9ZE (part); CJIA 2008 s.37(3); drafting.
	para.3(2)	PCC(S)A 2000 Sch.1 paras.3(2), (3), 9ZE (part); CJIA 2008 s.37(3); SI 2005/886 Sch. para.81 (part); drafting.
	para.4(1)	PCC(S)A 2000 Sch.1 para.4(1) (part).
	para.4(2)	PCC(S)A 2000 Sch.1 para.4(1) (part).
	para.4(3)	PCC(S)A 2000 Sch.1 para.4(1) (part).
	para.5(1)	PCC(S)A 2000 Sch.1 para.4(2); drafting.
	para.5(2)	PCC(S)A 2000 Sch.1 para.4(3); drafting.
	para.5(3)	PCC(S)A 2000 Sch.1 para.4(4).
	para.5(4)	PCC(S)A 2000 Sch.1 para.4(5) (part); drafting.
	para.5(5)	PCC(S)A 2000 Sch.1 para.4(5) (part).
	para.6	Drafting.
	para.7(1)	PCC(S)A 2000 Sch.1 para.5(1) (part); drafting.
	para.7(2)	PCC(S)A 2000 Sch.1 para.5(1) (part), (2).
	para.7(3)	PCC(S)A 2000 Sch.1 para.5(3); CJCA 2015 s.44(3) (part); PCA; drafting.
	para.7(4)	PCC(S)A 2000 Sch.1 para.5(4), (5) (part); PCA; drafting.
	para.7(5)	PCC(S)A 2000 Sch.1 para.5(5) (part); PCA; drafting.
	para.7(6)	PCC(S)A 2000 Sch.1 para.5(6).
	para.8	PCC(S)A 2000 Sch.1 para.6; drafting.
	para.9(1)	PCC(S)A 2000 Sch.1 para.6A(1), (5); CJCA 2015 s.43(1); drafting.
	para.9(2)	PCC(S)A 2000 Sch.1 para.6A(2) (part), (3), (4) (part); CJCA 2015 s.43(1).
	para.9(3)	PCC(S)A 2000 Sch.1 para.6A(2) (part); CJCA 2015 s.43(1).
	para.9(4)	PCC(S)A 2000 Sch.1 para.6A(4) (part); CJCA 2015 s.43(1).
	para.9(5)	PCC(S)A 2000 Sch.1 para.6A(6); CJCA 2015 s.43(1).

Provision	*Origin*
para.10(1)	PCC(S)A 2000 Sch.1 para.7(1); drafting.
para.10(2)	PCC(S)A 2000 Sch.1 para.7(2); drafting.
para.10(3)	PCC(S)A 2000 Sch.1 para.7(3); drafting.
para.10(4)	PCC(S)A 2000 Sch.1 para.9 (part); PCA.
para.11(1)	PCC(S)A 2000 Sch.1 para.8 (part).
para.11(2)	PCC(S)A 2000 Sch.1 para.8 (part).
para.11(3)	PCC(S)A 2000 Sch.1 para.9 (part); PCA.
para.12(1)	PCC(S)A 2000 Sch.1 paras.9ZB(1) (part), 9ZD(4) (part); CJIA 2008 s.37(3).
para.12(2)	PCC(S)A 2000 Sch.1 para.9ZD(1), (2); CJIA 2008 s.37(3).
para.12(3)	PCC(S)A 2000 Sch.1 para.9ZD(3); CJIA 2008 s.37(3); PCA.
para.13(1)	PCC(S)A 2000 Sch.1 paras.9ZA(1), 9ZE (part); CJIA 2008 s.37(3), Sch.4 para.107.
para.13(2)	PCC(S)A 2000 Sch.1 paras.9ZA(2) (part), 9ZE (part); CJIA 2008 s.37(3), Sch.4 para.107.
para.13(3)	PCC(S)A 2000 Sch.1 paras.9ZA(2) (part), 9ZE (part); CJIA 2008 s.37(3), Sch.4 para.107.
para.13(4)	PCC(S)A 2000 Sch.1 paras.9ZA(3), 9ZE (part); CJIA 2008 s.37(3), Sch.4 para.107.
para.13(5)	PCC(S)A 2000 Sch.1 paras.9ZA(4), (5), 9ZE (part); CJIA 2008 s.37(3), Sch.4 para.107.
para.13(6)	PCC(S)A 2000 Sch.1 paras.9ZA(8), 9ZE (part); CJIA 2008 s.37(3), Sch.4 para.107; drafting.
para.13(7)	PCC(S)A 2000 Sch.1, paras 9ZA(9), 9ZE (part); CJIA 2008 s.37(3), Sch.4 para.107.
para.14	PCC(S)A 2000 Sch.1 paras.10(1) (part), 14(1) (part), 15(1) (part); CJCA 2015 s.44(1); drafting.
para.15(1)	PCC(S)A 2000 Sch.1 para.10(1) (part), (4) (part).
para.15(2)	PCC(S)A 2000 Sch.1 para.10(1) (part); CJCA 2015 s.44(1); drafting.
para.15(3)	PCC(S)A 2000 Sch.1 para.10(2), (3); CJCA 2015 s.44(1).
para.16(1)	PCC(S)A 2000 Sch.1 para.13(2) (part).
para.16(2)	PCC(S)A 2000 Sch.1 para.13(3), (4) (part), (5); drafting.
para.16(3)	PCC(S)A 2000 Sch.1 para.13(4) (part); drafting.
para.17(1)	PCC(S)A 2000 Sch.1 para.14(1) (part); CJCA 2015 s.44(3) (part), s.45(2) (part).
para.17(2)	PCC(S)A 2000 Sch.1 para.14(2), (3); CJCA 2015 s.45(2) (part); PCA.

Provision		*Origin*
	para.17(3)	PCC(S)A 2000 Sch.1 para.14(2A); CJCA 2015 s.45(2) (part); PCA.
	para.17(4)	PCC(S)A 2000 Sch.1 para.14(4); PCA; drafting.
	para.17(5)	PCC(S)A 2000 Sch.1 para.14(1) (part).
Sch.5		
	para.1(1)	PCC(S)A 2000 Sch.8 paras.2(1) (part), 6(1) (part); CJIA 2008 Sch.4 para.108(5) (part); drafting.
	para.1(2)	PCC(S)A 2000 Sch.8 para.2(1) (part); PCA.
	para.1(3)	PCC(S)A 2000 Sch.8 para.2(1) (part); CJIA 2008 Sch.4 para.108(3); drafting.
	para.1(4)	PCC(S)A 2000 Sch.8 para.6(1) (part).
	para.2(1)	PCC(S)A 2000 Sch.8 para.2(1) (part).
	para.2(2)	PCC(S)A 2000 Sch.8 para.2(2); PCA.
	para.2(3)	PCC(S)A 2000 Sch.8 para.2(3); PCA.
	para.2(4)	PCC(S)A 2000 Sch.8 para.6(1) (part).
	para.2(5)	Drafting.
	para.2(6)	PCC(S)A 2000 Sch.8 para.2(7) (part).
	para.2(7)	PCC(S)A 2000 Sch.8 para.2(6).
	para.2(8)	PCC(S)A 2000 s.137(2) (part); drafting.
	para.3(1)	PCC(S)A 2000 Sch.8 para.2(4) (part).
	para.3(2)	PCC(S)A 2000 Sch.8 para.2(4) (part), (4A) (part); PCA.
	para.3(3)	PCC(S)A 2000 Sch.8 para.2(5).
	para.3(4)	PCC(S)A 2000 Sch.8 para.2(7) (part).
	para.3(5)	PCC(S)A 2000 Sch.8 para.6(1) (part).
	para.3(6)	Drafting.
	para.3(7)	PCCC(S)A 2000 Sch.8 para.2(8A); PCA.
	para.4	PCC(S)A 2000 Sch.8 para.2(8) (part); PCA.
	para.5(1)	PCC(S)A 2000 Sch.8 para.5(1) (part); CJIA 2008 Sch.4 paras.62(7) (part), 108(4) (part).
	para.5(2)	PCC(S)A 2000 Sch.8 para.5(4); CJIA 2008 Sch.4 para.108(4) (part).
	para.5(3)	PCC(S)A 2000 Sch.8 para.6(1) (part); CJIA 2008 Sch.4 para.108(5) (part).
	para.5(4)	PCC(S)A 2000 Sch.8 para.5(1) (part); PCA.
	para.5(5)	PCC(S)A 2000 Sch.8 para.5(1) (part); PCA.
	para.5(6)	PCC(S)A 2000 Sch.8 para.6(1) (part), (9).
	para.5(7)	PCC(S)A 2000 Sch.8 para.5(3); CJIA 2008 Sch.4 paras.62(7) (part), 108(4) (part).

Provision		*Origin*
	para.6(1)	PCC(S)A 2000 Sch.8 para.6(2) (part).
	para.6(2)	PCC(S)A 2000 Sch.8 para.6(2) (part).
	para.6(3)	MCA 1980 s.55(3) (part), s.150(1) (part); PCC(S)A 2000 Sch.8 para.6(2) (part), (3) (part); CA 2003 Sch.8 para.250(3); PCA.
	para.6(4)	PCC(S)A 2000 Sch.8 para.6(2) (part); drafting.
	para.7(1)	PCC(S)A 2000 Sch.8 para.6(4) (part); CJIA 2008 Sch.4 para.108(5) (part).
	para.7(2)	PCC(S)A 2000 Sch.8 para.6(4) (part).
	para.7(3)	PCC(S)A 2000 Sch.8 para 6(4) (part).
	para.7(4)	PCC(S)A 2000 s.163(1) (part), Sch.8 para.6(5) (part).
	para.7(5)	PCC(S)A 2000 Sch.8 para.6(6A); PCA.
	para.7(6)	PCC(S)A 2000 s.163(1) (part), Sch.8 para.6(8) (part).
	para.7(7)	PCC(S)A 2000 Sch.8 para.6(8) (part); drafting.
	para.8(1)	PCC(S)A 2000 Sch.8 para.6A(1); CJIA 2008 Sch.4 para.108(6).
	para.8(2)	PCC(S)A 2000 Sch.8 para.6A(2) (part); CJIA 2008 Sch.4 para.108(6).
	para.8(3)	PCC(S)A 2000 Sch.8 para.6A(2) (part); CJIA 2008 Sch.4 para.108(6).
	para.8(4)	PCC(S)A 2000 Sch.8 para.6A(3); CJIA 2008 Sch.4 para.108(6).
	para.8(5)	PCC(S)A 2000 Sch.8 para.6A(4), (5); CJIA 2008 Sch.4 para.108(6).
	para.8(6)	PCC(S)A 2000 Sch.8 para.6A(8); CJIA 2008 Sch.4 para.108(6).
	para.8(7)	PCC(S)A 2000 Sch.8 para.6A(9); CJIA 2008 Sch.4 para.108(6).
	Part 3	PCC(S)A 2000 Sch.8 para.7; CJIA 2008 Sch.4 para.62(9).
Sch.6		
	para.1(1)	CJIA 2008 Sch.1 para.6(1) (part); drafting.
	para.1(2)	CJIA 2008 Sch.1 para.6(1) (part); drafting.
	para.1(3)	CJIA 2008 Sch.1 paras.3(2) (part), 6(2).
	para.2(1)	CJIA 2008 Sch.1 para.3(2) (part), (3).
	para.2(2)	CJIA 2008 Sch.1 para.3(2) (part).
	para.2(3)	Drafting.
	para.3(1)	CJIA 2008 Sch.1 para.6(1) (part), (3) (part); drafting.
	para.3(2)	CJIA 2008 Sch.1 para.6(3) (part).
	para.4(1)	CJIA 2008 Sch.1 para.6(1) (part), (3) (part); drafting.

Provision	*Origin*
para.4(2)	CJIA 2008 Sch.1 para.6(3) (part).
para.4(3)	CJIA 2008 Sch.1 para.8(2) (part).
para.5(1)	CJIA 2008 Sch.1 para.6(1) (part), (4).
para.5(2)	CJIA 2008 Sch.1 para.6(5).
para.6(1)	CJIA 2008 Sch.1 paras.6(1) (part), 7(3) (part).
para.6(2)	CJIA 2008 Sch.1 para.6(1) (part).
para.6(3)	CJIA 2008 Sch.1 para.7(1), 8(2) (part).
para.6(4)	CJIA 2008 Sch.1 para.7(2).
para.6(5)	CJIA 2008 Sch.1 para.8(2) (part).
para.6(6)	CJIA 2008 Sch.1 para.7(3) (part).
para.6(7)	CJIA 2008 Sch.1 para.7(3) (part).
para.6(8)	CJIA 2008 Sch.1 para.7(3) (part), (4) (part).
para.6(9)	CJIA 2008 Sch.1 para.7(4) (part).
para.7	CJIA 2008 Sch.1 para.8(1).
para.8	CJIA 2008 Sch.1 para.8(3), (4); PCA.
para.9	CJIA 2008 Sch.1 para.9.
para.10(1)	CJIA 2008 Sch.1 para.10(1), (5), (6) (part).
para.10(2)	CJIA 2008 Sch.1 para.10(2) (part).
para.10(3)	CJIA 2008 Sch.1 para.10(2) (part); drafting.
para.10(4)	CJIA 2008 Sch.1 para.10(2) (part), (6) (part).
para.11(1)	CJIA 2008 Sch.1 para.10(3) (part).
para.11(2)	CJIA 2008 Sch.1 para.10(3) (part), (4).
para.12(1)	CJIA 2008 Sch.1 para.11(1) (part), (2) (part).
para.12(2)	CJIA 2008 Sch.1 para.11(1) (part), (2) (part).
para.12(3)	CJIA 2008 Sch.1 para.11(2) (part).
para.12(4)	CJIA 2008 Sch.1 para.11(5).
para.13(1)	CJIA 2008 Sch.1 para.11(3); drafting.
para.13(2)	CJIA 2008 Sch.1 para.11(4); PCA.
para.14(1)	CJIA 2008 Sch.1 para.12(1) (part).
para.14(2)	CJIA 2008 Sch.1 para.12(1) (part).
para.14(3)	CJIA 2008 Sch.1 para.12(2).
para.14(4)	CJIA 2008 Sch.1 para.12(4).
para.14(5)	CJIA 2008 Sch.1 para.12(5).
para.14(6)	CJIA 2008 Sch.1 para.12(6).
para.14(7)	CJIA 2008 Sch.1 para.12(7).

