

Status: Point in time view as at 01/12/2004.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Breach of requirement of supervision order is up to date with all changes known to be in force on or before 28 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)

SCHEDULES

SCHEDULE 7

BREACH, REVOCATION AND AMENDMENT OF SUPERVISION ORDERS

Breach of requirement of supervision order

- 2 (1) This paragraph applies if while a supervision order is in force in respect of an offender it is proved to the satisfaction of a relevant court, on the application of the supervisor, that the offender has failed to comply with any requirement included in the supervision order in pursuance of paragraph 1, 2, 3, 5 [F¹, 5A][F²,6A] or 7 of Schedule 6 to this Act or section 63(6)(b) of this Act.
- (2) Where this paragraph applies, the court—
- (a) whether or not it also makes an order under paragraph 5(1) below (revocation or amendment of supervision order)—
 - (i) may order the offender to pay a fine of an amount not exceeding £1,000; or
 - (ii) subject to [F³sub-paragraph (2A) below and] paragraph 3 below, may make a curfew order in respect of him; or
 - (iii) subject to paragraph 4 below, may make an attendance centre order in respect of him; or
 - (b) if the supervision order was made by a magistrates' court, may revoke the supervision order and deal with the offender, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made; or
 - (c) if the supervision order was made by the Crown Court, may commit him in custody or release him on bail until he can be brought or appear before the Crown Court.
- [F⁴(2A) The court may not make a curfew order under sub-paragraph (2)(a)(ii) above in respect of an offender who is already subject to a curfew order.]
- (3) Where a court deals with an offender under sub-paragraph (2)(c) above, it shall 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 shall be admissible as evidence of the failure before the Crown Court.
- (4) Where—
- (a) by virtue of sub-paragraph (2)(c) above the offender is brought or appears before the Crown Court, and

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- (b) it is proved to the satisfaction of the court that he has failed to comply with the requirement in question,
that court may deal with him, for the offence in respect of which the supervision order was made, in any way in which it could have dealt with him for that offence if it had not made the order.
- (5) Where the Crown Court deals with an offender under sub-paragraph (4) above, it shall revoke the supervision order if it is still in force.
- (6) A fine imposed under this paragraph shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.
- (7) In dealing with an offender under this paragraph, a court shall take into account the extent to which he has complied with the requirements of the supervision order.
- (8) Where a supervision order has been made on appeal, for the purposes of this paragraph it shall be deemed—
- (a) if it was made on an appeal brought from a magistrates' court, to have been made by that magistrates' court;
 - (b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court;
- and, in relation to a supervision order made on appeal, sub-paragraph (2)(b) above shall have effect as if the words “if the order had not been made” were omitted and sub-paragraph (4) above shall have effect as if the words “if it had not made the order” were omitted.
- (9) This paragraph has effect subject to paragraph 7 below.

Textual Amendments

- F1** Word in Sch. 7 para. 2(1) inserted (30.9.2004) by [Anti-social Behaviour Act 2003 \(c. 38\), s. 93, Sch. 2 para. 6\(2\)\(a\)](#); S.I. 2004/2168, art. 2(a)(iii)
- F2** Words in Sch. 7 para. 2(1) inserted (1.12.2004 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 24 para. 3](#); S.I. 2004/3033, art. 2(1)(2) (with art. 2(3)(4))
- F3** Words in Sch. 7 para. 2(2)(a)(ii) inserted (30.9.2004) by [Anti-social Behaviour Act 2003 \(c. 38\), s. 93, Sch. 2 para. 6\(2\)\(b\)](#); S.I. 2004/2168, art. 2(a)(iii)
- F4** Sch. 7 para. 2(2A) inserted (30.9.2004) by [Anti-social Behaviour Act 2003 \(c. 38\), s. 93, Sch. 2 para. 6\(2\)\(c\)](#); S.I. 2004/2168, art. 2(a)(iii)

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