

Status: Point in time view as at 02/09/2004. This version of this cross heading contains provisions that are prospective.

Changes to legislation: Criminal Justice and Court Services Act 2000, Cross Heading: Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is up to date with all changes known to be in force on or before 17 September 2023. 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)

SCHEDULES

SCHEDULE 7

MINOR AND CONSEQUENTIAL AMENDMENTS

PART II

GENERAL

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

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

161 In section 33(1) (meaning of “community order”)—

(a) after paragraph (a) there is inserted—

“(aa) an exclusion order”,

(b) after paragraph (e) there is inserted—

“(ee) a drug abstinence order”.

Commencement Information

- I1** Sch. 7 para. 161 partly in force at 2.7.2001; Sch. 7 para. 161 not in force at Royal Assent see s. 80; Sch. 7 para. 161(b) in force for specified purposes at 20.6.001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(iii\)](#)
- I2** [Sch. 7 para. 161\(a\)](#) in force at 2.9.2004 by [S.I. 2004/2171](#), [art. 2](#)

162 In section 37(10)(a) (curfew orders), for “section 38 below” there is substituted “section 36B above”.

Commencement Information

- I3** Sch. 7 para. 162 wholly in force at 2.7.2001; Sch. 7 para. 162 not in force at Royal Assent see s. 80; Sch. 7 para. 162 in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(v\)](#)

163 Section 38 (electronic monitoring of curfew orders) is omitted.

Commencement Information

- I4** Sch. 7 para. 163 wholly in force at 2.7.2001; Sch. 7 para. 163 not in force at Royal Assent see s. 80; Sch. 7 para. 163 in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(iv\)](#)

164 In section 40 (curfew orders: supplementary)—

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- (a) in subsection (1)(a), the words from “(including” to “available)” are omitted,
- (b) after subsection (2) there is inserted—
 - “(3) An order under subsection (2)(a) above may make in paragraphs 2A(4) and (5) and 19(3) of Schedule 3 to this Act any amendment which the Secretary of State thinks necessary in consequence of any substitution made by the order.”

Commencement Information

I5 Sch. 7 para. 164 partly in force; Sch. 7 para. 164 not in force at Royal Assent see s. 80; Sch. 7 para. 164 in force for specified purposes at 20.6.2001 and for other specified purposes at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(v\)](#)

PROSPECTIVE

^{F1}165

Textual Amendments

F1 Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), [art. 2](#); and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), [art. 2](#); (3.12.2012) by [S.I. 2012/2905](#), [art. 4](#); (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), [art. 2\(l\)](#))

166 In section 42(1) (additional requirements which may be included in probation orders), for “probation period” there is substituted “ community rehabilitation period ”.

PROSPECTIVE

^{F1}167

Textual Amendments

F1 Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), [art. 2](#); and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), [art. 2](#); (3.12.2012) by [S.I. 2012/2905](#), [art. 4](#); (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), [art. 2\(l\)](#))

168 In section 46(13) (community service orders), “(a) or (b)” is omitted.

169 In section 47 (obligations of person subject to community service order)—

- (a) in subsection (4), for paragraphs (a) and (b) there is substituted “ an officer of a local probation board appointed for or assigned to the petty sessions area specified in the order ”,

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(b) in subsection (5)(a), “(a) or (b)” is omitted.

PROSPECTIVE

F1 170

Textual Amendments

F1 Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

171 In section 57 (copies of orders)—

(a) in subsection (2), after “order shall” there is inserted “ (subject to subsection (3A) below) ”,

(b) after subsection (3) there is inserted—

“(3A) Where—

(a) a magistrates’ court amends a drug treatment and testing order under section 55(1) above; and

(b) the order as amended provides for a magistrates’ court other than that mentioned in paragraph (a) above to be responsible for the order;

the court amending the order shall not give copies of the order as amended as mentioned in subsection (2) above but shall forthwith send copies of it to the court responsible for the order and that court shall, as soon as reasonably practicable after the order is amended, give copies to an officer of a local probation board assigned to that court.”

PROSPECTIVE

F1 172

Textual Amendments

F1 Sch. 7 paras. 165-172 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

173 In section 60(1)(b) (attendance centre orders), after “court” there is inserted “ has power or ”.

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- 174 In section 64(2) (selection and duty of supervisor), the words from “and selected under arrangements” to the end of the subsection are omitted.
- 175 In section 66 (facilities for implementing supervision orders), in subsections (2), (9) and (12) (in both places), for “probation committee” there is substituted “local probation board”.

