

SCHEDULES

SCHEDULE 3

TRANSFER OF YOUTH REHABILITATION ORDERS TO NORTHERN IRELAND

PART 2

PROVISIONS RELATING TO AN ORDER MADE OR AMENDED UNDER PART 1

Application of this Part

- 7 This Part of this Schedule applies where a youth rehabilitation order is made or amended in accordance with Part 1 of this Schedule.

Interpretation

- 8 In this Part of this Schedule, in relation to the youth rehabilitation order—
- “corresponding order” means the order specified under paragraph 3(b);
 - “home court” means—
 - (a) the court of summary jurisdiction acting for the petty sessions district in Northern Ireland in which the offender resides or proposes to reside, or
 - (b) where the youth rehabilitation order was made or amended by the Crown Court and the Crown Court in Northern Ireland has not made a direction under paragraph 11, the Crown Court in Northern Ireland;
 - “supervision” means the performance of supervisory, enforcement and other related functions conferred by the legislation which has effect in Northern Ireland relating to the corresponding order;
 - “the relevant court in England or Wales” means—
 - (a) the court in England and Wales which made or which last amended the order, or
 - (b) if the order was made by the Crown Court and includes a direction under paragraph 36 of Schedule 1, such youth court or other magistrates' court as may be specified in the order;
 - “the relevant officer” means the person responsible for the offender's supervision under the order.

Effect of the youth rehabilitation order in Northern Ireland

- 9 (1) The youth rehabilitation order is to be treated in Northern Ireland as if it were a corresponding order and the legislation which has effect in Northern Ireland in relation to such orders applies accordingly.
- (2) Sub-paragraph (1) is subject to paragraphs 12 to 16.

Status: This is the original version (as it was originally enacted).

Duty of offender to keep in touch with relevant officer

- 10 In section 5(5) (duty of offender to keep in touch with responsible officer), references to the responsible officer are to be read as references to the relevant officer.

Direction by Crown Court in Northern Ireland that proceedings in Northern Ireland be before a court of summary jurisdiction

- 11 Where the youth rehabilitation order was made or amended by the Crown Court, the Crown Court in Northern Ireland may direct that any proceedings in Northern Ireland in relation to the order be before the court of summary jurisdiction acting for the petty sessions district in which the offender resides or proposes to reside.

Powers of the home court in respect of the youth rehabilitation order

- 12 The home court may exercise in relation to the youth rehabilitation order any power which it could exercise in relation to a corresponding order made by a court in Northern Ireland, by virtue of the legislation relating to such orders which has effect there, except the following—
- (a) any power to discharge or revoke the order (other than a power to revoke the order where the offender has been convicted of a further offence and the court has imposed a custodial sentence),
 - (b) any power to deal with the offender for the offence in respect of which the order was made, and
 - (c) in the case of a youth rehabilitation order imposing a curfew requirement, any power to vary the order by substituting for the period specified in it any longer period than the court which made the order could have specified.
- 13 (1) The home court may require the offender to appear before the relevant court in England or Wales if sub-paragraph (2) or (3) applies.
- (2) This sub-paragraph applies where it appears to the home court upon a complaint being made to a lay magistrate acting for the petty sessions district for the time being specified in the order that the offender has failed to comply with one or more requirements of the order.
- (3) This sub-paragraph applies where it appears to the home court, on the application of the offender or the relevant officer, that it would be in the interests of justice for a power conferred by any of paragraphs 11 to 14 of Schedule 2 to be exercised.
- 14 Where an offender is required by virtue of paragraph 13 to appear before the relevant court in England or Wales—
- (a) the home court must send to that court a certificate certifying that the offender has failed to comply with such of the requirements of the order as may be specified in the certificate, together with such other particulars of the case as may be desirable, and
 - (b) a certificate purporting to be signed by the clerk of the home court (or, if the home court is the Crown Court in Northern Ireland, by the chief clerk) is admissible as evidence of the failure before the relevant court in England or Wales.

Powers of court in England or Wales before which the offender is required to appear

- 15 Where an offender is required by virtue of paragraph 13 to appear before the relevant court in England or Wales, that court may—
- (a) issue a warrant for the offender’s arrest, and
 - (b) exercise any power which it could exercise in respect of the youth rehabilitation order if the offender resided in England or Wales,
- and any enactment relating to the exercise of such powers has effect accordingly, and with any reference to the responsible officer being read as a reference to the relevant officer.
- 16 (1) Paragraph 15(b) does not enable the relevant court in England or Wales to amend the youth rehabilitation order unless it appears to the court that the conditions in paragraph 2(2)(a) and (b) are satisfied in relation to any requirement to be imposed.
- (2) The preceding paragraphs of this Schedule have effect in relation to the amendment of the youth rehabilitation order by virtue of paragraph 15(b) as they have effect in relation to the amendment of such an order by virtue of paragraph 2(2).

Power to amend provisions of Schedule in consequence of changes to the law in Northern Ireland

- 17 (1) This paragraph applies where a change is made to the law in Northern Ireland adding further descriptions of orders to the kinds of orders which a court in that jurisdiction may impose in dealing with an offender aged under 18 at the time of conviction.
- (2) The Secretary of State may by order make such amendments to any of the preceding provisions of this Schedule as appear expedient in consequence of the change.