

SCHEDULES

SCHEDULE 3

Article 45.

SUPERVISED ACTIVITY ORDERS: FURTHER PROVISIONS

Restrictions on power to make order

1. A court shall not make a supervised activity order in respect of any offender unless—
 - (a) the court has been notified by the Secretary of State that arrangements exist for persons who reside in the petty sessions district in which the offender resides, or will be residing when the order comes into force, to carry out the requirements of a supervised activity order; and
 - (b) the court is satisfied that provision can be made under those arrangements for the offender to carry out the requirements of the order which the court proposes to make.

Making of order

- 2.—(1) A supervised activity order shall specify the petty sessions district in which the offender resides or will be residing when the order comes into force.
 - (2) Where, whether on the same occasion or on separate occasions, an offender is made subject to more than one supervised activity order, the court may direct that the requirements specified in any of those orders shall be concurrent with or additional to those specified in any other of those orders.
 - (3) But at no time shall the offender have an outstanding number of hours during which the offender is to carry out the requirements of those orders in excess of the largest number specified in Article 45(3).

Coming into force of order

- 3.—(1) Sub-paragraphs (2) to (5) apply where a supervised activity order comes into force in relation to an offender.
 - (2) The court which made the order shall as soon as practicable give a copy of the order to a probation officer assigned to the court.
 - (3) That probation officer shall send copies of the order to—
 - (a) the offender; and
 - (b) the supervising officer.
 - (4) If the court which made the order is not the appropriate court, the court shall send to the clerk of the appropriate court—
 - (a) a copy of the order; and
 - (b) such documents and information relating to the case as are considered useful
 - (5) The supervising officer shall as soon as practicable give the offender an explanation in ordinary language—

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- (a) of the purpose and effect of the order and in particular the obligations on the offender as specified in paragraph 4;
- (b) of the consequences under paragraph 5 of failure to comply with any of the requirements mentioned there; and
- (c) that the appropriate court has, under paragraph 6, power to review the order on the application of the offender or the supervising officer.

Requirements of order

4.—(1) An offender in respect of whom a supervised activity order is in force shall—

- (a) report to the supervising officer; and
- (b) notify the officer without delay of any change of address or in the times, if any, at which the offender usually works (or carries out voluntary work) or attends a school or other educational establishment.

(2) Subject to paragraph 6(1), instructions given under a supervised activity order shall be carried out during the period of 12 months beginning with the date of the order; but, unless revoked, the order shall remain in force until the offender has carried out the instructions given under it for the number of hours specified in it.

(3) The instructions given by the supervising officer under the order shall, so far as practicable, be such as to avoid—

- (a) any conflict with the offender's religious beliefs; and
- (b) any interference with the times, if any, at which the offender normally works (or carries out voluntary work) or attends a school or other educational establishment.

Failure to comply with order

5.—(1) If at any time while a supervised activity order is in force in respect of any offender it appears, on complaint to a lay magistrate, that the offender has failed to comply with any of the requirements of paragraph 4 or of the order (including any failure satisfactorily to carry out any instructions which the offender has been given by the supervising officer under the order), the lay magistrate may—

- (a) issue a summons requiring the offender to appear before the appropriate court at a time specified in the summons; or
- (b) if the complaint is in writing and on oath, issue a warrant for the offender to be arrested and brought before the appropriate court.

(2) If—

- (a) a warrant is issued under sub-paragraph (1) requiring an offender to be brought before the Crown Court; and
- (b) the offender cannot forthwith be brought before the Crown Court because it is not being held

the warrant shall have effect as if it directed the offender to be brought before a magistrates' court having jurisdiction in the place where the offender is arrested.

(3) Where an offender is brought before a magistrates' court in pursuance of sub-paragraph (2), that court shall commit the offender in custody or on bail to the Crown Court.

(4) If it is proved to the satisfaction of the appropriate court before which an offender appears or is brought under this paragraph that the offender has failed without reasonable excuse to comply

with any of the requirements of paragraph 4 or of the order (including any failure satisfactorily to carry out any instructions which the offender has been given by the supervising officer under the order) the court may—

- (a) revoke the order and impose such period of imprisonment not exceeding—
 - (i) in the case of the Crown Court, 30 days; and
 - (ii) in the case of a magistrates' court, 20 days,as the court considers appropriate; or
- (b) subject to Article 45(3) and paragraph 2(3), vary the number of hours specified in the order.

Amendment, extension or revocation of order

6.—(1) On the application of the offender or of the supervising officer in relation to a supervised activity order, the appropriate court may—

- (a) extend, in relation to the order, the period of 12 months specified in paragraph 4(2);
- (b) subject to Article 45(3) and paragraph 2(3), vary the number of hours specified in the order;
- (c) revoke the order; or
- (d) revoke the order and impose such period of imprisonment not exceeding—
 - (i) in the case of the Crown Court, 30 days; and
 - (ii) in the case of a magistrates' court, 20 days,as the court considers appropriate.

(2) If—

- (a) the appropriate court is satisfied that the offender proposes to reside in another petty sessions district instead of the petty sessions district for the time being specified under paragraph 2(1) or that such a change of residence has taken place; and
- (b) the court has been notified by the Secretary of State that arrangements exist for persons who reside in the other petty sessions district to carry out instructions under supervised activity orders; and
- (c) it appears to the court that provision can be made under those arrangements for the offender to carry out instructions under the order,

the court may, and on application of the supervising officer shall, amend the order by substituting the other petty sessions district for the district specified in the order; and this Schedule shall apply to the order as amended

(3) Where the court proposes to exercise its powers under sub-paragraph (1)(a), (b) or (d) otherwise than on the application of the offender, the court—

- (a) shall 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 the appropriate court is a magistrates' court and it amends or revokes an order, the court shall as soon as practicable—

- (a) if the court amends the order by substituting a new petty sessions district for the district specified in the order, send to the clerk of petty sessions for the new petty sessions district—
 - (i) a copy of the amending order; and

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- (ii) such documents and information relating to the case as the court considers likely to be of assistance to a court acting for the new petty sessions district in exercising its functions in relation to the order;
- (b) if the court amends the order in any other manner, give a copy of the amending order to the supervising officer;
- (5) In a case falling within sub-paragraph (4)(a), the clerk of petty sessions for the new petty sessions district shall give a copy of the amending order to the supervising officer.

Rules

7.—(1) The Secretary of State may make rules for regulating the carrying out of the requirements of supervised activity orders.

- (2) Without prejudice to the generality of sub-paragraph (1), rules under this paragraph may—
 - (a) limit the number of hours during which the requirements of an order are to be met on any one day;
 - (b) make provision as to the reckoning of time for the purposes of the carrying out of those requirements;
 - (c) make provision for the types of activity to be available for the purposes of carrying out those requirements;
 - (d) make provision for the payment of travelling and other expenses in connection with the carrying out of those requirements;
 - (e) provide for records to be kept of what has been done by any person carrying out those requirements;
 - (f) make provision for the assignment of a supervising officer in relation to a supervised activity order.

Interpretation

8.—(1) In this Schedule “the appropriate court”, in relation to a supervised activity order, means—

- (a) if the Crown Court made the order, the Crown Court;
- (b) if a magistrates' court made the order, a magistrates' court having jurisdiction in the petty sessions district for the time being specified in the order under paragraph 2(1)
- (2) Where a supervised activity order is made on appeal, the order shall be treated as if made by the court from which the appeal was brought.