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Textual Amendments

F2 Sch. 7 para. 177 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), **Sch. 1** para. 44(4)(t) (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))

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F3179

Textual Amendments

F3 Sch. 7 para. 179 repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 7**; S.I. 2005/950, art. 2(1), **Sch. 1** para. 44(4)(t) (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

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PROSPECTIVE

183 In section 99 (conversion of sentence of detention or custody to sentence of imprisonment), subsection (2) is omitted.

PROSPECTIVE

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PROSPECTIVE

188 Section 108 (detention of persons aged at least 18 but under 21 for default or contempt) is omitted.

PROSPECTIVE

^{F4}189

Textual Amendments

F4 Sch. 7 para. 189 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

PROSPECTIVE

^{F5}190

Textual Amendments

F5 Sch. 7 para. 190 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), Sch. 27); [S.I. 2020/1236](#), reg. 2

PROSPECTIVE

^{F6}191

Textual Amendments

F6 Sch. 7 para. 191 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(5), 416(7), Sch. 27); [S.I. 2020/1236](#), reg. 2

PROSPECTIVE

^{F7}192

Textual Amendments

F7 Sch. 7 para. 192 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), art. 2(u)(xxix)

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PROSPECTIVE

- 193 In section 139 (powers and duties of Crown Court in relation to fines and forfeited recognizances)—
- (a) in subsection (2), “or of detention under section 108 above (detention of persons aged 18 to 20 for default)” is omitted,
 - (b) in subsection (3), “or detained” is omitted,
 - (c) in subsection (3)(c), “custody for life or detention in a young offender institution” is omitted,
 - (d) in subsection (4), “or detention” is omitted,
 - (e) in subsection (5), the second “or detention” is omitted.

PROSPECTIVE

- 194 In section 140(3) (enforcement of fines imposed and recognizances forfeited by Crown Court), “or detention under section 108 above” is omitted.
- 195 For the sidenote to section 157 (other reports of probation officers and members of youth offending teams), there is substituted “ Other reports of officers of local probation boards and members of youth offending teams ”.
- 196 In section 160 (rules and orders)—
- (a) in subsection (2)(a), for the words from “40(1)” to “Schedule 2” there is substituted “ 36B(6), 40(1), 40C(1), 42(2E), 58A(8) or 162 or paragraph 3, 7, or 8 of Schedule 2 ”,
 - (b) in subsection (2)(b), for the words from “40(2)” to the end there is substituted “ 40(2)(b), 40C(2), 68, 122(7) or 156(4) or paragraph 7(9) or 8(8) of Schedule 2 ”,
 - (c) in subsection (3)(a)—
 - (i) after “15(1)” there is inserted “ 40(2)(a) ”,
 - (ii) after “58” there is inserted “ 58A(4) ”,
 - (iii) for “or 103(2)” there is substituted “ 103(2) or paragraph 1(1A) of Schedule 3 ”,
 - (d) for subsection (5) there is substituted—

“(5) The following may make different provision for different cases or classes of case—

 - (a) any order under section 36B(5), 37(6), 40(2), 40A(6) or 40C(2) or paragraph 7 or 8 of Schedule 2;
 - (b) any rules under section 36B, 40(1), 40C(1), 42(2E), 47(3C), 58A(8) or 162 or paragraph 7 or 8 of Schedule 2.”

Commencement Information

- I6** Sch. 7 para. 196 partly in force; Sch. 7 para. 196 not in force at Royal Assent see s. 80; Sch. 7 para. 196 in force for specified purposes at 20.6.2001 and in force for other specified purposes at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(vi\)](#)
- I7** Sch. 7 para. 196(a)(b)(d) in force at 2.9.2004 for specified purposes by [S.I. 2004/2171](#), [art. 2](#)
- I8** Sch. 7 para. 196(c)(i)(ii) in force at 2.9.2004 in so far as not already in force by [S.I. 2004/2171](#), [art. 2](#)

