

*Status: This version of this schedule contains provisions that are prospective.*

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## SCHEDULES

### SCHEDULE 4 **E+W**

Section 6

#### YOUTH REHABILITATION ORDERS: CONSEQUENTIAL AND RELATED AMENDMENTS

#### PART 1 **E+W**

##### CONSEQUENTIAL AMENDMENTS

##### *Children and Young Persons Act 1933 (c. 12)*

- 1 The Children and Young Persons Act 1933 has effect subject to the following amendments.

##### **Commencement Information**

**II** Sch. 4 para. 1 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(i)

- 2 (1) Section 34 (attendance at court of parent of child or young person charged with an offence, etc.) is amended as follows.
- (2) In subsection (7), omit “section 163 of the Powers of Criminal Courts (Sentencing) Act 2000 or”.
- (3) After subsection (7A) insert—
- “(7B) If it appears that at the time of his arrest a youth rehabilitation order, as defined in Part 1 of the Criminal Justice and Immigration Act 2008, is in force in respect of him, the responsible officer, as defined in section 4 of that Act, shall also be informed as described in subsection (3) above as soon as it is reasonably practicable to do so.”

##### **Commencement Information**

**I2** Sch. 4 para. 2 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(i)

- 3 (1) Section 49 (restrictions on reports of proceedings in which children or young persons are concerned) is amended as follows.
- (2) In subsection (2), for paragraphs (c) and (d) substitute—
- “(c) proceedings in a magistrates' court under Schedule 2 to the Criminal Justice and Immigration Act 2008 (proceedings for breach, revocation or amendment of youth rehabilitation orders);
- (d) proceedings on appeal from a magistrates' court arising out of any proceedings mentioned in paragraph (c) (including proceedings by way of case stated).”

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- (3) In subsection (4A), omit paragraph (d) (but not the word “or” immediately following it).
- (4) In subsection (10), for the words from “Schedule 7” to “supervision orders)” substitute the words “ Schedule 2 to the Criminal Justice and Immigration Act 2008 (proceedings for breach, revocation or amendment of youth rehabilitation orders) ”.
- (5) In subsection (13), omit paragraph (c)(i).

**Commencement Information**

**I3** Sch. 4 para. 3(1)(2)(4) in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(ii)

*Criminal Appeal Act 1968 (c. 19)*

- 4 In section 10(2) of the Criminal Appeal Act 1968 (appeal against sentence in other cases dealt with at assizes or quarter sessions), for paragraph (b) substitute—
  - “(b) having been given a suspended sentence or made the subject of—
    - (i) an order for conditional discharge,
    - (ii) a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008, or
    - (iii) a community order within the meaning of Part 12 of the Criminal Justice Act 2003,
 appears or is brought before the Crown Court to be further dealt with for the offence.”

**Commencement Information**

**I4** Sch. 4 para. 4 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

*Firearms Act 1968 (c. 27)*

- 5 The Firearms Act 1968 has effect subject to the following amendments.

**Commencement Information**

**I5** Sch. 4 para. 5 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

- 6 In section 21(3ZA)(a) (possession of firearms by persons previously convicted of crime), after “2003”, insert “, or a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008, ”.

**Commencement Information**

**I6** Sch. 4 para. 6 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

- 7 In section 52(1A)(a) (forfeiture and disposal of firearms; cancellation of certificate by convicting court), after “2003”, insert “, or a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008, ”.

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**Commencement Information**

**I7** Sch. 4 para. 7 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

*Health Services and Public Health Act 1968 (c. 46)*

8 The Health Services and Public Health Act 1968 has effect subject to the following amendments.

**Commencement Information**

**I8** Sch. 4 para. 8 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

9 In section 64(3)(a) (financial assistance by the Secretary of State to certain voluntary organisations)—

- (a) in paragraph (xxi) of the definition of “the relevant enactments”, for “sections 63 to 66 and 92 of, and Schedules 6 and 7 to,” substitute “section 92 of”, and
- (b) after that paragraph, insert—  
“(xxii) Part 1 of the Criminal Justice and Immigration Act 2008;”.