Provision	*Origin*
para.15	CJIA 2008 Sch.1 para.12(3); PCA.
para.16(1)	CJIA 2008 Sch.1 para.13(1) (part).
para.16(2)	CJIA 2008 Sch.1 para.13(1) (part).
para.16(3)	CJIA 2008 Sch.1 para.13(3).
para.17	CJIA 2008 Sch.1 para.13(2).
para.18(1)	CJIA 2008 Sch.1 para.14(1) (part).
para.18(2)	CJIA 2008 Sch.1 para.14(1) (part).
para.18(3)	CJIA 2008 Sch.1 para.14(2) (part).
para.18(4)	CJIA 2008 Sch.1 para.14(2) (part); LASPOA 2012 s.81(2).
para.18(5)	CJIA 2008 Sch.1 para.14(3); LASPOA 2012 s.81(3).
para.19(1)	CJIA 2008 Sch.1 para.14(4) (part); PCA.
para.19(2)	CJIA 2008 Sch.1 para.14(4) (part).
para.19(3)	CJIA 2008 Sch.1 para.2(1) (part), (2) (part).
para.20(1)	CJIA 2008 Sch.1 para.15(1) (part).
para.20(2)	CJIA 2008 Sch.1 para.15(1) (part).
para.20(3)	CJIA 2008 Sch.1 para.15(2).
para.20(4)	CJIA 2008 Sch.1 para.15(3); drafting.
para.20(5)	CJIA 2008 Sch.1 para.15(4).
para.21	CJIA 2008 Sch.1 para.2(1) (part), (2) (part).
para.22(1)	CJIA 2008 Sch.1 para.16(1) (part), (5) (part).
para.22(2)	CJIA 2008 Sch.1 para.16(1) (part).
para.22(3)	CJIA 2008 Sch.1 para.16(1) (part), (3), (5) (part).
para.23(1)	CJIA 2008 Sch.1 para.16(2).
para.23(2)	CJIA 2008 Sch.1 para.16(4).
para.23(3)	CJIA 2008 Sch.1 para.16(6).
para.23(4)	CJIA 2008 Sch.1 para.16(7).
para.23(5)	Drafting.
para.24(1)	CJIA 2008 Sch.1 para.17(1) (part).
para.24(2)	CJIA 2008 Sch.1 para.17(2) (part).
para.24(3)	CJIA 2008 Sch.1 para.17(1) (part), (2) (part).
para.24(4)	CJIA 2008 Sch.1 para.17(6).
para.24(5)	CJIA 2008 Sch.1 para.17(5).
para.25	CJIA 2008 Sch.1 paras.4(2), (3), 18(7), 19(1) (part), (2) (part), (3) (part); LASPOA 2012 Sch.5 para.69.
para.26(1)	CJIA 2008 Sch.1 para.18(1) (part).

Provision	*Origin*
para.26(2)	CJIA 2008 Sch.1 para.18(1) (part), (3); CYPA 2008 Sch.1 para.21; SI 2016/413 (W.131) reg.260 (part).
para.26(3)	CJIA 2008 Sch.1 para.18(2).
para.26(4)	CJIA 2008 Sch.1 para.18(4).
para.26(5)	CJIA 2008 Sch.1 para.18(5) (part).
para.26(6)	CJIA 2008 Sch.1 para.18(5) (part).
para.26(7)	CJIA 2008 Sch.1 para.18(6).
para.27	CJIA 2008 Sch.1 paras.4(2), (3), 18(7), 19(1) (part), (2) (part), (3) (part); LASPOA 2012 Sch.5 para.69; PCA.
para.28(1)	CJIA 2008 Sch.1 para.20(1) (part), (2) (part); drafting.
para.28(2)	CJIA 2008 Sch.1 para.20(1) (part), (2) (part); SI 2009/1182 Sch.5 para.10 (part); SI 2018/195 (W.44) reg.40; PCA.
para.28(3)	CJIA 2008 Sch.1 para.20(1) (part), (2) (part); SI 2009/1182 Sch.5 para.10 (part); PCA.
para.28(4)	CJIA 2008 Sch.1 para.20(2) (part), (4A), (6) (part); SI 2009/1182 Sch.5 para.10 (part); SI 2010/813 art.20 (part); SI 2018/195 (W.44) reg.40; PCA.
para.28(5)	CJIA 2008 Sch.1 para.20(4).
para.29(1)	CJIA 2008 Sch.1 para.20(3) (part).
para.29(2)	CJIA 2008 Sch.1 para.20(3) (part); LASPOA 2012 s.82(2) (part).
para.29(3)	CJIA 2008 Sch.1 para.20(3) (part); drafting.
para.29(4)	CJIA 2008 Sch.1 para.20(3) (part).
para.30(1)	CJIA 2008 Sch.1 para.21(1) (part); SI 2009/1182 Sch.5 para.10 (part).
para.30(2)	CJIA 2008 Sch.1 para.21(2).
para.30(3)	CJIA 2008 Sch.1 para.21(3).
para.30(4)	CJIA 2008 Sch.1 para.21(4).
para.30(5)	CJIA 2008 Sch.1 paras.20(6) (part), 21(1) (part); SI 2009/1182 Sch.5 para.10 (part); PCA.
para.31(1)	CJIA 2008 Sch.1 para.22(1) (part), (3) (part).
para.31(2)	CJIA 2008 Sch.1 para.22(1) (part).
para.31(3)	CJIA 2008 Sch.1 para.22(1) (part), (3) (part).
para.32(1)	CJIA 2008 Sch.1 para.22(2) (part), (4) (part).
para.32(2)	CJIA 2008 Sch.1 para.22(2) (part).
para.32(3)	CJIA 2008 Sch.1 para.22(4) (part); PCA.
para.32(4)	CJIA 2008 Sch.1 para.22(4) (part); drafting.
para.32(5)	CJIA 2008 Sch.1 para.22(4) (part).

Provision	*Origin*
para.32(6)	CJIA 2008 Sch.1 para.22(4) (part).
para.33	CJIA 2008 Sch.1 para.22(5).
para.34(1)	CJIA 2008 Sch.1 para.23(1).
para.34(2)	CJIA 2008 Sch.1 para.23(4).
para.34(3)	CJIA 2008 Sch.1 para.23(5).
para.34(4)	CJIA 2008 Sch.1 para.23(2).
para.35(1)	CJIA 2008 Sch.1 para.23(3) (part).
para.35(2)	CJIA 2008 Sch.1 para.23(3) (part).
para.35(3)	CJIA 2008 Sch.1 para.23(3) (part); PCA.
para.35(4)	CJIA 2008 Sch.1 para.23(3) (part).
para.36(1)	CJIA 2008 Sch.1 para.24(1) (part), (3) (part).
para.36(2)	CJIA 2008 Sch.1 para.24(1) (part).
para.36(3)	CJIA 2008 Sch.1 para.24(1) (part), (3) (part).
para.37(1)	CJIA 2008 Sch.1 para.24(2) (part), (4) (part).
para.37(2)	CJIA 2008 Sch.1 para.24(2) (part).
para.37(3)	CJIA 2008 Sch.1 para.24(4) (part); drafting.
para.37(4)	CJIA 2008 Sch.1 para.24(4) (part).
para.37(5)	CJIA 2008 Sch.1 para.24(4) (part).
para.38	CJIA 2008 Sch.1 para.24(5), (6).
para.39(1)	CJIA 2008 Sch.1 para.25(1), (2); SI 2010/1158 Sch.2 para.63(2) (part).
para.39(2)	CJIA 2008 Sch.1 para.25(1) (part); (2) (part).
para.39(3)	CJIA 2008 Sch.1 para.25(3), (6) (part); SI 2010/1158 Sch.2 para.63(2) (part).
para.39(4)	CJIA 2008 Sch.1 para.25(5).
para.39(5)	CJIA 2008 Sch.1 para.25(6) (part).
para.40	CJIA 2008 Sch.1 para.25(4); SI 2010/1158 Sch.2 para.63(2) (part).
para.41	CJIA 2008 Sch.1 para.26(1) (part).
para.42(1)	CJIA 2008 Sch.1 para.26(4).
para.42(2)	CJIA 2008 Sch.1 para.26(5); DA 2015 s.105(1).
para.43(1)	CJIA 2008 Sch.1 para.26(1) (part).
para.43(2)	CJIA 2008 Sch.1 para.26(2) (part).
para.43(3)	CJIA 2008 Sch.1 para.26(2) (part).
para.44(1)	CJIA 2008 Sch.1 para.26(3).
para.44(2)	CJIA 2008 Sch.1 para.26(6); PCA; drafting.

Provision	*Origin*
para.44(3)	CJIA 2008 Sch.1 para.26(7).
Sch.7	
para.1(1)	CJIA 2008 Sch.2 para.1(2) (part).
para.1(2)	CJIA 2008 Sch.2 para.1(3).
para.2	CJIA 2008 Sch.2 paras.5(2) (part), 11(1) (part), 12(1) (part), 13(1) (part), 14(1) (part), 16A(5) (part), 18(2) (part), (8) (part), (10) (part); LASPOA 2012 s.83(5); drafting.
para.3	CJIA 2008 Sch.2 para.2.
para.4(1)	CJIA 2008 Sch.2 paras.3(1) (part), 4(3) (part).
para.4(2)	CJIA 2008 Sch.2 para.4(1) (part).
para.4(3)	CJIA 2008 Sch.2 para.4(1) (part), (2).
para.4(4)	CJIA 2008 Sch.2 paras.3(1) (part), 4(3) (part).
para.4(5)	CJIA 2008 Sch.2 para.3(2).
para.4(6)	CJIA 2008 Sch.2 paras.3(4), 4(4).
para.4(7)	CJIA 2008 Sch.2 para.3(3).
para.5(1)	CJIA 2008 Sch.2 para.5(1) (part).
para.5(2)	CJIA 2008 Sch.2 para.5(1) (part).
para.5(3)	CJIA 2008 Sch.2 para.5(2) (part).
para.5(4)	CJIA 2008 Sch.2 para.5(3).
para.5(5)	CJIA 2008 Sch.2 para.5(4).
para.5(6)	CJIA 2008 Sch.2 para.5(5).
para.5(7)	CJIA 2008 Sch.2 para.5(6).
para.5(8)	CJIA 2008 Sch.2 para.5(7).
para.6(1)	CJIA 2008 Sch.2 para.6(1); drafting.
para.6(2)	Drafting.
para.6(3)	CJIA 2008 Sch.2 para.7(1), (2); PCA.
para.6(4)	CJIA 2008 Sch.2 para.7(3).
para.6(5)	CJIA 2008 Sch.2 para.6(2) (part); LASPOA 2012 s.84(2); PCA.
para.6(6)	CJIA 2008 Sch.2 para.6(2) (part); PCA.
para.6(7)	CJIA 2008 Sch.2 para.6(3).
para.6(8)	CJIA 2008 Sch.2 para.6(4).
para.6(9)	CJIA 2008 Sch.2 para.6(10); drafting.
para.6(10)	CJIA 2008 Sch.2 para.6(11).
para.6(11)	CJIA 2008 Sch.2 para.6(16).
para.7(1)	CJIA 2008 Sch.2 para.8(1); drafting.

Provision	*Origin*
para.7(2)	CJIA 2008 Sch.2 para.8(2) (part); LASPOA 2012 s.84(3); PCA.
para.7(3)	CJIA 2008 Sch.2 para.8(2) (part); PCA.
para.7(4)	CJIA 2008 Sch.2 para.8(3).
para.7(5)	CJIA 2008 Sch.2 para.8(4).
para.7(6)	CJIA 2008 Sch.2 para.8(10).
para.7(7)	CJIA 2008 Sch.2 para.8(15).
para.8(1)	CJIA 2008 Sch.2 para.9(1) (part), (2) (part).
para.8(2)	CJIA 2008 Sch.2 para.9(2) (part).
para.8(3)	CJIA 2008 Sch.2 para.9(1) (part).
para.9(1)	CJIA 2008 Sch.2 paras.6(5), 8(5).
para.9(2)	PCC(S)A 2000 s.137(2) (part); CJIA 2008 Sch.4 para.57 (part); drafting.
para.10(1)	Drafting.
para.10(2)	CJIA 2008 Sch.2 para.23 (part); PCA; drafting.
para.10(3)	CJIA 2008 Sch.2 paras.6(6), 8(6); LASPOA 2012 s.83(2) (part), (3) (part).
para.10(4)	CJIA 2008 Sch.2 paras.6(6A), 8(6A); LASPOA 2012 s.83(2) (part), (3) (part).
para.10(5)	CJIA 2008 Sch.2 paras.6(6B), 8(6B); LASPOA 2012 s.83(2) (part), (3) (part).
para.10(6)	CJIA 2008 Sch.2 paras.6(6C), 8(6C); LASPOA 2012 s.83(2) (part), (3) (part).
para.10(7)	CJIA 2008 Sch.2 paras.6(7), 8(7).
para.10(8)	CJIA 2008 Sch.2 paras.6(8), 8(8).
para.10(9)	CJIA 2008 Sch.2 paras.6(9) (part), 8(9) (part).
para.10(10)	CJIA 2008 Sch.1 para.18(2) (part); Sch.2 paras.6(9) (part), 8(9) (part).
para.11(1)	CJIA 2008 Sch.2 paras.6(12), 8(11).
para.11(2)	CJIA 2008 s.1(4) (part), Sch.2 paras.6(13), 8(12).
para.11(3)	CJIA 2008 Sch.2 paras.6(14), 8(13).
para.11(4)	CJIA 2008 Sch.2 paras.6(15), 8(14).
para.12(1)	CJIA 2008 Sch.2 para.11(1) (part).
para.12(2)	CJIA 2008 Sch.2 para.11(8).
para.12(3)	CJIA 2008 Sch.2 para.11(6); PCA.
para.12(4)	CJIA 2008 Sch.2 para.20(1) (part), (2) (part); PCA; drafting.
para.12(5)	CJIA 2008 Sch.2 para.11(2) (part); PCA.