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- 197 In section 163 (general definitions)—
- (a) in the definition of “attendance centre order”, for “4(1)(c) or 5(1)(c)” there is substituted “ 4(1C)(c) or 5(1C)(c) ”,
 - (b) the definitions of “combination order”, “probation order” and “probation period” are omitted,
 - (c) in the definition of “community punishment order”, for “4(1)(b) or 5(1)(b)” there is substituted “ 4(1C)(b) or 5(1C)(b) ”,
 - (d) in the definition of “curfew order”, after “59 above” there is inserted “ or paragraph 6A of Schedule 3 to this Act ” and after “section 59” (in the second place) there is inserted “ or paragraph 4(1C)(a) of Schedule 3 ”,
 - (e) at the end of the definition of “custodial sentence” there is inserted “ and, in relation to sentences passed before the coming into force of section 61 of the Criminal Justice and Court Services Act 2000, includes a sentence of custody for life and a sentence of detention in a young offender institution ”,
 - (f) at the appropriate places there are inserted—
 - ““affected person”—
 - (a) in relation to an exclusion order, has the meaning given by section 40A(13) above;
 - (b) in relation to a community rehabilitation order, has the meaning given by section 41(12) above; and
 - (c) in relation to a community punishment and rehabilitation order, has (by virtue of section 51(4) above), the meaning given by section 41(12) above”,
 - ““community rehabilitation period” means the period for which a person subject to a community rehabilitation or community punishment and rehabilitation order is placed under supervision by the order”,
 - ““drug abstinence order” means an order under section 58A(1) above”,
 - ““exclusion order” means an order under section 40A(1) above”,
 - ““local probation board” means a local probation board established under section 4 of the Criminal Justice and Court Services Act 2000”,
 - (g) in the definition of “responsible officer”—
 - (i) after paragraph (a) there is inserted—
 - “(aa) in relation to an exclusion order, has the meaning given by section 40A(14) above”,
 - (ii) after paragraph (e) there is inserted—
 - “(ee) in relation to a drug abstinence order, has the meaning given by section 58A(5) above”.

Commencement Information

- 19** Sch. 7 para. 197 partly in force; Sch. 7 para. 197 not in force at Royal Assent see s. 80; Sch. 7 para. 197(b) in force and Sch. 7 para. 197(f) in force for specified purposes at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)](#) (iii); Sch. 7 para. 197(f) in force for specified purposes at 20.6.2001 and 2.7.2001 and Sch. 7 para. 197(g)

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| | (ii) in force for specified purposes at 20.6.2001 and in force insofar as not already in force at 2.7.2001 by S.I. 2001/2232 , art. 2(m)(vii) |
| 110 | Sch. 7 para. 197(f) in force at 2.9.2004 for specified purposes by S.I. 2004/2171 , art. 2 |
| 111 | Sch. 7 para. 197(g)(i) in force at 2.9.2004 by S.I. 2004/2171 , art. 2 |
- 198 (1) Schedule 2 (additional requirements which may be included in probation orders) is amended as follows.
- (2) In paragraphs 2(1)(b)(ii), 3(1), 5(2) and 6(3), for “probation period” there is substituted “community rehabilitation period”.
- (3) In paragraph 2(5), for “probation committee” there is substituted “local probation board”.
- (4) In paragraph 3—
- (a) in sub-paragraphs (1), (6) and (8), for “probation centre” there is substituted “community rehabilitation centre”,
- (b) in sub-paragraph (7), for “probation centres” there is substituted “community rehabilitation centres”,
- (c) for the cross-heading preceding paragraph 3 there is substituted “Requirements as to attendance at community rehabilitation centres”.
- (5) For the heading to the Schedule there is substituted “Additional requirements which may be included in community rehabilitation orders”.
- 199 (1) Schedule 3 (breach, revocation and amendment of curfew, probation, community service, combination and drug treatment and testing orders) is amended as follows.
- (2) In paragraph 1—
- (a) in sub-paragraph (1)—
- (i) after paragraph (a) there is inserted—
“aa) an exclusion order;”
- (ii) after paragraph (e) there is inserted—
“(f) a drug abstinence order.”
- (b) in sub-paragraph (2)(b), for “a probation, community service, combination or drug treatment and testing” there is substituted “an exclusion, community rehabilitation, community punishment, community punishment and rehabilitation, drug treatment and testing or drug abstinence”.
- (c) in sub-paragraph (3)—
- (i) after “order” there is inserted “or drug abstinence order”,
- (ii) at the end there is inserted “(or that subsection as applied by section 58B(2) of this Act)”.
- (3) In paragraphs 1(4)(a), 18(4), 19(1) (in each place) and 19(2), for “probation element” there is substituted “community rehabilitation element”.
- (4) In paragraphs 1(4)(b) and 7(3)(b)(ii), for “community service element” there is substituted “community punishment element”.
- (5) In paragraph 2(1), for “probation, community service or combination” there is substituted “exclusion, community rehabilitation, community punishment, community punishment and rehabilitation or drug abstinence”.
- (6) In paragraph 3(2)—

