

**Status:** This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Criminal Justice and Immigration Act 2008, SCHEDULE 7 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

PROSPECTIVE

### SCHEDULE 7

Section 39(6)

#### YOUTH DEFAULT ORDERS: MODIFICATION OF PROVISIONS APPLYING TO YOUTH REHABILITATION ORDERS

##### *General*

- 1 Any reference to the offender is, in relation to a youth default order, to be read as a reference to the person in default; and any reference to the time when the offender is convicted is to be read as a reference to the time when the order is made.

##### *Unpaid work requirement*

- 2 <sup>F1</sup>(1) . . . . .
- (2) [<sup>F2</sup>In its application to a youth default order, paragraph 10 (unpaid work requirement) of Schedule 6 to the Sentencing Code has effect as if for paragraphs (a) and (b) of sub-paragraph (3)] there were substituted—
- “(a) not less than 20, and
  - (b) in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of hours</i>
An amount not exceeding £200	40
An amount exceeding £200 but not exceeding £500	60
An amount exceeding £500	100”.

- [<sup>F3</sup>(3) In its application to a youth default order, subsection (3) of section 198 of the Sentencing Code (when a youth rehabilitation order is in force) has effect subject to section 39(7)(a) of the Criminal Justice and Immigration Act 2008.]

#### Textual Amendments

- F1** Sch. 7 para. 2(1) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(2)(a) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F2** Words in Sch. 7 para. 2(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(2)(b) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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**F3** Sch. 7 para. 2(3) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 270(2)(c) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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

**C1** Sch. 7 para. 2(1) modified (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), ss. 1, 5(2)(3); S.I. 2012/1236, reg. 2

*Attendance centre requirement*

- 3 (1) In its application to a youth default order, [<sup>F4</sup>paragraph 14 of Schedule 6 to the Sentencing Code] (attendance centre requirement) is modified as follows.
- (2) [<sup>F5</sup>Sub-paragraph (3)] has effect as if—
- (a) in paragraph (a), for the words following “conviction” there were substituted <sup>F6c</sup>... in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of hours</i>
An amount not exceeding £250	8
An amount exceeding £250 but not exceeding £500	14
An amount exceeding £500	24”,

- (b) in paragraph (b), for the words following “conviction” there were substituted <sup>F7c</sup>... in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of hours</i>
An amount not exceeding £250	8
An amount exceeding £250 but not exceeding £500	14
An amount exceeding £500	24”,

- (c) in paragraph (c), for “must not be more than 12” there were substituted <sup>F8c</sup>... in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of hours</i>
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An amount not exceeding £250	8
An amount exceeding £250 but not exceeding £500	10
An amount exceeding £500	12”.

#### Textual Amendments

- F4** Words in Sch. 7 para. 3(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(3)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F5** Words in Sch. 7 para. 3(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(3)(b)(i)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F6** Words in Sch. 7 para. 3(2)(a) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(3)(b)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F7** Words in Sch. 7 para. 3(2)(b) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(3)(b)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F8** Words in Sch. 7 para. 3(2)(c) omitted (1.12.2020) by virtue of Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(3)(b)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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

- C2** Sch. 7 para. 3(2) modified in part (1.12.2020 immediately before the consolidation date (see 2020 c. 9, ss. 3, 5(2)(3) and 2020 c. 17, ss. 2, 416)) by Sentencing (Pre-consolidation Amendments) Act 2020 (c. 9), **ss. 1, 5(2)(3)**; S.I. 2012/1236, reg. 2

#### Curfew requirement

- 4 (1) In its application to a youth default order, [F<sup>9</sup>paragraph 18 of Schedule 6 to the Sentencing Code] (curfew requirement) is modified as follows.
- (2) That paragraph has effect as if after [F<sup>10</sup>sub-paragraph (4)] there were inserted—
- [F<sup>11</sup>“(4A)]] In the case of an amount in default which is specified in the first column of the following Table, the number of days on which the person in default is subject to the curfew requirement must not exceed the number of days set out opposite that amount in the second column.

TABLE

<i>Amount</i>	<i>Number of days</i>
An amount not exceeding £200	20
An amount exceeding £200 but not exceeding £500	30
An amount exceeding £500 but not exceeding £1,000	60
An amount exceeding £1,000 but not exceeding £2,000	90
An amount exceeding £2,000	180”.

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### Textual Amendments

- F9** Words in Sch. 7 para. 4(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(4)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F10** Words in Sch. 7 para. 4(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(4)(b)(i)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F11** Word in Sch. 7 para. 4(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(4)(b)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

### *Enforcement, revocation and amendment of youth default order*

- 5 (1) In its application to a youth default order, [<sup>F12</sup>Schedule 7 to the Sentencing Code (breach, revocation or amendment of youth rehabilitation order)] is modified as follows.
- (2) Any reference to the offence in respect of which the youth rehabilitation order was made is to be read as a reference to the default in respect of which the youth default order was made.
- (3) Accordingly, any power of the court to revoke a youth rehabilitation order and deal with the offender for the offence is to be taken to be a power to revoke the youth default order and deal with him in any way in which the court which made the youth default order could deal with him for his default in paying the sum in question.
- (4) [<sup>F13</sup>Paragraph 3] has effect as if for paragraphs (a) and (b) there were substituted “as having been made by a magistrates' court”.
- [<sup>F14</sup>(5) The following provisions are omitted—
- (a) in paragraph 6—
    - (i) sub-paragraph (5)(a),
    - (ii) the words “add or” in sub-paragraph (5)(b), and
    - (iii) sub-paragraph (11);
  - (b) paragraph 9;
  - (c) paragraph 11;
  - (d) paragraph 12(8);
  - (e) paragraph 21(6);
  - (f) paragraph 23(2)(b).]

### Textual Amendments

- F12** Words in Sch. 7 para. 5(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(5)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F13** Words in Sch. 7 para. 5(4) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(5)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F14** Sch. 7 para. 5(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(5)(c)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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*Power to alter amount of money or number of hours or days*

- 6 The Secretary of State may by order amend paragraph 2, 3 or 4 by substituting for any reference to an amount of money or a number of hours or days there specified a reference to such other amount or number as may be specified in the order.

*Transfer of youth default order to Northern Ireland*

- 7 (1) In its application to a youth default order, [<sup>F15</sup>Schedule 8 to the Sentencing Code (transfer of youth rehabilitation orders to Northern Ireland)] is modified as follows.
- (2) [<sup>F16</sup>Paragraph 15] has effect as if, after sub-paragraph (2) there were inserted—
- “(3) Nothing in sub-paragraph (1) affects the application of section 39(7) [<sup>F17</sup>of the Criminal Justice and Immigration Act 2008] to a youth default order made or amended in accordance with [<sup>F18</sup>Part 1 of this Schedule].”
- [<sup>F19</sup>(3) Paragraph 16 has effect as if after sub-paragraph (5) there were inserted—
- “(5A) The home court may not impose a fine on the offender.”]

**Textual Amendments**

- F15** Words in Sch. 7 para. 7(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(6)(a)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F16** Words in Sch. 7 para. 7(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(6)(b)(i)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F17** Words in Sch. 7 para. 7(2) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(6)(b)(ii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F18** Words in Sch. 7 para. 7(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(6)(b)(iii)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F19** Sch. 7 para. 7(3) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 270(6)(c)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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**Changes and effects yet to be applied to :**

- Sch. 7 para. 5(1) words added by [2008 c. 25 Sch. 1 para. 90\(2\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)