

Changes to legislation: Domestic Violence, Crime and Victims Act 2004, Paragraph 5 is up to date with all changes known to be in force on or before 20 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

SCHEDULE 5

PROCEDURE ON BREACH OF COMMUNITY PENALTY ETC

Curfew orders and exclusion orders

- 5 (1) Schedule 3 to the Sentencing Act (breach, revocation and amendment of curfew orders and exclusion orders), as substituted by paragraph 125 of Schedule 32 to the 2003 Act, is amended as follows.
- (2) In paragraph 3(1) (issue of summons or warrant by justice of the peace) omit the words “ [F1acting in the local justice area] concerned”.
- (3) In paragraph 3(2) (court before which offender to appear or be brought), for paragraph (b) substitute—
- “(b) in the case of a relevant order which is not an order to which paragraph (a) above applies, before a magistrates' court [F1acting in the local justice area] in which the offender resides or, if it is not known where he resides, before a magistrates' court [F1acting in the local justice area] concerned.”
- (4) In paragraph 4 (powers of magistrates' court to deal with breach), after sub-paragraph (4) insert—
- “(4A) Where a magistrates' court dealing with an offender under sub-paragraph (2) (a) or (b) above would not otherwise have the power to amend the relevant order under paragraph 15 below (amendment by reason of change of residence), that paragraph has effect as if the reference to a magistrates' court [F1acting in the local justice area] concerned were a reference to the court dealing with the offender.”

Textual Amendments

- F1** Words in Sch. 5 para. 5 substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), arts, 1, 2, {Sch. para. 113(c)}

Changes to legislation:

Domestic Violence, Crime and Victims Act 2004, Paragraph 5 is up to date with all changes known to be in force on or before 20 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.

[View outstanding changes](#)

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. 9 para. 26A inserted by [2015 c. 2 Sch. 3 para. 12](#)