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- (a) in paragraph (a), after “testing order” there is inserted “ or a drug abstinence order ”,
 - (b) in paragraph (c), after “testing order” there is inserted “ a drug abstinence order ”.
- (7) In paragraph 4—
- (a) in sub-paragraph (2), for “(1)(d)” there is substituted “ (1C)(d) ”,
 - (b) in sub-paragraph (3), for “sub-paragraph (1)(d)” there is substituted “ sub-paragraph (1A) or (1C)(d) ”,
 - (c) in sub-paragraph (4), for “(1)(a)” there is substituted “ (1C)(a) ”,
 - (d) in sub-paragraph (6), for “sub-paragraph (1)(d)” there is substituted “ sub-paragraph (1A) or (1C)(d) ”.
- (8) In paragraph 5—
- (a) in sub-paragraph (2), for “(1)(d)” there is substituted “ (1C)(d) ”,
 - (b) in sub-paragraph (3), for “sub-paragraph (1)(d)” there is substituted “ sub-paragraph (1A) or (1C)(d) ”.
- (9) After paragraph 6 there is inserted—

“ Curfew orders imposed for breach of relevant order

- 6A (1) Section 37(1) of this Act (curfew orders) shall apply for the purposes of paragraphs 4(1C)(a) and 5(1C)(a) above as if for the words from the beginning to “make” there were substituted “Where a court has power to deal with an offender under Part II of Schedule 3 to this Act for failure to comply with any of the requirements of a relevant order, the court may make in respect of the offender”.
- (2) In this paragraph—
- “secondary order” means a curfew order made by virtue of paragraph 4(1C)(a) or 5(1C)(a) above;
 - “original order” means the relevant order the failure to comply with which led to the making of the secondary order.
- (3) A secondary order—
- (a) shall specify a period of not less than 14 nor more than 28 days for which the order is to be in force; and
 - (b) may specify different places, or different periods (within the period for which the order is in force), for different days, but shall not specify periods which amount to less than two hours or more than twelve hours in any one day.
- (4) Part IV of this Act, except sections 35, 36, 37(3) and (4), 39 and 40(2)(a), has effect in relation to a secondary order as it has effect in relation to any other curfew order, but subject to the further modifications made below.
- (5) Section 37(9) applies as if the reference to an offender who on conviction is under 16 were a reference to a person who on the date when his failure to comply with the original order is proved to the court is under 16.

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(6) Paragraphs 2A, 4(1A) to (2) and 5(1A) to (2) above and 10 and 11 below apply as if, in respect of the period for which the secondary order is in force, the requirements of that order were requirements of the original order.

But in paragraphs 4 and 5 above, sub-paragraph (1C)(c) applies as if references to the relevant order were to the original order or the secondary order.

(7) In paragraphs 4 and 5 above, sub-paragraph (3) applies as if references to the relevant order were to the original order and the secondary order.

(8) Paragraph 19(3) below applies as if the reference to six months from the date of the original order were a reference to 28 days from the date of the secondary order.”

(10) In paragraph 7—

- (a) in sub-paragraph (1), for “4(1)(b) and 5(1)(b)” there is substituted “ 4(1C)(b) and 5(1C)(b) ”,
- (b) in sub-paragraph (2), for “4(1)(b) or 5(1)(b) above” there is substituted “ 4(1C)(b) or 5(1C)(b) and “original order” means the relevant order the failure to comply with which led to the making of the secondary order ”,
- (c) for sub-paragraphs (4) to (6) there is substituted—

“4) Part IV of this Act, except sections 35, 36, 46(3) and (8) and 48 to 50, has effect in relation to a secondary order as it has effect in relation to any other community punishment order, but subject to the further modifications made below.