Provision	*Origin*
para.12(6)	CJIA 2008 Sch.2 para.11(3).
para.12(7)	CJIA 2008 Sch.2 para.11(4).
para.12(8)	CJIA 2008 Sch.2 para.11(5).
para.12(9)	CJIA 2008 Sch.2 para.11(7).
para.13(1)	CJIA 2008 Sch.2 para.12(1).
para.13(2)	CJIA 2008 Sch.2 para.12(5); PCA.
para.13(3)	CJIA 2008 Sch.2 para.20(1) (part), (2) (part); PCA.
para.13(4)	CJIA 2008 Sch.2 para.12(2) (part); PCA.
para.13(5)	CJIA 2008 Sch.2 para.12(3).
para.13(6)	CJIA 2008 Sch.2 para.12(4).
para.13(7)	CJIA 2008 Sch.2 para.12(6).
para.14	CJIA 2008 Sch.2 paras.13(6), 14(1) (part), 16A(5), (6) (part), 17 (part); PCA; drafting.
para.15(1)	CJIA 2008 Sch.2 paras.13(1) (part), 14(1) (part).
para.15(2)	CJIA 2008 Sch.2 paras.13(2), (3), 14(2), (3).
para.15(3)	CJIA 2008 Sch.2 paras.13(4) (part), (5), 14(4) (part), (5); PCA.
para.15(4)	CJIA 2008 Sch.2 paras.13(4) (part), 14(4) (part); PCA.
para.16(1)	CJIA 2008 Sch.2 para.15(2) (part), (3) (part); drafting.
para.16(2)	CJIA 2008 Sch.2 para.15(1), (2) (part), (3) (part).
para.16(3)	CJIA 2008 Sch.2 para.15(2) (part); drafting.
para.16(4)	CJIA 2008 Sch.2 para.15(3) (part);.
para.16(5)	CJIA 2008 Sch.2 para.15(4) (part).
para.16(6)	CJIA 2008 Sch.2 para.15(4) (part).
para.17(1)	CJIA 2008 Sch.2 para.20(1) (part), (2) (part); PCA.
para.17(2)	CJIA 2008 Sch.2 para.20(1) (part).
para.17(3)	CJIA 2008 Sch.2 para.16(1); LASPOA 2012 s.83(4).
para.17(4)	CJIA 2008 Sch.2 para.23 (part); PCA; drafting.
para.17(5)	CJIA 2008 Sch.1 para.18(2) (part); Sch.2 para.16(2) (part).
para.17(6)	CJIA 2008 Sch.1 para.18(2) (part); Sch.2 para.16(2) (part).
para.17(7)	CJIA 2008 Sch.2 para.16(3).
para.17(8)	CJIA 2008 Sch.2 para.16(4) (part); PCA.
para.17(9)	CJIA 2008 Sch.2 para.16(5).
para.18(1)	CJIA 2008 Sch.2 para.16A(1); LASPOA 2012 s.83(5).
para.18(2)	CJIA 2008 Sch.2 para.20(1) (part).

Provision	*Origin*
para.18(3)	CJIA 2008 Sch.2 para.16A(2); LASPOA 2012 s.83(5).
para.18(4)	CJIA 2008 Sch.2 para.16A(3); LASPOA 2012 s.83(5).
para.19(1)	CJIA 2008 Sch.2 para.17 (part).
para.19(2)	CJIA 2008 Sch.2 para.17 (part).
para.19(3)	CJIA 2008 Sch.2 para.20(1) (part).
para.20	CJIA 2008 Sch.2 para.18(1).
para.21(1)	CJIA 2008 Sch.2 para.18(2) (part).
para.21(2)	CJIA 2008 Sch.2 para.18(3), (4) (part), (5); PCA.
para.21(3)	CJIA 2008 Sch.2 para.20(1) (part), (3) (part); PCA.
para.21(4)	CJIA 2008 Sch.2 para.20(1) (part).
para.21(5)	CJIA 2008 Sch.2 para.18(6).
para.21(6)	CJIA 2008 Sch.2 para.18(7).
para.22(1)	CJIA 2008 Sch.2 para.18(8) (part).
para.22(2)	CJIA 2008 Sch.2 para.18(9); PCA.
para.22(3)	CJIA 2008 Sch.2 para.18(10) (part).
para.22(4)	CJIA 2008 Sch.2 para.18(11); PCA.
para.22(5)	CJIA 2008 Sch.2 para.18(12).
para.22(6)	CJIA 2008 Sch.2 para.20(1) (part), (3) (part); PCA.
para.22(7)	CJIA 2008 Sch.2 para.20(1) (part).
para.23(1)	CJIA 2008 Sch.2 para.19(1).
para.23(2)	CJIA 2008 Sch.2 para.19(2), (3) (part), (4); PCA.
para.23(3)	CJIA 2008 Sch.2 para.20(1) (part), (3) (part); PCA.
para.23(4)	CJIA 2008 Sch.2 para.20(1) (part).
para.23(5)	CJIA 2008 Sch.2 para.19(5).
para.23(6)	CJIA 2008 Sch.2 para.19(6).
para.23(7)	CJIA 2008 Sch.2 para.19(7).
para.24(1)	CJIA 2008 Sch.2 para.21(1).
para.24(2)	CJIA 2008 Sch.2 para.21(2); PCA.
para.24(3)	CJIA 2008 Sch.8 para.21(3); CRA 2005 Sch.11 para.1(2).
para.24(4)	CJIA 2008 Sch.2 para.21(4).
para.25(1)	CJIA 2008 Sch.2 para.21(6).
para.25(2)	CJIA 2008 Sch.2 para.21(7).
para.25(3)	CJIA 2008 Sch.2 para.21(8); CRA 2005 Sch.11 para.1(2).
para.25(4)	CJIA 2008 Sch.9 para.21(9) (part).
para.25(5)	CJIA 2008 Sch.2 para.21(10).

Provision		*Origin*
	para.25(6)	Drafting.
	para.26(1)	CJIA 2008 Sch.2 para.22(1).
	para.26(2)	CJIA 2008 Sch.2 para.22(2) (part).
	para.26(3)	CJIA 2008 Sch.2 para.22(2) (part).
	para.26(4)	CJIA 2008 Sch.2 para.22(3); drafting.
	para.26(5)	CJIA 2008 Sch.2 para.22(4).
	para.26(6)	CJIA 2008 Sch.2 para.22(5).
	para.26(7)	CJIA 2008 Sch.2 para.22(6).
	para.27(1)	CJIA 2008 Sch.2 para.24(1) (part).
	para.27(2)	CJIA 2008 Sch.2 para.24(1) (part).
	para.27(3)	CJIA 2008 Sch.2 para.24(1) (part).
	para.27(4)	CJIA 2008 Sch.1 para.34(4) (part); Sch.2 para.24(1) (part).
	para.27(5)	CJIA 2008 Sch.1 para.34(4) (part); Sch.2 para.24(1) (part).
	para.27(6)	CJIA 2008 Sch.1 para.34(4) (part); Sch.2 para.24(1) (part).
	para.27(7)	CJIA 2008 Sch.2 para.24(1) (part).
	para.27(8)	CJIA 2008 Sch.2 para.24(2); PCA.
Sch.8		
	para.1(1)	CJIA 2008 Sch.3 para.1(1).
	para.1(2)	CJIA 2008 Sch.3 para.1(2) (part), (4); DA 2015 s.105(1).
	para.2(1)	CJIA 2008 Sch.3 para.2(1), (2) (part), (4) (part); DA 2015 s.105(1).
	para.2(2)	CJIA 2008 Sch.3 para.2(2) (part).
	para.2(3)	CJIA 2008 Sch.3 para.2(2) (part).
	para.3	CJIA 2008 Sch.3 paras.2(2) (part), (4) (part), 16(1) (part); PCA.
	para.4(1)	CJIA 2008 Sch.3 paras.1(4) (part), 2(4) (part).
	para.4(2)	CJIA 2008 s.147(3) (part).
	para.5	CJIA 2008 Sch.3 paras.1(2) (part), 2(2) (part), 16(2); drafting.
	para.6	CJIA 2008 Sch.3 paras.1(7), 2(7).
	para.7(1)	CJIA 2008 Sch.3 paras.1(5), 2(5), 16(1) (part); PCA.
	para.7(2)	CJIA 2008 Sch.3 paras.1(6), 2(6).
	para.8	CJIA 2008 Sch.3 paras.1(3), 2(3).

Provision		*Origin*
	para.9	CJIA 2008 Sch.3 paras.3 (part), 5(1), (2), (3), (4), (5), (6), (8); SI 2010/1158 Sch.2 para.63(3); DA(NI) 2016 s.1(5); PCA.
	para.10	CJIA 2008 Sch.3 paras.3 (part), 4(1) (part), 5(1) (part), 16(2) (part); drafting.
	para.11	CJIA 2008 Sch.3 para.4(1) (part); PCA.
	para.12(1)	CJIA 2008 Sch.3 para.3 (part).
	para.12(2)	CJIA 2008 Sch.3 para.5(7).
	para.13(1)	CJIA 2008 Sch.3 para.4(2) (part), (3) (part); PCA.
	para.13(2)	CJIA 2008 Sch.3 para.4(3) (part).
	para.13(3)	CJIA 2008 Sch.3 para.4(4).
	para.13(4)	CJIA 2008 Sch.1 para.34(4), Sch.3 paras.5(1) (part), (6A); SI 2010/1158 Sch.2 para.63(4); PCA.
	para.13(5)	CJIA 2008 Sch.3 para.4(2) (part); drafting.
	para.14	CJIA 2008 Sch.3 para.7
	para.15(1)	CJIA 2008 s.5(5) (part), Sch.3 para.10 (part).
	para.15(2)	CJIA 2008 s.5(6) (part); drafting.
	para.15(3)	CJIA 2008 Sch.3 para.10 (part); drafting.
	para.16	CJIA 2008 Sch.3 para.11; PCA.
	para.17	CJIA 2008 Sch.3 para.9.
	para.18	CJIA 2008 Sch.3 para.12; PCA.
	para.19(1)	CJIA 2008 Sch.3 para.13(1).
	para.19(2)	CJIA 2008 Sch.3 para.13(2); PCA; drafting.
	para.19(3)	CJIA 2008 Sch.3 para.13(3).
	para.20	CJIA 2008 Sch.3 para.14.
	para.21(1)	CJIA 2008 Sch.3 para.15 (part).
	para.21(2)	CJIA 2008 Sch.3 para.15 (part).
	para.21(3)	CJIA 2008 Sch.3 para.16(1) (part); PCA; drafting.
	para.22	CJIA 2008 Sch.3 paras.4(5), 6, 8; PCA; drafting.
Sch.9		
	para.1(1)	CJA 2003 s.199(1), s.200(1), (2) (part).
	para.1(2)	CJA 2003 s.200(2) (part).
	para.2(1)	CJA 2003 s.199(2).
	para.2(2)	Drafting.
	para.2(3)	CJA 2003 s.199(5) (part).
	para.2(4)	CJA 2003 s.199(5) (part).

Provision	*Origin*
para.3(1)	CJA 2003 s.199(3) (part), s.218(1); SI 2005/886 Sch. para.104 (part).
para.3(2)	CJA 2003 s.199(3) (part); CJIA 2008 Sch.4 para.84 (part); clean sweep.
para.4(1)	CJA 2003 s.200A(1); ORA 2014 s.15(3).
para.4(2)	CJA 2003 s.200A(2); ORA 2014 s.15(3); PCA.
para.4(3)	CJA 2003 s.200A(11); ORA 2014 s.15(3).
para.5(1)	CJA 2003 s.200A(3) (part); ORA 2014 s.15(3).
para.5(2)	CJA 2003 s.200A(3) (part); ORA 2014 s.15(3).
para.5(3)	CJA 2003 s.200A(4); ORA 2014 s.15(3).
para.5(4)	CJA 2003 s.200A(5); ORA 2014 s.15(3).
para.5(5)	CJA 2003 s.200A(6); ORA 2014 s.15(3).
para.5(6)	CJA 2003 s.200A(7); ORA 2014 s.15(3).
para.5(7)	CJA 2003 s.200A(8); ORA 2014 s.15(3).
para.5(8)	CJA 2003 s.200A(9); ORA 2014 s.15(3).
para.5(9)	CJA 2003 s.200A(10); ORA 2014 s.15(3).
para.6(1)	CJA 2003 s.202(1) (part), (6) (part); LASPOA 2012 s.70(4) (part).
para.6(2)	CJA 2003 s.202(2); OMA 2007 s.31(1) (part).
para.6(3)	OMA 2007 s.31(2); SI 2007/3001 art.3 (part).
para.6(4)	CJA 2003 s.202(3) (part).
para.6(5)	CJA 2003 s.202(1) (part), (6) (part); LASPOA 2012 s.70(4) (part), (6) (part);
para.7(1)	CJA 2003 s.203(1) (part).
para.7(2)	CJA 2003 s.203(1) (part).
para.7(3)	CJA 2003 s.203(3).
para.8	CJA 2003 s.203(2); CJIA 2008 Sch.4 para.87.
para.9(1)	CJA 2003 s.204(1) (part).
para.9(2)	CJA 2003 s.204(1) (part); drafting.
para.9(3)	CJA 2003 s.204(2) (part).
para.9(4)	CJA 2003 s.204(2) (part); LASPOA 2012 s.71(2).
para.9(5)	CJA 2003 s.204(3); LASPOA 2012 s.71(3); PCA.
para.10(1)	CJA 2003 s.204(6) (part).
para.10(2)	CJA 2003 s.204(6) (part).
para.10(3)	CJA 2003 s.177(3) (part), s.190(3) (part); CCA 2013 Sch.16 paras. 12(4), 13(4).
para.11(1)	CJA 2003 s.205(1) (part).

Provision	*Origin*
para.11(2)	CJA 2003 s.205(1) (part).
para.11(3)	CJA 2003 s.205(3).
para.11(4)	CJA 2003 s.205(2); PCA; drafting.
para.11(5)	CJA 2003 s.205(4).
para.12	CJA 2003 s.177(3) (part), s.190(3) (part); CCA 2013 Sch.16 paras.12(4), 13(4).
para.13(1)	CJA 2003 s.206(1) (part), (2) (part).
para.13(2)	CJA 2003 s.206(1) (part), (2) (part).
para.13(3)	CJA 2003 s.206(4); SI 2008/912 Sch.1 para.19(10).
para.14	CJA 2003 s.206(3).
para.15(1)	CJA 2003 s.206A(1) (part); LASPOA 2012 s.72(5).
para.15(2)	CJA 2003 s.206A(1) (part); LASPOA 2012 s.72(5).
para.15(3)	CJA 2003 s.206A(2); LASPOA 2012 s.72(5); PCA.
para.15(4)	CJA 2003 s.206A(3); LASPOA 2012 s.72(5); PCA.
para.15(5)	CJA 2003 s.206A(1) (part); LASPOA 2012 s.72(5).
para.16(1)	CJA 2003 s.207(1) (part).
para.16(2)	CJA 2003 s.207(1) (part), (2) (part); SI 2009/1182 Sch.5 para.7 (part); SI 2010/813 art.14 (part).
para.16(3)	CJA 2003 s.207(1) (part), (2) (part); PCA.
para.16(4)	CJA 2003 s.207(1) (part); drafting.
para.16(5)	CJA 2003 s.207(4A), (4B), (6) (part); HSCA 2012 s.213(8) (part); SI 2009/1182 Sch.5 para.7 (part); SI 2010/813 art.14 (part); SI 2018/195 (W.44) reg 24(3).
para.16(6)	CJA 2003 s.207(4).
para.17(1)	CJA 2003 s.207(3) (part).
para.17(2)	CJA 2003 s.207(3) (part); LASPOA 2012 s.73(2) (part).
para.17(3)	CJA 2003 s.207(3) (part).
para.17(4)	CJA 2003 s.207(3) (part); PCA.
para.18(1)	CJA 2003 s.208(1) (part); SI 2009/1182 Sch.5 para.7 (part).
para.18(2)	CJA 2003 s.208(1) (part).
para.18(3)	CJA 2003 s.208(1A); PCA.
para.18(4)	CJA 2003 s.208(2).
para.18(5)	CJA 2003 s.208(3).
para.18(6)	CJA 2003 s.207(6) (part), s.208(1) (part); HSCA 2012 s.213(8) (part); SI 2009/1182 Sch.5 para.7 (part).
para.19(1)	CJA 2003 s.209(1) (part), (4) (part); PCA.

