

*Status: Point in time view as at 30/11/2009.*

**Changes to legislation:** Criminal Justice and Immigration Act 2008, Part 3 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)

## SCHEDULES

### SCHEDULE 1

#### FURTHER PROVISIONS ABOUT YOUTH REHABILITATION ORDERS

#### PART 3

#### PROVISIONS APPLYING WHERE COURT PROPOSES TO MAKE YOUTH REHABILITATION ORDER

##### *Family circumstances*

- 28 Before making a youth rehabilitation order, the court must obtain and consider information about the offender's family circumstances and the likely effect of such an order on those circumstances.

##### **Commencement Information**

**I1** Sch. 1 para. 28 in force at 30.11.2009 by S.I. 2009/3074, art. 2(m)

##### *Compatibility of requirements, requirement to avoid conflict with religious beliefs, etc.*

- 29 (1) Before making—
- (a) a youth rehabilitation order imposing two or more requirements, or
  - (b) two or more youth rehabilitation orders in respect of associated offences,
- the court must consider whether, in the circumstances of the case, the requirements to be imposed by the order or orders are compatible with each other.
- (2) Sub-paragraph (1) is subject to paragraphs 2, 3(4) and 4(4).
- (3) The court must ensure, as far as practicable, that any requirement imposed by a youth rehabilitation order is such as to avoid—
- (a) any conflict with the offender's religious beliefs,
  - (b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and
  - (c) any conflict with the requirements of any other youth rehabilitation order to which the offender may be subject.
- (4) The Secretary of State may by order provide that sub-paragraph (3) is to have effect with such additional restrictions as may be specified in the order.

##### **Commencement Information**

**I2** Sch. 1 para. 29 in force at 30.11.2009 by S.I. 2009/3074, art. 2(m)

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*Date of taking effect and other existing orders*

- 30 (1) Subject to [<sup>F1</sup> sub-paragraphs (1A) and (2) ], a youth rehabilitation order takes effect on <sup>F2</sup>... the day on which the order is made.
- [<sup>F3</sup>(1A) A court making a youth rehabilitation order may order that it is to take effect instead on a later date.]
- (2) [<sup>F4</sup> In particular, if ] a detention and training order is in force in respect of an offender, a court making a youth rehabilitation order in respect of the offender may order that it is to take effect instead—
- (a) when the period of supervision begins in relation to the detention and training order in accordance with section 103(1)(a) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), or
  - (b) on the expiry of the term of the detention and training order.
- (3) In sub-paragraph (2)—
- (a) the references to a detention and training order include an order made under section 211 of the Armed Forces Act 2006 (c. 52) (detention and training orders made by service courts); and
  - (b) the reference to section 103(1)(a) of the Powers of Criminal Courts (Sentencing) Act 2000 includes that provision as applied by section 213(1) of the Armed Forces Act 2006.
- (4) A court must not make a youth rehabilitation order in respect of an offender at a time when—
- (a) another youth rehabilitation order, or
  - (b) a reparation order made under section 73(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6),
- is in force in respect of the offender, unless when it makes the order it revokes the earlier order.
- (5) Where the earlier order is revoked under sub-paragraph (4), paragraph 24 of Schedule 2 (provision of copies of orders) applies to the revocation as it applies to the revocation of a youth rehabilitation order.

**Textual Amendments**

- F1** Words in Sch. 1 para. 30(1) substituted (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(1)(h), [Sch. 21 para. 98\(4\)\(a\)\(i\)](#) (with s. 180)
- F2** Words in Sch. 1 para. 30(1) repealed (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(1)(h), [Sch. 21 para. 98\(4\)\(a\)\(ii\)](#), [Sch. 23 Pt. 9](#) (with s. 180)
- F3** Sch. 1 para. 30(1A) inserted (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(1)(h), [Sch. 21 para. 98\(4\)\(b\)](#) (with s. 180)
- F4** Words in Sch. 1 para. 30(2) substituted (12.11.2009) by [Coroners and Justice Act 2009 \(c. 25\)](#), s. 182(1)(h), [Sch. 21 para. 98\(4\)\(c\)](#) (with s. 180)

**Commencement Information**

- I3** Sch. 1 para. 30 in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(m\)](#)

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*Concurrent and consecutive orders*

- 31 (1) This paragraph applies where the court is dealing with an offender who has been convicted of two or more associated offences.
- (2) If, in respect of one of the offences, the court makes an order of any of the following kinds—
- (a) a youth rehabilitation order with intensive supervision and surveillance,
  - (b) a youth rehabilitation order with fostering, or
  - (c) any other youth rehabilitation order,
- it may not make an order of any other of those kinds in respect of the other offence, or any of the other offences.
- (3) If the court makes two or more youth rehabilitation orders with intensive supervision and surveillance, or with fostering, both or all of the orders must take effect at the same time (in accordance with paragraph 30(1) or (2)).
- (4) Where the court includes requirements of the same kind in two or more youth rehabilitation orders, it must direct, in relation to each requirement of that kind, whether—
- (a) it is to be concurrent with the other requirement or requirements of that kind, or any of them, or
  - (b) it and the other requirement or requirements of that kind, or any of them, are to be consecutive.
- (5) But the court may not direct that two or more fostering requirements are to be consecutive.
- (6) Where the court directs that two or more requirements of the same kind are to be consecutive—
- (a) the number of hours, days or months specified in relation to one of them is additional to the number of hours, days, or months specified in relation to the other or others, but
  - (b) the aggregate number of hours, days or months specified in relation to both or all of them must not exceed the maximum number which may be specified in relation to any one of them.
- (7) For the purposes of sub-paragraphs (4) and (6), requirements are of the same kind if they fall within the same paragraph of Part 2 of this Schedule.

**Commencement Information**

**I4** Sch. 1 para. 31 in force at 30.11.2009 by S.I. 2009/3074, art. 2(m)

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