(5) Paragraphs 2A, 4(1A) to (3) and 5(1A) to (3) above and 10 and 11 below apply as if, in respect of the period for which the secondary order is in force, the requirements of that order were requirements of the original order.

But in paragraphs 4 and 5 above, sub-paragraph (1C)(c) applies as if references to the relevant order were to the original order or the secondary order.

(6) In paragraphs 4 and 5 above, sub-paragraph (3) applies as if references to the relevant order were to the original order and the secondary order.

(7) Paragraph 19(3) below applies as if the reference to six months from the date of the original order were a reference to 28 days from the date of the secondary order.”,

and for the cross-heading preceding the paragraph there is substituted “ Community punishment orders imposed for breach of relevant order ”.

(11) In paragraph 8—

- (a) in sub-paragraph (1)—
 - (i) for “4(1)(c) and 5(1)(c)” there is substituted “ 4(1C)(c) and 5(1C)(c) ”,
 - (ii) for the words following “Where a court” there is substituted “ has power to deal with an offender under Part II of Schedule 3 to this

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- Act for failure to comply with any of the requirements of a relevant order, the court may ”,
- (b) in sub-paragraph (2)—
 - (i) in paragraph (b), after “applicable” there is inserted “ section 36B and ”,
 - (ii) for “4(1)(c) or 5(1)(c)” there is substituted “ 4(1C)(c) or 5(1C)(c) ”,
 - (c) in sub-paragraph (3), for “4(1)(c) or 5(1)(c)” there is substituted “ 4(1C)(c) or 5(1C)(c) ”.
- (12) In paragraph 9—
- (a) in sub-paragraph (1), for “4(1)(a), (b) or (c) or 5(1)(a), (b) or (c)” there is substituted “ 4(1C)(a), (b) or (c) or 5(1C)(a), (b) or (c) ”,
 - (b) sub-paragraph (2) is omitted,
 - (c) in sub-paragraph (3), for “4(1)(d)” there is substituted “ 4(1C)(d) ”.
- (13) In paragraphs 10(2)(a) and 13(2)(a), after “testing order” there is inserted “ or a drug abstinence order ”.
- (14) In paragraphs 10(4) and 11(3), for “probation, combination” there is substituted “ community rehabilitation, community punishment and rehabilitation ”.
- (15) In paragraph 12(1), for “probation order or combination” there is substituted “ community rehabilitation order or community punishment and rehabilitation ”.
- (16) In paragraphs 12(1)(b), 12(2)(a) and (b), 12(4)(a) (in both places), 12(4)(b), 12(7) and 20(1), for “probation or combination” there is substituted “ community rehabilitation or community punishment and rehabilitation ”.
- (17) In paragraphs 12(4)(b) and 19(2)(a), for “probation period” there is substituted “ community rehabilitation period ”.
- (18) For the cross-heading preceding paragraph 12 there is substituted “ Substitution of conditional discharge for community rehabilitation or community punishment and rehabilitation order ”.
- (19) In paragraphs 16 and 21(7), for “4(1)(d)” there is substituted “ 4(1C)(d) ”.
- (20) In paragraph 18—
- (a) in sub-paragraph (3), for “probation” there is substituted “ community rehabilitation ”,
 - (b) in sub-paragraph (6)(a), for “probation, community service or combination” there is substituted “ community rehabilitation, community punishment or community punishment and rehabilitation ”.
- (21) In paragraph 19—
- (a) in sub-paragraph (1)—
 - (i) for “sub-paragraphs (2) and (3) below” there is substituted “ the following provisions of this paragraph ”,
 - (ii) for “the offender or the responsible officer,” there is substituted “ an eligible person, ”
 - (iii) for “probation or curfew” (in each place) there is substituted “ community rehabilitation, curfew or exclusion ”,
 - (b) in sub-paragraph (2), after paragraph (a) there is inserted—