Provision	*Origin*
para.19(2)	CJA 2003 s.209(1) (part).
para.19(3)	Drafting.
para.19(4)	CJA 2003 s.209(4) (part); PCA; drafting.
para.19(5)	CJA 2003 s.209(1) (part), (4) (part).
para.19(6)	Drafting.
para.19(7)	CJA 2003 s.209(1) (part), (6); PCA.
para.19(8)	CJA 2003 s.209(1) (part), (5) (part); PCA.
para.19(9)	CJA 2003 s.209(5) (part).
para.19(10)	CJA 2003 s.209(7).
para.20(1)	CJA 2003 s.209(2) (part).
para.20(2)	CJA 2003 s.209(2) (part).
para.20(3)	CJA 2003 s.209(2) (part).
para.20(4)	CJA 2003 s.209(2) (part); CJIA 2008 Sch.4 para.88; clean sweep.
para.20(5)	CJA 2003 s.209(2) (part).
para.21(1)	CJA 2003 s.210(1) (part).
para.21(2)	CJA 2003 s.210(1) (part); ORA 2014 Sch.4 para.4.
para.21(3)	CJA 2003 s.210(1) (part); drafting.
para.21(4)	CJA 2003 s.210(2).
para.21(5)	CJA 2003 s.210(3).
para.21(6)	CJA 2003 s.210(4); PCA.
para.22(1)	Drafting.
para.22(2)	CJA 2003 s.211(1) (part); ORA 2014 Sch.4 para.5(2) (part).
para.22(3)	CJA 2003 s.211(2) (part); LASPOA 2012 s.74(2) (part).
para.22(4)	CJA 2003 s.210(4), s.211(3); PCA.
para.22(5)	CJA 2003 s.211(4) (part).
para.22(6)	CJA 2003 s.211(6) (part); ORA 2014 Sch.4 para.5(3).
para.22(7)	CJA 2003 s.211(7); ORA 2014 Sch.4 para.5(3); drafting
para.22(8)	CJA 2003 s.211(8).
para.22(9)	CJA 2003 s.211(1) (part), (6) (part); drafting.
para.22(10)	CJA 2003 s.211(9).
para.22(11)	CJA 2003 Sch.8 para.19, Sch.12 para.17; ORA 2014 Sch.4 para.6(6) (part), 7(6) (part).
para.23(1)	CJA 2003 s.212(1) (part).
para.23(2)	CJA 2003 s.212(1) (part), (5) (part); PCA; drafting.

Provision	*Origin*
para.23(3)	Drafting.
para.23(4)	CJA 2003 s.212(5) (part); PCA; drafting.
para.23(5)	CJA 2003 s.212(1) (part), (5) (part); PCA.
para.23(6)	Drafting.
para.24(1)	CJA 2003 s.212(2) (part), (3) (part).
para.24(2)	CJA 2003 s.212(2) (part).
para.24(3)	CJA 2003 s.212(2) (part).
para.24(4)	CJA 2003 s.212(3) (part).
para.25(1)	CJA 2003 s.212A(1) (part); LASPOA 2012 s.76(1).
para.25(2)	CJA 2003 s.212A(1) (part); LASPOA 2012 s.76(1).
para.25(3)	CJA 2003 s.212A(1) (part): LASPOA 2012 s.76(1); drafting.
para.25(4)	CJA 2003 s.212A(2), (3) (part); LASPOA 2012 s.76(1).
para.25(5)	CJA 2003 s.212A(4) (part); LASPOA 2012 s.76(1).
para.25(6)	CJA 2003 s.212A(6) (part); LASPOA 2012 s.76(1).
para.25(7)	CJA 2003 s.212A(3) (part), (4) (part), (6) (part); LASPOA 2012 s.76(1).
para.25(8)	CJA 2003 s.212A(5); LASPOA 2012 s.76(1).
para.25(9)	CJA 2003 s.212A(7); LASPOA 2012 s.76(1).
para.25(10)	CJA 2003 s.330(3) (part).
para.25(11)	CJA 2003 s.212A(13); LASPOA 2012 s.76(1).
para.26(1)	CJA 2003 s.212A(8) (part), (11); LASPOA 2012 s.76(1).
para.26(2)	CJA 2003 s.212A(8) (part); LASPOA 2012 s.76(1).
para.26(3)	CJA 2003 s.212A(9); LASPOA 2012 s.76(1).
para.26(4)	CJA 2003 s.212A(10); LASPOA 2012 s.76(1).
para.26(5)	CJA 2003 s.212A(12); LASPOA 2012 s.76(1); PCA.
para.27(1)	CJA 2003 s.214(1) (part).
para.27(2)	CJA 2003 s.214(1) (part); ORA 2014 s.17(3).
para.27(3)	CJA 2003 s.214(2).
para.27(4)	CJA 2003 s.214(3A); ORA 2014 s.17(5).
para.27(5)	CJA 2003 s.214(3B); ORA 2014 s.17(5).
para.27(6)	CJA 2003 s.214(4).
para.27(7)	CJA 2003 s.214(5).
para.27(8)	CJA 2003 s.214(6).
para.27(9)	CJA 2003 s.214(7); CJIA 2008 Sch.4 para.90; clean sweep.
para.28	CJA 2003 s.214(3), s.218(3); ORA 2014 s.17(4); PCA.

Provision		*Origin*
	para.29(1)	CJA 2003 s.215(1) (part); drafting.
	para.29(2)	CJA 2003 s.215(4) (part).
	para.29(3)	CJA 2003 s.215(4) (part).
	para.29(4)	CJA 2003 s.215(5); LASPOA 2012 s.76(6); CCA 2013 Sch.16 para.16(4).
	para.29(5)	CJA 2003 s.215(6); LASPOA 2012 s.76(6); CCA 2013 Sch.16 para.16(5).
	para.30	CJA 2003 s.215(1) (part); CCA 2013 Sch.16 para.16(2); drafting.
	para.31(1)	CJA 2003 s.215(3) (part).
	para.31(2)	CJA 2003 s.215(3) (part); DA 2015 s.105(1).
	para.32	CJA 2003 s.215(4A); CCA 2013 Sch.16 para.16(3).
	para.33	CJA 2003 s.215(2).
	para.34(1)	CJA 2003 s.218(4); ORA 2014 s.17(7); CCA 2013 Sch.16 para.18(2); PCA; clean sweep.
	para.34(2)	CJA 2003 s.218(5), (8).
	para.34(3)	CJA 2003 s.218(6); ORA 2014 s.17(8); clean sweep.
	para.34(4)	CJA 2003 s.218(7); SI 2005/886 Sch. para.104 (part).
	para.35	CJA 2003 s.218(9); CCA 2013 Sch.16 para.18(3); PCA.
Sch.10		
	para.1(1)	CJA 2003 Sch.8 paras.11(1) (part), (2) (part), 16(4), 17(6), 18(4), 19A(5), 20(2); LASPOA 2012 s.66(5); ORA 2014 s.18(5); clean sweep; drafting.
	para.1(2)	Drafting.
	para.2	CJA 2003 Sch.8 para.1A; ORA 2014 Sch.4 para.6(2).
	para.3	Drafting.
	para.4	CJA 2003 Sch.8 para.2.
	para.5	CJA 2003 Sch.8 para.4.
	para.6(1)	CJA 2003 Sch.8 para.5(1) (part).
	para.6(2)	CJA 2003 Sch.8 para.6(1); ORA 2014 Sch.4 para.6(4).
	para.6(3)	CJA 2003 Sch.8 para.5(1) (part); ORA 2014 Sch.4 para. 6(3).
	para.6(4)	CJA 2003 Sch.8 para.5(2); PCA.
	para.6(5)	CJA 2003 Sch.8 para.5(3).
	para.7	CJA 2003 Sch.8 para.6A; ORA 2014 Sch.4 para.6(5).
	para.8(1)	CJA 2003 Sch.8 para.7(1), (2) (part).
	para.8(2)	CJA 2003 Sch.8 para.7(2) (part).

Provision	*Origin*
para.8(3)	CJA 2003 Sch.8 para.7(3); DVCVA 2004 Sch.5, para.7(3); SI 2005/886 Sch. para.113 (part); PCA; drafting.
para.8(4)	CJA 2003 Sch.8 para.7(4).
para.9(1)	CJA 2003 Sch.8 para.8(1), (2) (part).
para.9(2)	CJA 2003 Sch.8 para.8(2) (part).
para.9(3)	CJA 2003 Sch.8 para.8(3).
para.9(4)	CJA 2003 Sch.8 para.8(4).
para.10(1)	CJA 2003 Sch.8 para.9(1) (part).
para.10(2)	CJA 2003 Sch.8 para.9(1) (part).
para.10(3)	CJA 2003 Sch.8 para.9(6); LASPOA 2012 s.67(4); CCA 2013 Sch.16 para.22(2); clean sweep.
para.10(4)	CJA 2003 Sch.8 para.9(7).
para.10(5)	CJA 2003 Sch.8 para.9(1) (part); LASPOA 2012 s.67(2) (part); PCA; clean sweep; drafting.
para.10(6)	POA 1985 s.21B(1) (part); CJCA 2015 s.54(1).
para.10(7)	CJA 2003 Sch.8 para.9(2).
para.10(8)	CJA 2003 Sch.8 para.9(3B); LASPOA 2012 s.67(3); clean sweep.
para.10(9)	CJA 2003 Sch.8 para.9(4) (part); drafting.
para.10(10)	CJA 2003 Sch.8 para.9(5) (part).
para.10(11)	CJA 2003 Sch.8 para.9(8) (part); CJCA 2015 Sch.12 para.15.
para.11(1)	CJA 2003 Sch.8 para.10(1) (part).
para.11(2)	CJA 2003 Sch.8 para.10(1) (part); LASPOA 2012 s.67(5) (part); clean sweep; PCA.
para.11(3)	POA 1985 s.21B(2) (part); CJCA 2015 s.54(1).
para.11(4)	CJA 2003 Sch.8 para.10(2).
para.11(5)	CJA 2003 Sch.8 para.10(3B); LASPOA 2012 s.67(6); clean sweep.
para.11(6)	CJA 2003 Sch.8 para.10(4) (part); drafting.
para.11(7)	CJA 2003 Sch.8 para.10(5) (part).
para.11(8)	CJA 2003 Sch.8 para.10(6).
para.12(1)	CJA 2003 Sch.8 para.11(1) (part).
para.12(2)	CJA 2003 Sch.8 para.11(1) (part); drafting.
para.13(1)	CJA 2003 Sch.8 paras.9(3) (part), 10(3) (part); LASPOA 2012 s.66(3) (part), (4) (part).
para.13(2)	CJA 2003 Sch.8 paras.9(3ZA), 10(3ZA); LASPOA 2012 s.66(3) (part), (4) (part).

Provision	*Origin*
para.13(3)	CJA 2003 Sch.8 paras.9(3ZB), 10(3ZB); LASPOA 2012 s.66(3) (part), (4) (part).
para.13(4)	CJA 2003 Sch.8 paras.9(3A), 10(3A); CJIA 2008 s.38.
para.13(5)	CJA 2003 Sch.8 para.26 (part); PCA.
para.14(1)	CJA 2003 Sch.8 para.13(1) (part); ORA 2014 Sch.4 para.6(6); drafting.
para.14(2)	CJA 2003 Sch.8 paras.1 (part), 13(7); SI 2005/886 Sch. para.106 (part); PCA.
para.14(3)	CJA 2003 Sch.8 para.24(1) (part).
para.14(4)	CJA 2003 Sch.8 para.13(6); PCA.
para.14(5)	CJA 2003 Sch.8 para.13(1) (part), (2).
para.14(6)	CJA 2003 Sch.8 para.13(3).
para.14(7)	CJA 2003 Sch.8 para.13(4).
para.14(8)	CJA 2003 Sch.8 para.13(5).
para.15(1)	CJA 2003 Sch.8 para.14(1) (part); ORA 2014 Sch.4 para.6(6).
para.15(2)	CJA 2003 Sch.8 para.24(1) (part); PCA.
para.15(3)	CJA 2003 Sch.8 para.14(5); PCA; drafting.
para.15(4)	CJA 2003 Sch.8 para.14(2); PCA.
para.15(5)	CJA 2003 Sch.8 para.14(3).
para.15(6)	CJA 2003 Sch.8 para.14(4).
para.16(1)	CJA 2003 Sch.8 para.16(1); ORA 2014 s.18(5); clean sweep.
para.16(2)	CJA 2003 Sch.8 para.16(2); ORA 2014 s.18(5).
para.17(1)	CJA 2003 Sch.8 para.16A(1); ORA 2014 s.18(5).
para.17(2)	CJA 2003 Sch.8 para.16A(2); ORA 2014 s.18(5).
para.18(1)	CJA 2003 Sch.8 para.17(1); ORA 2014 Sch.4 para.6(6); PCA.
para.18(2)	CJA 2003 Sch.8 para.3; CCA 2013 Sch.16 para.19 (part).
para.18(3)	CJA 2003 Sch.8 para.24(1) (part), (2); ORA 2014 Sch.4 para.6(6).
para.18(4)	CJA 2003 Sch.8 para.25(1) (part), (2) (part); SI 2005/886 Sch. para.106 (part); drafting.
para.18(5)	CJA 2003 Sch.8 para.25(1) (part).
para.18(6)	CJA 2003 Sch.8 para.26 (part); PCA.
para.18(7)	CJA 2003 Sch.8 para.17(2).
para.18(8)	CJA 2003 Sch.8 para.17(3), (3A); PCA.
para.18(9)	CJA 2003 Sch.8 para.17(4) (part).