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- “(aa) by extending any curfew periods specified in a requirement under the order beyond the end of six months from the date of the original order;
- (ab) by extending the period during which the offender is prohibited from entering a place specified in a requirement under the order beyond the end of two years from the date of the original order;”
- (c) in sub-paragraph (3), after “six months” there is inserted “ (or, for an offender aged under 16 on conviction, three months) ”;
- (d) after sub-paragraph (3) there is inserted—
 - “(4) A magistrates’ court shall not under sub-paragraph (1) above amend an exclusion order by extending the period for which the offender is prohibited from entering the place in question beyond the end of two years (or, for an offender aged under 16 on conviction, three months) from the date of the original order.
 - (5) For the purposes of this paragraph the eligible persons are—
 - (a) the offender;
 - (b) the responsible officer; and
 - (c) in relation to an exclusion order, a community rehabilitation order or a community punishment and rehabilitation order, any affected person.

But an application under sub-paragraph (1) above by a person such as is mentioned in paragraph (c) above must be for the cancellation of a requirement which was included in the order by virtue of his consent or for the purpose (or partly for the purpose) of protecting him from being approached by the offender, or for the insertion of a requirement which will, if inserted, be such a requirement.
 - (6) Without prejudice to the provisions of paragraph 18 above, a magistrates’ court acting for the petty sessions area concerned may, on the application of the offender or the responsible officer, by order amend a drug abstinence order by extending the period for which the order has effect (but not beyond the end of three years from the date of the original order).”
 - (e) for the cross-heading preceding paragraph 19 there is substituted “ Amendment of requirements of community rehabilitation, community punishment and rehabilitation, curfew or exclusion order. ”
- (22) For the cross-heading preceding paragraph 20 there is substituted “ Amendment of treatment requirements of community rehabilitation or community punishment and rehabilitation order on report of practitioner ”.
- (23) For the cross-heading preceding paragraph 22 there is substituted “ Extension of community punishment or community punishment and rehabilitation order ”.
- (24) In paragraph 24(2), after “requirement, or” there is inserted “ to an order under paragraph 18 above ”.
- (25) In paragraph 25—

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- (a) in sub-paragraph (1)(a), after “substituting” there is inserted “, by virtue of paragraph 18 above,”,
 - (b) sub-paragraph (2) is omitted,
 - (c) in sub-paragraph (3), “or (2)” is omitted.
- (26) After paragraph 25 there is inserted—
- “26 (1) On the making under this Part of this Schedule of an order amending a drug treatment and testing order, the proper officer of the court shall (subject to sub-paragraph (3) below) forthwith give copies of the amending order to the responsible officer.
- (2) In sub-paragraph (1) above, “proper officer” means—
- (a) in relation to a magistrates’ court, the justices’ chief executive for the court; and
 - (b) in relation to the Crown Court, the appropriate officer.
- (3) Where—
- (a) a magistrates’ court amends a drug treatment and testing order under this Part of this Schedule; and
 - (b) the amending order provides for a magistrates’ court other than that mentioned in paragraph (a) above to be responsible for the order;
- the court amending the order shall not give copies of the amending order as mentioned in sub-paragraph (1) above but shall send copies to the court responsible for the order and the justices’ chief executive for that court shall forthwith give copies of the amending order to the responsible officer.
- (4) A responsible officer to whom in accordance with sub-paragraph (1) or (3) above copies of an order are given shall give a copy to the offender and to the treatment provider.”
- (27) For the heading to the Schedule there is substituted “ Breach, revocation and amendment of certain community orders ”.

Commencement Information

- I12** Sch. 7 para. 199 partly in force; Sch. 7 para. 199 not in force at Royal Assent see s. 80; Sch. 7 para. 199; Sch. 7 para. 199(1)(3)(4)(14)-(18)(20)(22)(23)(27) in force at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)\(iv\)](#); Sch. 7 para. 199(2)(b)(5)(10)(21)(a)(iii)(e) in force for specified purposes at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)\(iv\)](#); Sch. 7 para. 199(2)(c)(6)(11)(b)(i)(13)(21)(c)(24)(25)(a) in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(viii\)](#); Sch. 7 para. 199(2)(a)(b)(5)(21)(b)(d) in force for specified purposes at 20.6.2001 and in force for other specified purposes at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(viii\)](#)
- I13** Sch. 7 para. 199(2)(a)(b)(5)(21)(b)(d)(e) in force at 2.9.2004 in so far as not already in force by [S.I. 2004/2171](#), [art. 2](#)
- I14** Sch. 7 para. 199(21)(a)(i)(ii) in force at 2.9.2004 by [S.I. 2004/2171](#), [art. 2](#)