Provision	*Origin*
para.19(1)	CJA 2003 Sch.8 para.18(1) (part), (2), (3); PCA.
para.19(2)	CJA 2003 Sch.8 para.18(1) (part); PCA.
para.19(3)	CJA 2003 Sch.8 para.18(1) (part); ORA 2014 Sch.4 para.6(7); PCA.
para.19(4)	CJA 2003 Sch.8 para.18(2A); PCA.
para.20(1)	CJA 2003 Sch.8 para.19A(1); LASPOA 2012 s.66(5); ORA 2014 Sch.4 para.6(6).
para.20(2)	CJA 2003 Sch.8 para.25(1) (part).
para.20(3)	CJA 2003 Sch.8 para.19A(2); LASPOA 2012 s.66(5).
para.20(4)	CJA 2003 Sch.8 para.19A(3); LASPOA 2012 s.66(5).
para.20(5)	CJA 2003 Sch.8 para.24(1) (part); PCA.
para.21(1)	CJA 2003 Sch.8 para.20(1) (part).
para.21(2)	CJA 2003 Sch.8 para.20(1) (part); ORA 2014 Sch.4 para.6(6).
para.21(3)	CJA 2003 Sch.8 para.24(1) (part).
para.21(4)	CJA 2003 Sch.8 para.25(1).
para.22	CJA 2003 Sch.8 paras.21(1) (part), 22(1) (part); drafting.
para.23(1)	CJA 2003 Sch.8 para.21(1) (part).
para.23(2)	CJA 2003 Sch.8 para.21(1) (part), (2); PCA.
para.23(3)	CJA 2003 Sch.8 para.25(1) (part), (3) (part); PCA.
para.23(4)	CJA 2003 Sch.8 para.25(1) (part).
para.23(5)	CJA 2003 Sch.8 para.21(3).
para.23(6)	CJA 2003 Sch.8 para.21(4).
para.24(1)	CJA 2003 Sch.8 para.22(1) (part).
para.24(2)	CJA 2003 Sch.8 para.22(1) (part); PCA.
para.24(3)	CJA 2003 Sch.8 para.25(1) (part), (3) (part); PCA.
para.24(4)	CJA 2003 Sch.8 para.25(1) (part).
para.24(5)	CJA 2003 Sch.8 para.22(2).
para.25(1)	CJA 2003 Sch.8 para.23(1) (part).
para.25(2)	CJA 2003 Sch.8 para.23(1) (part), (2); PCA.
para.25(3)	CJA 2003 Sch.8 para.25(1) (part), (3) (part); PCA.
para.25(4)	CJA 2003 Sch.8 para.25(1) (part).
para.25(5)	CJA 2003 Sch.8 para.23(3).
para.26(1)	CJA 2003 Sch.8 para.25A(1); CJIA 2008 Sch.4 para.109.
para.26(2)	CJA 2003 Sch.8 para.25A(2); CJIA 2008 Sch.4 para.109.
para.26(3)	CJA 2003 Sch.8 para.25A(3); CJIA 2008 Sch.4 para.109.

Provision		*Origin*
	para.26(4)	CJA 2003 Sch.8 para.25A(4); CJIA 2008 Sch.4 para.109; ORA 2014 Sch.4 para.14(2).
	para.26(5)	CJA 2003 Sch.8 para.25A(5); CJIA 2008 Sch.4 para.109.
	para.26(6)	CJA 2003 Sch.8 para.25A(6); CJIA 2008 Sch.4 para.109.
	para.27(1)	CJA 2003 Sch.8 para.27(1) (part).
	para.27(2)	CJA 2003 Sch.8 para.27(1) (part).
	para.27(3)	CJA 2003 Sch.8 para.27(1) (part); ORA 2014 Sch.4 para.14(3); SI 2005/886 Sch. para.106 (part).
	para.27(4)	CJA 2003 Sch.8 para.27(1) (part), Sch.14.
	para.27(5)	CJA 2003 Sch.8 para.27(1) (part); DVCVA 2004 Sch.5 para.7(5).
	para.27(6)	CJA 2003 Sch.8 para.27(2); SI 2005/886 Sch. para.106 (part); PCA.
	para.27(7)	CJA 2003 Sch.8 para.27(4); ORA 2014 Sch.4 para.14(4); SI 2005/886 Sch. para.106 (part).
Sch.11		
	para.1(1)	CJA 2003 Sch.9 para.1(1) (part).
	para.1(2)	CJA 2003 Sch.9 para.1(1) (part).
	para.2	CJA 2003 Sch.9 para.1(3) (part), (4) (part); CCA 2013 Sch.16 para.20(3).
	para.3	CJA 2003 Sch.9 paras.1(3) (part), (4) (part), 13 (part), 14 (part); CCA 2013 Sch.16 para.20(3).
	para.4	Drafting.
	para.5	Drafting.
	para.6	CJA 2003 Sch.9 para.1(5) (part); LASPOA 2012 s.76(9) (part); CCA 2013 Sch.16 para.20(3) (part).
	para.7(1)	CJA 2003 Sch.9 paras.1(1) (part), (3) (part), (4) (part), 13 (part).
	para.7(2)	CJA 2003 Sch.9 para.1(2); CCA 2013 Sch.16 para.20(2) (part); ORA 2014 Sch.5 para.7(2).
	para.8	CJA 2003 Sch.9 para.2(1) (part), (2) (part), (3), (4), (5); SI 2011/2298 Sch. para.14(3).
	para.9(1)	CJA 2003 Sch.9 para.3(1) (part).
	para.9(2)	CJA 2003 Sch.9 para.3(1) (part).
	para.10(1)	CJA 2003 Sch.9 para.3(3) (part); PCA.
	para.10(2)	CJA 2003 Sch.9 para.3(3) (part); drafting.
	para.10(3)	CJA 2003 Sch.9 para.3(3) (part), (4) (part); CCA 2013 Sch.16 para.20(5).
	para.11	CJA 2003 Sch.9 paras.3(3) (part), (4) (part), 13 (part), 14 (part); CCA 2013 Sch.16 para.20(5); PCA.

Provision	*Origin*
para.12	Drafting.
para.13	Drafting.
para.14	CJA 2003 Sch.9 para.3(4A); LASPOA 2012 s.76(9) (part).
para.15	CJA 2003 Sch.9 para.3(1) (part); CCA 2013 Sch.16 para.20(4) (part); PCA.
para.16(1)	CJA 2003 Sch.9 paras.3(1) (part), (3) (part), (4) (part), 13 (part); PCA.
para.16(2)	CJA 2003 Sch.9 para.3(2); CCA 2013 Sch.16 para.20(2) (part); ORA 2014 Sch.5 para.7(4).
para.17	CJA 2003 Sch.9 para.4; CCA 2013 Sch.16 para.20(6) (part); DA(NI) 2016 s.1(5).
para.18	CJA 2003 Sch.9 paras.1(6) (part), 3(5) (part), (6) (part), 6 (part), 9 (part), 14 (part).
para.19	CJA 2003 Sch.9 para.9 (part); PCA.
para.20(1)	CJA 2003 Sch.9 paras.1(6) (part), 3(5) (part); PCA.
para.20(2)	CJA 2003 Sch.9 paras.1(6) (part), 3(5) (part); SI 2005/886 Sch. para.107 (part); drafting.
para.20(3)	CJA 2003 Sch.9 paras.1(6) (part), 3(6) (part).
para.20(4)	CJA 2003 Sch.9 paras.1(6) (part), 3(6) (part).
para.20(5)	CJA 2003 Sch.9 para.1(6) (part); SI 2011/2298 Sch. para.14(2); PCA.
para.20(6)	CJA 2003 Sch.9 para.1(6) (part).
para.21(1)	CJA 2003 s.219(1) (part), Sch.9 para.6 (part); ORA 2014 Sch.4 para.12(2).
para.21(2)	CJA 2003 s.219(2) (part); drafting.
para.21(3)	CJA 2003 s.219(2) (part), Sch.14; drafting.
para.21(4)	CJA 2003 Sch.9 para.6 (part); drafting.
para.22	CJA 2003 Sch.9 paras.7 (part), 8 (part), 11 (part); drafting.
para.23(1)	CJA 2003 s.220(1) (part), Sch.9 paras.2(2) (part), 4(2) (part), 7 (part).
para.23(2)	CJA 2003 s.220(2) (part), Sch.9 paras.2(2) (part), 4(2) (part), 7 (part).
para.23(3)	Drafting.
para.24	CJA 2003 Sch.9 para.8.
para.25	CJA 2003 Sch.9 para.10; drafting; PCA.
para.26	CJA 2003 Sch.9 para.11.
para.27	CJA 2003 Sch.9 para.15; PCA.
para.28(1)	CJA 2003 Sch.9 para.12 (part).

Provision		*Origin*
	para.28(2)	CJA 2003 Sch.9 para.12 (part).
	para.28(3)	CJA 2003 Sch.9 para.13 (part).
	para.29	CJA 2003 Sch.9 paras.1(4), 3(4), 5; CCA 2013 Sch.16 para.20(5); SI 2011/2298 Sch. para.14(3), (4); PCA; drafting.
Sch.12		
	para.1	Drafting.
	para.2(1)	PCC(S)A 2000 s.104(1) (part), s.104A(3) (part), (4) (part); LASPOA 2012 s.80(7); PCA.
	para.2(2)	PCC(S)A 2000 s.104(1) (part), s.104A(3) (part); LASPOA 2012 s.80(7).
	para.2(3)	PCC(S)A 2000 s.104(2), s.104A(3) (part); DVCVA 2004 Sch.5 para.2(3); LASPOA 2012 s.80(7); SI 2005/886 Sch. para.77 (part).
	para.3(1)	PCC(S)A 2000 s.104(3) (part), s.104A(3) (part), (4) (part); LASPOA 2012 s.80(7).
	para.3(2)	PCC(S)A 2000 s.104(3) (part), s.104A(3) (part); LASPOA 2012 s.80(2), (7).
	para.3(3)	PCC(S)A 2000 s.104(3A), s.104A(3) (part), (4) (part); LASPOA 2012 s.80(3), (7); PCA.
	para.3(4)	PCC(S)A 2000 s.104(3B), s.104A(3) (part); LASPOA 2012 s.80(3), (7); PCA.
	para.3(5)	PCC(S)A 2000 s.104(3C), s.104A(3) (part), (4)(b); LASPOA 2012 s.80(3).
	para.3(6)	PCC(S)A 2000 s.104(3D), s.104A(3) (part), (4) (part), s.104B(2) (part); LASPOA 2012 s.80(3), (7); PCA; drafting.
	para.3(7)	PCC(S)A 2000 s.104(4), s.104A(3) (part); LASPOA 2012 s.80(7).
	para.3(8)	PCC(S)A 2000 s.104(3) (part), (4A), s.104A(3) (part); LASPOA 2012 s.80(2), (4), (7), (8) (part).
	para.3(9)	PCC(S)A 2000 s.137(2) (part); drafting.
	para.3(10)	PCC(S)A 2000 s.104(5), s.104A(3) (part); LASPOA 2012 s.80(7) (part).
	para.3(11)	PCC(S)A 2000 s.104(6), s.104A(3) (part); LASPOA 2012 s.80(6), (7).
	para.3(12)	Drafting.
	para.4(1)	Drafting.
	para.4(2)	PCC(S)A 2000 s.103(3) (part), (6) (part), s.104A(1) (part); LASPOA 2012 s.80(7); SI 2008/912 Sch.1 para.14(16) (part); drafting.

Provision		*Origin*
	para.4(3)	PCC(S)A 2000 s.103(3) (part), (6) (part), s.104A(1) (part); LASPOA 2012 s.80(7); drafting.
	para.4(4)	PCC(S)A 2000 s.103(6) (part), s.104A(1) (part); LASPOA 2012 s.80(7).
	para.4(5)	PCC(S)A 2000 s.103(7), s.104A(1) (part), (2); LASPOA 2012 s.80(7).
	para.4(6)	PCC(S)A 2000 s.103(4A), s.104A(1) (part); LASPOA 2012 s.80(7); SI 2008/912 Sch.1 para.14(16) (part).
	para.4(7)	PCC(S)A 2000 s.103(5), s.104A(1) (part); LASPOA 2012 s.80(7).
	para.5(1)	PCC(S)A 2000 s.104B(2) (part); LASPOA 2012 s.80(7).
	para.5(2)	PCC(S)A 2000 s.104B(3); LASPOA 2012 s.80(7).
	para.5(3)	PCC(S)A 2000 s.104B(4); LASPOA 2012 s.80(7).
	para.6(1)	PCC(S)A 2000 s.104B(5); LASPOA 2012 s.80(7).
	para.6(2)	PCC(S)A 2000 s.104B(6); LASPOA 2012 s.80(7).
	para.6(3)	PCC(S)A 2000 s.104B(8); LASPOA 2012 s.80(7).
	para.6(4)	PCC(S)A s.76.
	para.7(1)	PCC(S)A 2000 s.104A(3) (part), (5) (part), s.105(1); LASPOA 2012 s.80(7).
	para.7(2)	PCC(S)A 2000 s.104A(3) (part), s.105(2) (part); LASPOA 2012 s.80(7); PCA.
	para.7(3)	PCC(S)A 2000 s.104A(3) (part), (5) (part), s.105(1) (part), (2) (part); LASPOA 2012 s.80(7).
	para.7(4)	PCC(S)A 2000 s.105(2) (part).
	para.7(5)	PCC(S)A 2000 s.105(2) (part); OMA 2007 s.34(4); drafting.
	para.7(6)	PCC(S)A 2000 s.105(3); OMA 2007 s.34(4).
	para.7(7)	PCC(S)A 2000 s.105(4).
	para.7(8)	PCC(S)A 2000 s.105(5).
Sch.13		
	para.1	CJA 2003 Sch.18A paras.1, 2, 3; CJCA 2015 Sch.1 para.4.
	para.2	CJA 2003 Sch.18A paras.4, 5, 6; CJCA 2015 Sch.1 para.4.
	para.3	CJA 2003 Sch.18A paras.7, 8, 9, 10; CJCA 2015 Sch.1 para.4.
	para.4	CJA 2003 Sch.18A paras.11, 12, 13; CJCA 2015 Sch.1 para.4.
	para.5	CJA 2003 Sch.18A paras.14, 15, 16, 17, 18; CJCA 2015 Sch.1 para.4.
	para.6	CJA 2003 Sch.18A paras.19, 20; CJCA 2015 Sch.1 para.4.