- 200 (1) Schedule 4 (transfer of certain community orders to Scotland or Northern Ireland) is amended as follows.
- (2) In paragraphs 1(3) and 2(3)—
- (a) in paragraph (c), for “probation committee” there is substituted “ local probation board ”,

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- (b) in paragraph (d), for “probation centre” there is substituted “ community rehabilitation centre ”.
- (3) In paragraph 6—
- (a) in sub-paragraph (8), for the definition of “corresponding order” there is substituted—
- ““corresponding order”—
- (a) in relation to a community rehabilitation order, means a probation order;
- (b) in relation to a community punishment order, means a community service order; and
- (c) in relation to a community punishment and rehabilitation order—
- (i) if the offender resides in Scotland, or will be residing there at the relevant time, means a probation order including such a requirement as is mentioned in section 229(4) of the ^{M1}Criminal Procedure (Scotland) Act 1995; and
- (ii) if he resides in Northern Ireland, or will be residing there at the relevant time, means a combination order;”
- (b) for the cross-heading preceding paragraph 6 there is substituted “ Community rehabilitation, community punishment and community punishment and rehabilitation orders: general provisions ”.

Marginal Citations

M1 1995 c. 46.

- 201 (1) Schedule 7 (breach, revocation and amendment of supervision orders) is amended as follows.
- (2) In paragraph 3—
- (a) in sub-paragraph (2)(b), for “sections 38” there is substituted “ sections 36B ”
- (b) in sub-paragraph (5)(a), for “4(1)(d)” there is substituted “ 4(1C)(d) ”.
- (3) In paragraph 7(7)—
- (a) paragraph (a) is omitted,
- (b) in paragraph (b), “if the justice or youth court has not been so notified” is omitted.

Commencement Information

I15 Sch. 7 para. 201 partly in force; Sch. 7 para. 201 not in force at Royal Assent see s. 80; Sch. 7 para. 201(1)(2)(a) in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by S.I. 2001/2232, **art. 2(m)(ix)**

- 202 (1) Schedule 8 (breach, revocation and amendment of action plan orders and reparation orders) is amended as follows.

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- (2) In paragraph 3—
 - (a) in sub-paragraph (2)(b), for “sections 38” there is substituted “ sections 36B ”,
 - (b) in sub-paragraph (5)(a), for “4(1)(d)” there is substituted “ 4(1C)(d) ”.
- (3) In paragraph 6(7)—
 - (a) paragraph (a) is omitted,
 - (b) in paragraph (b), “if it has not been so notified” is omitted.

Commencement Information

I16 Sch. 7 para. 202 partly in force; Sch. 7 para. 202 not in force at Royal Assent see s. 80; Sch. 7 para. 202(1)(2)(a) in force for specified purposes at 20.6.2001 and insofar as not already in force at 2.7.2001 by [S.I. 2001/2232](#), [art. 2\(m\)\(x\)](#)

- 203 (1) Schedule 9 (consequential amendments) is amended as follows.
- (2) Paragraphs 5(3), 9, 10, 12, 14, 15, 17, 19, 20, 22, 34(a), 56, 57, 66, 68, 70, 77, 78, 111(4), 143(b), 152 to 156 and 166(3) are omitted.
 - (3) Paragraphs 182 and 188 are omitted.
 - (4) Sub-paragraph (3) has effect in relation to sentences passed after the coming into force of section 60.
 - (5) In paragraph 183, sub-paragraph (2)(b) and the preceding “and”, and sub-paragraphs (3)(b) and (3)(c), are omitted.

Commencement Information

I17 Sch. 7 para. 203 partly in force; Sch. 7 para. 203(3)(4) in force at Royal Assent see s. 80(3)(d); Sch. 7 para. 203(1) in force and Sch. 7 para. 203(2) in force for specified purposes at 1.4.2001 by [S.I. 2001/919](#), [art. 2\(f\)\(v\)\(vi\)](#)

PROSPECTIVE

F8 204

Textual Amendments

F8 Sch. 7 para. 204 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), s. 153(7), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), [art. 2\(u\)\(xxix\)](#)

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Changes to legislation:

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