Provision		*Origin*
	para.7	CJA 2003 Sch.18A para.21 (part); CJCA 2015 Sch.1 para.4.
	para.8	CJA 2003 Sch.18A para.22 (part); CJCA 2015 Sch.1 para.4.
	para.9	CJA 2003 Sch.18A para.23; CJCA 2015 Sch.1 para.4; SI 2015/778 art.3, Sch.1 para.72.
	para.10	CJA 2003 Sch.18A para.24; CJCA 2015 Sch.1 para.4.
Sch.14		
	para.1	CJA 2003 Sch.15B para.1; LASPOA 2012 Sch.18.
	para.2	CJA 2003 Sch.15B paras.2, 3, 3A, 3B; LASPOA 2012 Sch.18; CJCA 2015 s.3(2).
	para.3	CJA 2003 Sch.15B paras.3C, 3D, 3E; CJCA 2015 s.3(2).
	para.4	CJA 2003 Sch.15B paras.4, 5, 6; LASPOA 2012 Sch.18.
	para.5	CJA 2003 Sch.15B para.7; LASPOA 2012 Sch.18.
	para.6	CJA 2003 Sch.15B para.8; LASPOA 2012 Sch.18.
	para.7	CJA 2003 Sch.15B paras.8A, 9, 10, 11; CJCA 2015 s.3(3).
	para.8	CJA 2003 Sch.15B paras.12, 13, 14; LASPOA 2012 Sch.18.
	para.9	CJA 2003 Sch.15B paras.15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38; LASPOA 2012 Sch.18; SCA 2015 Sch.4 para.69(2), (3), (4).
	para.10	CJA 2003 Sch.15B para.39; LASPOA 2012 Sch.18.
	para.11	CJA 2003 Sch.15B paras.40, 40A, 41, 42, 43; LASPOA 2012 Sch.18; CJCA 2015 s.3(5).
	para.12	CJA 2003 Sch.15B paras.43A, 43B; MSA 2015 s.6(4).
	para.13	CJA 2003 Sch.15B para.45; LASPOA 2012 Sch.18.
	para.14	CJA 2003 Sch.15B para.44 (part); LASPOA 2012 Sch.18.
	para.15	CJA 2003 Sch.15B para.46; LASPOA 2012 Sch.18; SI 2012/2906 art.2(p).
	para.16	CJA 2003 Sch.15B para.47; LASPOA 2012 Sch.18.
	para.17	CJA 2003 Sch.15B para.48; LASPOA 2012 Sch.18.
	para.18	CJA 2003 Sch.15B para.49; LASPOA 2012 Sch.18; CJCA 2015 s.3(7).
	para.19	CJA 2003 Sch.15B para.49A; CJCA 2015 s.3(8).
	para.20	CJA 2003 Sch.15B para.49B; CJCA 2015 s.3(8).
	para.21	CJA 2003 Sch.15B para.50; LASPOA 2012 Sch.18.
Sch.15		
	para.1	CJA 2003 Sch.15B paras.1 to 44 (part); LASPOA 2012 Sch.18; CJCA 2015 s.3; SCA 2015 Sch.4 para.69; MSA 2015 s.6(4).

Provision		*Origin*
	para.16	CJA 2003 Sch.15B para.45; LASPOA 2012 Sch.18.
	para.17	CJA 2003 Sch.15B para.46; LASPOA 2012 Sch.18; SI 2012/2906 art.2(p); drafting.
	para.18	CJA 2003 Sch.15B para.47; LASPOA 2012 Sch.18.
	para.19	CJA 2003 Sch.15B para.48; LASPOA 2012 Sch.18.
	para.20	CJA 2003 Sch.15B para.49; LASPOA 2012 Sch.18; CJCA 2015 s.3(7).
	para.21	CJA 2003 Sch.15B para.49A; CJCA 2015 s.3(8).
	para.22	CJA 2003 Sch.15B para.49B; CJCA 2015 s.3(8).
	para.23(1)	CJCA 2015 s.3(9), (10) (part); SI 2015/778 Sch.1 para.3.
	para.23(2)	CJCA 2015 s.3(12) (part).
	para.24(1)	CJA 2003 Sch.15B para.50; LASPOA 2012 Sch.18; drafting.
	para.24(2)	Drafting.
Sch.16		
	para.1(1)	CJA 2003 Sch.12 paras.13(3), 14(4), 15(6), 16(4), 18(2); SI 2005/886 Sch. para.110 (part); drafting.
	para.1(2)	Drafting.
	para.2	CJA 2003 Sch.12 para.1A; ORA 2014 Sch.4 para.7(2).
	para.3	CJA 2003 Sch.12 para.6(1) (part), 7(1) (part); drafting
	para.4	CJA 2003 Sch.12 para.2; drafting.
	para.5	CJA 2003 Sch.12 para.3.
	para.6(1)	CJA 2003 Sch.12 para.4(1) (part), 5(1) (part).
	para.6(2)	CJA 2003 Sch.12 para.5(1); ORA 2014 Sch.4 para.7(4).
	para.6(3)	CJA 2003 Sch.12 para.4(1) (part); ORA 2014 Sch.4 para.7(3).
	para.6(4)	CJA 2003 Sch.12 para.4(2).
	para.6(5)	CJA 2003 Sch.12 para.4(3).
	para.7	CJA 2003 Sch.12 para.5A; ORA 2014 Sch.4 para.7(5).
	para.8(1)	CJA 2003 Sch.12 para.6(1), (2) (part); PCA.
	para.8(2)	CJA 2003 Sch.12 para.6(2) (part).
	para.8(3)	CJA 2003 Sch.12 para.6(3); DVCVA 2004 Sch.5 para.8(3); SI 2005/886 Sch. para.110 (part).
	para.8(4)	CJA 2003 Sch.12 para.6(4).
	para.9(1)	CJA 2003 Sch.12 para.7(1), (2) (part); PCA.
	para.9(2)	CJA 2003 Sch.12 para.7(2) (part).
	para.9(3)	CJA 2003 Sch.12 para.7(3).

Provision	*Origin*
para.9(4)	CJA 2003 Sch.12 para.7(4).
para.10(1)	CJA 2003 Sch.12 para.8(1) (part).
para.10(2)	CJA 2003 Sch.12 para.8(2) (part).
para.10(3)	CJA 2003 Sch.12 para.8(2) (part), (6); LASPOA 2012 s.69(2) (part); PCA.
para.10(4)	CJA 2003 Sch.12 para.8(7).
para.11(1)	CJA 2003 Sch.12 para.8(1) (part), (2) (part), 11(1) (part); PCA; drafting.
para.11(2)	CJA 2003 Sch.12 para.11(2).
para.11(3)	CJA 2003 Sch.12 para.8(7A); PCA; drafting.
para.11(4)	PCC(S)A 2000 s.7(3) (part); RTOA 1988 s.25(4) (part); drafting.
para.12(1)	CJA 2003 Sch.12 para.8(1) (part), (2) (part), 11(1) (part);
para.12(2)	CJA 2003 Sch.12 para.8(1) (part); PCA.
para.12(3)	CJA 2003 Sch.12 para.8(1) (part); PCA.
para.12(4)	CJA 2003 Sch.12 para.8(8); LASPOA 2012 Sch.9 para.10(5).
para.13(1)	CJA 2003 Sch.12 para.8(2) (part); LASPOA 2012 s.69(2) (part), Sch.9 para.10(2), (3), Sch.10 para.38(2) (part); PCA.
para.13(2)	POA 1985 s.21B(1) (part), (2) (part); CJCA 2015 s.54(1); drafting.
para.13(3)	CJA 2003 Sch.12 para.8(5).
para.14(1)	CJA 2003 Sch.12 para.8(3).
para.14(2)	CJA 2003 Sch.12 para.8(4); LASPOA 2012 Sch.9 para.10(4).
para.15(1)	Drafting.
para.15(2)	CJA 2003 Sch.12 para.9(1), (2); PCA.
para.15(3)	CJA 2003 Sch.12 para.9(3); CJCA 2015 Sch.12 para.16; drafting.
para.15(4)	PCC(S)A 2000 s.76; CJA 2003 s.305(1) (part).
para.16(1)	CJA 2003 Sch.12 para.8(4ZA); LASPOA 2012 s.69(2) (part).
para.16(2)	CJA 2003 Sch.12 para.21 (part); PCA.
para.17(1)	CJA 2003 Sch.12 para.10(1) (part).
para.17(2)	CJA 2003 Sch.12 para.10(1) (part).
para.17(3)	CJA 2003 Sch.12 para.10(1) (part).
para.18	CJA 2003 Sch.12 para.12(3).
para.19(1)	CJA 2003 Sch.12 para.12(1) (part).

Provision	*Origin*
para.19(2)	CJA 2003 Sch.12 para.12(1) (part).
para.19(3)	CJA 2003 Sch.12 para.12(5) (part).
para.20(1)	CJA 2003 Sch.12 para.12(1) (part), (2) (part); SI 2005/886 Sch. para.110 (part); drafting.
para.20(2)	CJA 2003 Sch.12 para.12(1) (part).
para.20(3)	CJA 2003 Sch.12 para.12(4).
para.20(4)	CJA 2003 Sch.12 para.12(5).
para.21	CJA 2003 Sch.12 paras.12B, 13(1) (part), 14(1) (part), 14A(1) (part), 15(1) (part), 18(1) (part); LASPOA 2012 Sch.9 para.11; PCA.
para.22(1)	CJA 2003 Sch.12 para.13(1) (part).
para.22(2)	CJA 2003 Sch.12 para.13(1) (part).
para.22(3)	CJA 2003 Sch.12 para.13(2).
para.22(4)	CJA 2003 Sch.12 para.19(1) (part).
para.23(1)	CJA 2003 Sch.12 para.14(1) (part); ORA 2014 s.18(8); clean sweep.
para.23(2)	CJA 2003 Sch.12 para.14(2); ORA 2014 s.18(8).
para.24(1)	CJA 2003 Sch.12 para.14A(1) (part); ORA s.18(8).
para.24(2)	CJA 2003 Sch.12 para.14A(2); ORA s.18(8).
para.25(1)	CJA 2003 Sch.12 para.15(1) (part); ORA 2014 Sch.4 para.7(6); PCA.
para.25(2)	CJA 2003 Sch.12 para.15(2).
para.25(3)	CJA 2003 Sch.12 para.21 (part); PCA.
para.25(4)	CJA 2003 Sch.12 para.19(1) (part); (2); ORA 2014 Sch.4 para.7(6).
para.25(5)	CJA 2003 Sch.12 para.20(1) (part), (2).
para.25(6)	CJA 2003 Sch.12 para.20(1) (part).
para.25(7)	CJA 2003 Sch.12 para.15(4) (part); PCA.
para.25(8)	CJA 2003 Sch.12 para.15(5).
para.25(9)	CJA 2003 Sch.12 para.15(4) (part).
para.26(1)	CJA 2003 Sch.12 para.16(1) (part), (3).
para.26(2)	CJA 2003 Sch.12 para.16(1) (part).
para.26(3)	CJA 2003 Sch.12 para.16(1) (part); ORA 2014 Sch.4 para.7(7).
para.26(4)	CJA 2003 Sch.12 para.16(1) (part), (2); drafting.
para.27(1)	CJA 2003 Sch.12 para.18(1) (part).
para.27(2)	CJA 2003 Sch.12 para.18(1) (part).

Provision		*Origin*
	para.27(3)	CJA 2003 Sch.12 para.18(1) (part); ORA 2014 Sch.4 para.7(6); drafting.
	para.27(4)	CJA 2003 Sch.12 para.19(1) (part).
	para.28(1)	CJA 2003 Sch.12 para.22(1) (part).
	para.28(2)	CJA 2003 Sch.12 para.22(1) (part).
	para.28(3)	CJA 2003 Sch.12 para.22(1) (part); ORA 2014 Sch.4 para.15(2); SI 2005/886 Sch. para.110 (part).
	para.28(4)	CJA 2003 Sch.12 para.22(1) (part), Sch.14.
	para.28(5)	CJA 2003 Sch.12 para.22(1) (part); DVCVA 2004 Sch.5 para.8(5).
	para.28(6)	CJA 2003 Sch.12 para.22(2); SI 2005/886 Sch. para.110 (part); PCA.
	para.28(7)	CJA 2003 Sch.12 para.22(4); ORA 2014 Sch.4 para.15(3); SI 2005/886 Sch. para.110 (part).
Sch.17		
	para.1(1)	CJA 2003 Sch.13 paras.1(1) (part), (4) (part), 4(2) (part), 5, 6(1) (part), (4) (part), 9(2) (part), 11; PCA; drafting.
	para.1(2)	Drafting.
	para.2(1)	CJA 2003 Sch.13 para.1(1) (part); LASPOA 2012 Sch.9 para.12(2).
	para.2(2)	CJA 2003 Sch.13 para.1(1) (part).
	para.2(3)	CJA 2003 Sch.13 para.1(6) (part).
	para.3(1)	CJA 2003 Sch.13 para.1(1) (part), (3) (part).
	para.3(2)	CJA 2003 Sch.13 para.1(3) (part): drafting.
	para.3(3)	CJA 2003 Sch.13 para.1(3) (part).
	para.4(1)	CJA 2003 Sch.13 para.1(6) (part).
	para.4(2)	CJA 2003 Sch.13 para.1(6) (part); PCA.
	para.5(1)	CJA 2003 Sch.13 paras.10, 17 (part); drafting.
	para.5(2)	CJA 2003 Sch.13 paras.1(1) (part), 17 (part).
	para.5(3)	CJA 2003 Sch.13 paras.1(6) (part), 18 (part); PCA.
	para.6(1)	CJA 2003 Sch.13 para.6(1) (part).
	para.6(2)	CJA 2003 Sch.13 para.6(1) (part).
	para.6(3)	CJA 2003 Sch.13 para.6(5) (part).
	para.7(1)	CJA 2003 Sch.13 para.6(1) (part), (3) (part).
	para.7(2)	CJA 2003 Sch.13 para.6(3) (part); drafting.
	para.7(3)	CJA 2003 Sch.13 para.3(3) (part).
	para.8(1)	CJA 2003 Sch.13 para.6(5) (part).
	para.8(2)	CJA 2003 Sch.13 para.6(5) (part); PCA.

Provision	*Origin*
para.9(1)	CJA 2003 Sch.13 para.17 (part); drafting.
para.9(2)	CJA 2003 Sch.13 paras.6(1) (part), 17 (part).
para.9(3)	CJA 2003 Sch.13 paras.6(5) (part), 18 (part); PCA.
para.10	CJA 2003 Sch.13 paras. 1(1) (part), (4) (part), 2 (part), 3(1) (part), 4(1) (part), 6(1) (part), (4), (part), (4A) (part), 7 (part), 8(1) (part), 9(1) (part), 18 (part), 19 (part).
para.11(1)	CJA 2003 Sch.13 para.1(5); LASPOA 2012 s.76(10) (part); CCA 2013 Sch.16 para.20(3) (part).
para.11(2)	CJA 2003 Sch.13 para.6(1), (4A); LASPOA 2012 s.76(10) (part); CCA 2013 Sch.16 para.20(4) (part); PCA.
para.12(1)	CJA 2003 Sch.13 paras.1(1) (part), 6(1) part; PCA; drafting.
para.12(2)	CJA 2003 Sch.13 paras.1(2), 6(2); CCA 2013 Sch.16 para.20(2) (part); ORA 2014 Sch.5 para.8(2), (4); drafting.
para.13	CJA 2003 Sch.13 paras.4 (part), 9 (part); DA(NI) 2016 s.1(5); drafting.
para.14(1)	CJA 2003 Sch.13 paras.2 (part), 7 (part); PCA.
para.14(2)	CJA 2003 Sch.13 paras.2 (part), 7 (part); SI 2005/886 Sch. para.111 (part); drafting.
para.15	CJA 2003 Sch.13 paras.2 (part), 7 (part).
para.16	CJA 2003 s.219(1) (part).
para.17(1)	CJA 2003 Sch.13 paras.3(1) (part), 8(1) (part), 19 (part).
para.17(2)	CJA 2003 Sch.13 paras.3(1) (part), 8(1) (part); drafting.
para.17(3)	CJA 2003 Sch.13 paras.3(2), 8(2).
para.18	CJA 2003 Sch.13 para.19 (part).
para.19	CJA 2003 Sch.13 paras.3(1) (part), 8(1) (part), 12(7) (part).
para.20	CJA 2003 Sch.13 paras.4(1) (part), 9(1) (part).
para.21	CJA 2003 Sch.13 paras.4(2), 9(2).
para.22	CJA 2003 Sch.13 paras.4 (part), 9 (part); ORA 2014 Sch.7 para.7; drafting.
para.23	CJA 2003 Sch.13 para.10; drafting.
para.24(1)	CJA 2003 Sch.12 para.4(1) (part), Sch.13 para.12(1), (2).
para.24(2)	CJA 2003 Sch.12 para.5(1), Sch.13 para.12(1), (2), (5); PCA.
para.24(3)	CJA 2003 Sch.12 para.4(1), Sch.13 para.12(1), (2), (5); PCA.
para.24(4)	CJA 2003 Sch.12 para.4(2).
para.24(5)	CJA 2003 Sch.12 para.4(3), Sch.13 para.12(2).
para.24(6)	PCA; drafting.

Provision	*Origin*
para.24(7)	CJA 2003 Sch.13 para.12(1) (part); drafting.
para.25(1)	CJA 2003 Sch.13 para.13(1).
para.25(2)	CJA 2003 Sch.13 para.13(2).
para.26(1)	CJA 2003 Sch.13 para.14(1).
para.26(2)	CJA 2003 Sch.13 para.14(2) (part).
para.26(3)	CJA 2003 Sch.13 para.14(2) (part), (6) (part).
para.26(4)	CJA 2003 Sch.13 para.14(2) (part); drafting.
para.26(5)	CJA 2003 Sch.13 para.14(2) (part); drafting.
para.26(6)	CJA 2003 Sch.13 para.14(6).
para.27(1)	CJA 2003 Sch.13 para.14(3) (part).
para.27(2)	CJA 2003 Sch.13 para.14(3) (part).
para.27(3)	CJA 2003 Sch.13 para.14(4).
para.27(4)	CJA 2003 Sch.13 para.14(5).
para.28	CJA 2003 Sch.13 para.12(1) (part), (5ZA); PCA; drafting.
para.29(1)	CJA 2003 Sch.13 para.12(1) (part), (2) (part), (3), (4); SI 2005/886 Sch. para.111 (part); drafting.
para.29(2)	CJA 2003 Sch.13 para.12(8) (part).
para.30	CJA 2003 Sch.13 para.10 (part); drafting.
para.31	CJA 2003 Sch.13 para.12(1) (part), (2) (part), (3) (part), (4) (part), (6); SI 2005/886 Sch. para.111 (part); PCA; drafting.
para.32(1)	CJA 2003 Sch.13 para.15(1) (part); drafting.
para.32(2)	Drafting.
para.32(3)	CJA 2003 Sch.13 para.15(1) (part), (2).
para.33(1)	CJA 2003 Sch.13 para.15(3) (part).
para.33(2)	CJA 2003 Sch.13 para.15(3) (part).
para.33(3)	CJA 2003 Sch.13 para.13(3) (part).
para.33(4)	CJA 2003 Sch.13 para.15(3) (part), (4).
para.34(1)	CJA 2003 Sch.13 para.15(5) (part).
para.34(2)	CJA 2003 Sch.13 para.15(5) (part); SI 2008/912 Sch.1 para.19(21) (part).
para.35	CJA 2003 Sch.13 para.16.
para.36	CJA 2003 Sch.13 para.12(8) (part).
para.37(1)	CJA 2003 Sch.13 paras.10, 20(1).
para.37(2)	CJA 2003 Sch.13 para.20(2).
para.38	CJA 2003 Sch.13 para.20(3); SI 2005/886 Sch. para.111 (part).

Provision		*Origin*
	para.39	CJA 2003 Sch.13 para.20(4); SI 2005/886 Sch. para.111 (part).
	para.40(1)	CJA 2003 Sch.13 para.20(1) (part).
	para.40(2)	CJA 2003 Sch.13 para.20(5); SI 2005/886 Sch. para.111 (part); PCA.
	para.40(3)	CJA 2003 Sch.13 paras.12(7) (part), 20(6); SI 2008/912 Sch.1 para.19(21) (part).
	para.40(4)	CJA 2003 Sch.13 para.20(7).
	para.41	CJA 2003 Sch.13 para.21.
	para.42(1)	CJA 2003 Sch.13 para.22(1).
	para.42(2)	CJA 2003 Sch.13 para.22(2).
Sch.18		
	para.1	CJA 2003 Sch.15 para.1.
	para.2	CJA 2003 Sch.15 para.2.
	para.3	CJA 2003 Sch.15 para.3.
	para.4	CJA 2003 Sch.15 paras.4 to 20.
	para.5	CJA 2003 Sch.15 paras.21 to 22A; CJCA 2015 s.2(2).
	para.6	CJA 2003 Sch.15 para.23.
	para.7	CJA 2003 Sch.15 para.24.
	para.8	CJA 2003 Sch.15 para.25.
	para.9	CJA 2003 Sch.15 paras.26 to 30.
	para.10	CJA 2003 Sch.15 paras.31, 32, 33, 34.
	para.11	CJA 2003 Sch.15 paras.35, 36.
	para.12	CJA 2003 Sch.15 para.37.
	para.13	CJA 2003 Sch.15 paras.38 to 41.
	para.14	CJA 2003 Sch.15 para.42.
	para.15	CJA 2003 Sch.15 para.43.
	para.16	CJA 2003 Sch.15 paras.44 to 46.
	para.17	CJA 2003 Sch.15 para.47.
	para.18	CJA 2003 Sch.15 paras.48 to 49; CJCA 2015 Sch.6 para.11.
	para.19	CJA 2003 Sch.15 paras.50 to 55.
	para.20	CJA 2003 Sch.15 para.56.
	para.21	CJA 2003 Sch.15 para.57; PFA 2012 Sch.9 para.147.
	para.22	CJA 2003 Sch.15 paras.58 and 59.
	para.23	CJA 2003 Sch.15 paras.59A to 59D; CJA 2009 s.138(2); clean sweep.

Provision		*Origin*
	para.24	CJA 2003 Sch.15 para.60.
	para.25	CJA 2003 Sch.15 para.60A to 60C; CJA 2009 s.138(3); clean sweep.
	para.26	CJA 2003 Sch.15 paras.61 to 63.
	para.27	CJA 2003 Sch.15 para.63A; DVCVA 2004 Sch.10 para.65; DVCV(A)A 2012 Sch. para.6.
	para.28	CJA 2003 Sch.15 para.63B to 63F; CJA 2009 s.138(4); clean sweep.
	para.29	CJA 2003 Sch.15 paras.63G and 63H; MSA 2015 s.6(2).
	para.30	CJA 2003 Sch.15 para.64 (part); CJCA 2015 s.2(3).
	para.31	CJA 2003 Sch.15 para.65 (part); CJCA 2015 s.2(4).
	para.32	CJA 2003 Sch.15 paras.66 to 91 and 92A; CJCA 2015 s.2(6).
	para.33	CJA 2003 Sch.15 para.93.
	para.34	CJA 2003 Sch.15 para.94.
	para.35	CJA 2003 Sch.15 paras.95, 96.
	para.36	CJA 2003 Sch.15 para.97.
	para.37	CJA 2003 Sch.15 para.98.
	para.38	CJA 2003 Sch.15 para.99.
	para.39	CJA 2003 Sch.15 para.100.
	para.40	CJA 2003 Sch.15 para.101.
	para.41	CJA 2003 Sch.15 paras.102 to 116, 116A, 117 to 143, 143A, 144 to 152; PFA 2012 Sch.9 para.139; SCA 2015 Sch.4 para.68(2).
	para.42	CJA 2003 Sch.15 para.152A; MSA 2015 s.6(3).
	para.43	CJA 2003 Sch.15 para.153 (part); CJCA 2015 s.2(7).
	para.44	CJA 2009 Sch.22 para.37(2).
Sch.19		
	para.1	CJA 2003 Sch.15 para.1.
	para.2	CJA 2003 Sch.15 para.2.
	para.3	CJA 2003 Sch.15 para.3.
	para.4	CJA 2003 Sch.15 paras.4, 6, 8, 9, 12, 13, 16.
	para.5	CJA 2003 Sch.15 paras.21, 22.
	para.6	CJA 2003 Sch.15 para.22A; CJCA 2015 s.2(2), (10); SI 2015/778 art.3.
	para.7	CJA 2003 Sch.15 para.23.
	para.8	CJA 2003 Sch.15 para.25.
	para.9	CJA 2003 Sch.15 paras.26, 28, 29, 30.

Provision		*Origin*
	para.10	CJA 2003 Sch.15 paras.31, 33.
	para.11	CJA 2003 Sch.15 para.35.
	para.12	CJA 2003 Sch.15 para.36.
	para.13	CJA 2003 Sch.15 para.37.
	para.14	CJA 2003 Sch.15 paras.38, 39, 40.
	para.15	CJA 2003 Sch.15 para.47.
	para.16	CJA 2003 Sch.15 paras.50, 51, 52, 53, 54, 55.
	para.17	CJA 2003 Sch.15 para.56.
	para.18	CJA 2003 s.225(2) (part), s.226(1) (part), (2) (part), Sch.15 paras.59A, 59B, 59D; CJA 2009 s.138(2), s.182(2) (part), Sch.22 para.37(1) (part); CJCA s.1(2), (4); SI 2015/778 art.3, Sch.1 para.1.
	para.19	CJA 2003 Sch.15 paras.60A, 60B; CJA 2009 s.138(3), s.182(2) (part), Sch.22 para.37(1) (part).
	para.20	SOA 2003 s.4(4), s.8(2), s.30(3), s.31(3), s.34(2), s.35(2), s.47(3), s.62(3); CJA 2003 s.225(2) (part), s.226(1) (part), Sch.15 paras.102, 103, 105, 106, 107, 109, 123, 124, 127, 128, 135, 145.
	para.21	CJA 2003 s.225(2) (part), s.226(2) (part); Sch.15 paras.63B, 63C, 63D, 63E, 63F; CJA 2009 s.138(4), s.182(2) (part), Sch.22 para.37(1) (part); CJCA 2015 s.1(3), (4); SI 2015/778 art.3, Sch.1 para.1.
	para.22	CJA 2003 Sch.15 paras.63G, 63H, 152A; MSA 2015 s.6(2), (3).
	para.23	CLA 1977 s.3(2) (part); CAA 1981 s.4(1) (part); CJA 2003 Sch.15 paras.64 (part), 153 (part); SCA 2007 s.58(3); CJCA 2015 s.2(3), (7).
	para.24	CJA 2003 Sch.15 para.65 (part); CJCA 2015 s.2(4), (10); SI 2015/778 art.3.
Sch.20		
	para.1	FA 1968 s.51A(1) (part); CJA 2003 s.287; SI 2004/81 art.3(2) (part).
	para.2	FA 1968 s.51A(1) (part); CJA 2003 s.287; SI 2004/81 art.3(2) (part).
	para.3	FA 1968 s.51A(1A) (part); CJA 2003 s.287; VCRA 2006 s.30(2) (part); ABCPA 2014 s.108(6).
	para.4	FA 1968 s.51A(1A) (part); CJA 2003 s.287; VCRA 2006 s.30(3), (5); SI 2007/858 art.2 (part).
	para.5	VCRA 2006 s.29(3) (part), (4) (part), (6) (part).
	para.6	FA 1968 s.51A(1) (part); CJA 2003 s.287; VCRA 2006 s.29(3) (part), s.30(2).

Provision		*Origin*
Sch.21		
	para.1	CJA 2003 Sch.21 para.1.
	para.2(1)	CJA 2003 Sch.21 para.4(1).
	para.2(2)	CJA 2003 Sch.21 para.4(2); CTA 2008 s.75(2) (part); CJCA 2015 s.27(2), (4); SI 2015/778 art.3, Sch.1 para.23.
	para.3(1)	CJA 2003 Sch.21 para.5(1).
	para.3(2)	CJA 2003 Sch.21 paras.2 (part), 3 (part), 5(2); LASPOA 2012 s.65(8), (9); CJCA 2015 s.27(4); SI 2012/2906 art.3(1) (part); SI 2015/778 art.3, Sch.1 para.23.
	para.3(3)	CJA 2003 Sch.21 paras.2 (part), 3 (part); LASPOA 2012 s.65(7), (8); drafting.
	para.4(1)	CJA 2003 Sch.21 para.5A(1); SI 2010/197 arts.2(2), 3.
	para.4(2)	CJA 2003 Sch.21 para.5A(2); SI 2010/197 art.2(2).
	para.5	CJA 2003 Sch.21 para.6; SI 2010/197 art.2(3).
	para.6	CJA 2003 Sch.21 para.7.
	para.7	CJA 2003 Sch.21 para.8.
	para.8	CJA 2003 Sch.21 para.9.
	para.9	CJA 2003 Sch.21 para.10; SI 2010/197 art.2(4).
	para.10	CJA 2003 Sch.21 para.11; CJA 2009 Sch.21 para.52; SI 2010/816 art.7(4).
	para.11	CJA 2003 Sch.21 para.12; AFA 2006 Sch.16 para.236.
	para.12(1)	CJA 2003 s.336(2), Sch.22 para.9.
	para.12(2)	CJA 2003 Sch.22 para.10 (part).
	para.12(3)	CJA 2003 Sch.22 para.10 (part).
Sch.22		
	para.1	CJA 2003 s.161; PCA 2017 s.79(3); drafting.
	para.2	CJA 2003 s.152(3) (part).
	para.3	CJA 2003 s.142A; CJIA 2008 s.9(1); CJCA 2015 Sch.5 para.11(2), (3); drafting.
	para.4	CTA 2008 Sch.2 (part); SIA 2018 Sch.12 para.29.
	para.5	Drafting.
	para.6	PCA; drafting.
	para.7	PCA.
	para.8	CJCSA 2000 Sch.7 para.193 (part).
	para.9	CJCSA 2000 Sch.7 para.194 (part).
	para.10	PCA.
	para.11(1)	CJIA 2008 Sch.1 para.5(2) (part).

Provision	*Origin*
para.11(2)	CJIA 2008 Sch.1 para.5(2) (part).
para.11(3)	CJIA 2008 Sch.1 para.5(2) (part).
para.12(1)	CJA 2003 s.148(4) (part); CJIA 2008 Sch.4 para.73(5); PCA.
para.12(2)	CJA 2003 s.151(2A), (2B), (3) (part), (7); CJIA 2008 Sch.4 para.76(4), (5).
para.13	CJA 2003 s.150A(1) (part), s.151(1A) (part), (2) (part); CJIA 2008 s.11(1); drafting.
para.14(1)	CJA 2003 s.148(4) (part).
para.14(2)	CJA 2003 s.150A(2) (part), s.151(A1), (1) (part), (1A), (2) (part), (3) (part), (7) (part); CJIA 2008 s.11(1), (5), (6); drafting.
	CJA 2003 s.151(4) (part); CJIA 2008 s.11(7), Sch.4 para.76(6); CJA 2009 Sch.21 para.98(2) (part), (3) (part).
	CJA 2003 s.151(4) (part); AFA 2006 Sch.16 para.217(2); CJIA 2008 s.11(7), Sch.4 para.76(6); CJA 2009 Sch.21 para.98(2) (part), (3) (part).
	CJA 2003 s.151(5); DVCVA 2004 Sch.10 para.63; AFA 2006 Sch.16 para.217(3); CJIA 2008 s.11(7), Sch.4 para.76(6); CJA 2009 Sch.21 para.98(2) (part), (3) (part); PSHFA 2013 Sch. para.29; CJCA 2015 Sch.12 para.13; MSA 2015 Sch.5 para.24; drafting.
	CJA 2003 s.151(6); CJIA 2008 s.11(7), Sch.4 para.76(6); CJA 2009 Sch.21 para.98(2) (part), (3) (part).
para.15	CJA 2003 s.151(8) (part); AFA 2006 Sch.16 para.217(4).
para.16(1)	Drafting.
para.16(2)	CJA 2003 s.151(2A) (part); CJA 2009 Sch.17 para.8(4).
para.17(1)	Drafting.
para.17(2)	CJA 2003 s.151(1A) (part); CJA 2009 Sch.17 para.8(3).
para.18(1)	Drafting.
para.18(2)	CJA 2003 s.151(1) (part); CJA 2009 Sch.17 para.8(2).
para.19(1)	Drafting.
para.19(2)	CJA 2003 s.151(4A) (part); CJA 2009 Sch.17 para.8(5); PCA.
para.19(3)	CJA 2003 s.151(8) (part); CJA 2009 Sch.17 para.8(6); PCA.
para.20	CJIA 2008 s.11(8), Sch.4 para.76(7).
para.21(1)	Drafting.
para.21(2)	CJA 2003 Sch.8 para.9(1) (part), (4) (part), (5) (part), (8) (part); SI 2005/643 art.2(3) (part), art.3(16) (part).

Provision	*Origin*
para.21(3)	CJA 2003 Sch.8 para.10(1)(part), (4) (part), (5) (part); SI 2005/643 art.2(3) (part); art.3(16) (part).
para.22(1)	CJA 2003 s.211(4) (part).
para.22(2)	CJA 2003 Sch.8 paras.9(4) (part), 10(4) (part), 17(4) (part).
para.23	CSWA 2017 Sch.5 para.48 (part); PCA.
para.24	CJA 2003 Sch.8 para.16(3), (4); ORA 2014 s.18(5).
para.25(1)	Drafting.
para.25(2)	CJA 2003 s.154(1) (part).
para.25(3)	CJA 2003 s.154(2) (part).
para.26	CJA 2003 Sch.8 para.10(1) (part); SI 2005/643 art.2(3) (part).
para.27	CJA 2003 Sch.8 para.11(1) (part); SI 2005/643 art.2(3) (part).
para.28(1)	PCC(S)A 2000 s.100(2) (part).
para.28(2)	PCC(S)A 2000 s.100(2) (part).
para.28(3)	CJIA 2008 s.1(4) (part); PCA.
para.28(4)	Drafting.
para.29	CJA 2003 s.298; PCA.
para.30	Drafting.
para.31	Drafting.
para.32	Drafting.
para.33	Drafting.
para.34	Drafting.
para.35	Drafting.
para.36	Drafting.
para.37	Drafting.
para.38	CJCSA 2000 Sch.7 para.176.
para.39	CJCSA 2000 Sch.7 para.177; PCA.
para.40	CJCSA 2000 Sch.7 para.178.
para.41	CJCSA 2000 Sch.7 para.180.
para.42(1)	CJCSA 2000 Sch.7 paras.182 (part), 187 (part); LASPOA 2012 Sch.9 para.20 (part), Sch.21 para.36(1) (part), (2) (part); CJCA 2015 Sch.1 para.10(2) (part); SI 2005/643 art.3(4) (part).
para.42(2)	Drafting.
para.42(3)	CJCSA 2000 s.61(7).
para.43	CJCSA 2000 Sch.7 para.185; PCA.

Provision	*Origin*
para.44	CJCSA 2000 Sch.7 para.187 (part).
para.45	CJCSA 2000 Sch.7 para.187 (part).
para.46	CJCSA 2000 Sch.7 para.181 (part).
para.47	PCC(S)A s.91(6) (part); CJCSA 2000 Sch.7 para.181 (part); PCA.
para.48	LASPOA 2012 Sch.21 para.36(1) (part), (3) (part).
para.49	Drafting.
para.50	CJCA 2015 Sch.1 para.10(2) (part).
para.51	Drafting.
para.52	LASPOA 2012 Sch.21 para.36(1) (part), (2) (part).
para.53	LASPOA 2012 Sch.19 para.24(1) (part), (2) (part).
para.54	SI 2005/643 art.3(4) (part).
para.55	LASPOA 2012 Sch.9 para.20 (part).
para.56	SI 2005/643 art.3(2) (part).
para.57	FA 1968 s.51A(4) (part); CJA 2003 s.287; VCRA 2006 s.29(4) (part), (5) (part), (6) (part); SI 2007/1324 art.2 (part).
para.58	PCA 1953 s.1A(6) (part), (9) (part); CJA 1988 s.139AA(8) (part), (11) (part); LASPOA 2012 s.142(1), (2).
para.59	CJCSA 2000 Sch.7 para.190.
para.60	CJCSA 2000 Sch.7 para.191.
para.61	PCA 1953 s.1(2C) (part), (2G) (part); CJA 1988 s.139(6C) (part), (6G) (part), s.139A(5C) (part), (5G) (part), CJCA 2015 s.28(2), (5), (6).
para.62	CJA 2003 s.277 (part).
para.63	SI 2005/643 art.3(6) (part); PCA.
para.64	PCC(S)A 2000 s.104(4A); CJCSA 2000 Sch.7 para.186; LASPOA 2012 s.80(4), (8) (part).
para.65	CJA 2003 Sch.8 para.10(1) (part); SI 2005/643 art.3(16) (part).
para.66	CJA 2003 Sch.8 para.11(1) (part); SI 2005/643 art.3(16) (part).
para.67	CJA 2003 Sch.12 para.14(3), (4); ORA 2014 s.18(8).
para.68	CJA 2003 Sch.15 paras. 63I to 63M; SIA 2018 Sch.12 para.25.
para.69	CJA 2003 Sch.15 paras. 63I to 63L; SIA 2018 s.53(6), Sch.12 para.25.
para.70(1)	Drafting.
para.70(2)	PCC(S)A 2000 s.82A(3) (part); CJIA 2008 s.19(2).

Provision		*Origin*
	para.70(3)	PCC(S)A 2000 s.82A(3A), (3B), (3C); CJIA 2008 s.19(3).
	para.71	CJA 2003 Sch.36 para.98.
Sch.23		
	para.1(1)	CTA 2008 s.33(1); DA 2015 s.105(1).
	para.1(2)	CTA 2008 s.33(2).
	para.1(3)	Drafting.
	para.2(1)	PCC(S)A 2000 s.15(1); DA 2015 s.105(1).
	para.2(2)	PCC(S)A 2000 s.160(3) (part).
	para.2(3)	Drafting.
	para.3(1)	PCC(S)A 2000 s.17(3), drafting.
	para.3(2)	PCC(S)A 2000 Sch.1 para.13(8) (part); drafting.
	para.3(3)	PCC(S)A 2000 s.17(4), Sch.1 para.13(8) (part).
	para.3(4)	PCC(S)A 2000 s.30(2).
	para.3(5)	Drafting.
	para.4(1)	PCC(S)A 2000 Sch.1 para.6A(7); DA 2015 s.105(1); CJCA 2015 s.43(1).
	para.4(2)	PCC(S)A 2000 s.160(3) (part); CJCA 2015 s.43(4).
	para.4(3)	Drafting.
	para.5(1)	MCA 1980 s.143(1) (part), (2) (part), (6) (part); DA 2015 s.105(1).
	para.5(2)	MCA 1980 s.143(3) (part); CJA 1991 Sch.11 para.27; LASPOA 2012 s.87(3); SI 1992/333 art.2(2), Sch.2.
	para.5(3)	MCA 1980 s.143(6) (part).
	para.5(4)	MCA 1980 s.143(6) (part); drafting.
	para.5(5)	Drafting.
	para.5(6)	Drafting.
	para.6(1)	LASPOA 2012 s.87(1), (7); DA 2015 s.105(1).
	para.6(2)	LASPOA 2012 s.87(2).
	para.6(3)	LASPOA 2012 s.87(6).
	para.6(4)	Drafting.
	para.7(1)	MCA 1980 s.143(1) (part), (2) (part), (6) (part); CCA 2013 Sch.16 para.10; DA 2015 s.105(1); SI 2013/2981.
	para.7(2)	MCA 1980 s.143(3) (part); CJA 1991 Sch.11 para.27; LASPOA 2012 s.87(3); SI 1992/333 art.2(2), Sch.2.
	para.7(3)	MCA 1980 s.143(6) (part).
	para.7(4)	MCA 1980 s.143(6) (part); drafting.
	para.7(5)	Drafting.

Provision	*Origin*
para.7(6)	Drafting.
para.8(1)	CJIA 2008 s.4(3); DA 2015 s.105(1); LCR.
para.8(2)	CJIA 2008 s.4(4).
para.8(3)	CJIA 2008 s.147(5) (part).
para.9(1)	CJIA 2008 Sch.1 para.27(1); DA 2015 s.105(1).
para.9(2)	CJIA 2008 Sch.1 para.27(2), (3); DA 205 s.105(1).
para.9(3)	CJIA 2008 Sch.1 para.27(4).
para.9(4)	CJIA 2008 s.147(5) (part).
para.10(1)	CJIA 2008 Sch.2 para.10(1); DA 2015 s.105(1).
para.10(2)	CJIA 2008 Sch.2 para.10(2).
para.10(3)	CJIA 2008 Sch.2 para.10(3) (part); LASPOA 2012 s.84(4); SI 2012/2906 art.2 (part).
para.10(4)	Drafting.
para.10(5)	CJIA 2008 s.147(3) (part).
para.11(1)	CJIA 2008 Sch.2 para.25; DA 2015 s.105(1).
para.11(2)	CJIA 2008 s.147(5) (part).
para.12(1)	CJIA 2008 Sch.3 para.17(1).
para.12(2)	CJIA 2008 Sch.3 para.17(2); DA 2015 s.105(1).
para.12(3)	CJIA 2008 s.147(3) (part).
para.13(1)	CJA 2003 s.223(1); DA 2015 s.105(1).
para.13(2)	CJA 2003 s.223(2), (3); LASPOA 2012 s.76(7); DA 2015 s.105(1).
para.13(3)	CJA 2003 s.330(5) (part).
para.14(1)	CJA 2003 Sch.8 para.11A(1); LASPOA 2012 s.67(7); DA 2015 s.105(1).
para.14(2)	CJA 2003 Sch.8 para.11A(2); LASPOA 2012 s.67(7).
para.14(3)	CJA 2003 Sch.8 para.11A(3); LASPOA 2012 s.67(7); SI 2012/2906 art.2 (part).
para.14(4)	CJA 2003 s.330(6).
para.15(1)	PCC(S)A 2000 s.103(2) (part); ORA 2014 s.6(3) (part); DA 2015 s.105(1).
para.15(2)	PCC(S)A 2000 s.103(2) (part).
para.15(3)	PCC(S)A 2000 s.103(2A); ORA 2014 s.6(3) (part); PCA.
para.15(4)	Drafting.
para.15(5)	PCC(S)A 2000 s.107(3) (part); ORA 2014 Sch.3 para.12 (part).
para.15(6)	PCC(S)A 2000 s.160(3) (part).

Provision		*Origin*
	para.15(7)	Drafting.
	para.16(1)	CJA 2003 s.236A(6); CJCA 2015 Sch.1 para.2; DA 2015 s.105(1).
	para.16(2)	CJA 2003 s.330(5) (part); CJCA 2015 Sch.1 para.3.
	para.17(1)	CJA 2003 Sch.12 para.12A(1); LASPOA 2012 s.69(3); DA 2015 s.105(1).
	para.17(2)	CJA 2003 Sch.12 para.12A(2); LASPOA 2012 s.69(3).
	para.17(3)	CJA 2003 Sch.12 para.12A(3); LASPOA 2012 s.69(3); SI 2012/2906 art.2 (part).
	para.17(4)	CJA 2003 s.330(6).
	para.18(1)	CJA 2003 s.291(1) (part); VCRA Sch.1 para.9(7); DA 2015 s.105(1).
	para.18(2)	CJA 2003 s.291(1) (part), (2).
	para.18(3)	CJA 2003 s.291(3) (part); PCA.
	para.18(4)	CJA 2003 s.330(5) (part).
	para.19(1)	CJA 2003 s.269(6); CJA 2009 Sch.21 para.85 (part); DA 2015 s.105(1).
	para.19(2)	CJA 2003 s.269(7); CJA 2009 Sch.21 para.85 (part).
	para.19(3)	CJA 2003 s.269(6A); PCA.
	para.19(4)	CJA 2003 s.330(5) (part).
Sch.24		
	para.1(1)	LASPOA 2012 s.77(1) (part), (4) (part); DA 2015 s.105(1)
	para.1(2)	LASPOA 2012 s.77(4) (part).
	para.2(1)	LASPOA 2012 s.77(1) (part); DA 2015 s.105(1); drafting.
	para.2(2)	Drafting.
	para.2(3)	LASPOA 2012 s.77(5).
	para.2(4)	LASPOA 2012 s.77(6).
	para.3(1)	LASPOA 2012 s.77(7) (part).
	para.3(2)	LASPOA 2012 s.77(7) (part); drafting.
	para.4	LASPOA 2012 s.77(5) (part).
	para.5(1)	LASPOA 2012 s.77(8) (part).
	para.5(2)	Drafting.
	para.5(3)	LASPOA 2012 s.77(10).
	para.6(1)	CCA 2013 s.61(2) (part); DA 2015 s.105(1); drafting.
	para.6(2)	CCA 2013 s.61(8) (part).
	para.6(3)	CCA 2013 s.61(9) (part).
	para.6(4)	Drafting.

Provision	*Origin*
para.6(5)	Drafting.
para.6(6)	CCA 2013 s.58(4) (part).
para.7(1)	CCA 2013 s.61(2) (part); DA 2015 s.105(1); drafting.
para.7(2)	CCA 2013 s.61(8) (part).
para.7(3)	CCA 2013 s.61(9) (part).
para.7(4)	Drafting.
para.7(5)	CCA 2013 s.58(4) (part).