**Commencement Information**

**I9** Sch. 4 para. 9 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

10 In section 65(3)(b) (financial and other assistance by local authorities to certain voluntary organisations), for paragraph (xxii) of the definition of “relevant enactments” substitute—  
“(xxii) Part 1 of the Criminal Justice and Immigration Act 2008;”.

**Commencement Information**

**I10** Sch. 4 para. 10 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

*Social Work (Scotland) Act 1968 (c. 49)*

11 The Social Work (Scotland) Act 1968 has effect subject to the following amendments.

**Commencement Information**

**I11** Sch. 4 para. 11 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

12 In section 86(3) (adjustments between authority providing accommodation etc, and authority of area of residence) after “supervision order” insert “ , youth rehabilitation order ”.

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**Commencement Information**

**I12** Sch. 4 para. 12 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

- 13 In section 94(1) (interpretation)—
- (a) for the definition of “probation order” substitute—
- ““probation order”, in relation to an order imposed by a court in Northern Ireland, has the same meaning as in the Criminal Justice (Northern Ireland) Order 1996,”
- (b) in the definition of “supervision order”, omit “the Powers of Criminal Courts (Sentencing) Act 2000 or”, and
- (c) at the end insert—
- ““youth rehabilitation order” means an order made under section 1 of the Criminal Justice and Immigration Act 2008.”

**Commencement Information**

**I13** Sch. 4 para. 13 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

*Children and Young Persons Act 1969 (c. 54)*

- 14 The Children and Young Persons Act 1969 has effect subject to the following amendments.

**Commencement Information**

**I14** Sch. 4 para. 14 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

- 15 Omit section 25 (transfers between England or Wales and Northern Ireland).

**Commencement Information**

**I15** Sch. 4 para. 15 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

- 16 (1) Section 26 (transfers between England or Wales and the Channel Islands or Isle of Man) is amended as follows.
- (2) In subsection (1)(c), for the words from “supervision order” to “2000” substitute “youth rehabilitation order imposing a local authority residence requirement”.
- (3) In subsection (2), for the words from “supervision order” to “2000” substitute “youth rehabilitation order imposing a local authority residence requirement”.

**Commencement Information**

**I16** Sch. 4 para. 16 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

- 17 (1) Section 32 (detention of absentees) is amended as follows.

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- (2) In subsection (1A)—
- (a) in paragraph (a), for “paragraph 7(4) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000” substitute “ paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008 ”, and
  - (b) for paragraph (b) substitute—
    - “(b) from local authority accommodation—
      - (i) in which he is required to live by virtue of a youth rehabilitation order imposing a local authority residence requirement (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008); or
      - (ii) to which he has been remanded under paragraph 21 of Schedule 2 to that Act; or
      - (iii) to which he has been remanded or committed under section 23(1) of this Act.”
- (3) For subsection (1C) substitute—
- “(1C) In this section “the responsible person” means, as the case may be—
- (a) the person who made the arrangements under paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008;
  - (b) the authority specified under paragraph 17(5) of Schedule 1 to that Act;
  - (c) the authority designated under paragraph 21(10) of Schedule 2 to that Act; or
  - (d) the authority designated under section 23 of this Act.”
- (4) After subsection (1C) insert—
- “(1D) If a child or young person—
- (a) is required to reside with a local authority foster parent by virtue of a youth rehabilitation order with fostering, and
  - (b) is absent, without the consent of the responsible officer (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008), from the place in which he is required to reside,
- he may be arrested by a constable anywhere in the United Kingdom without a warrant.
- (1E) A person so arrested shall be conducted to—
- (a) the place where he is required to reside, or
  - (b) such other place as the local authority specified under paragraph 18(3) of Schedule 1 to the Criminal Justice and Immigration Act 2008 may direct,
- at that local authority's expense.”
- (5) In subsection (2), for “or (1A)” substitute “, (1A) or (1D) ”.
- (6) In subsection (2A), for the words from “mentioned in subsection” to “this section is in premises” substitute “ mentioned in subsection (1), (1A)(a) or (b)(i) or (ii) or (1D) of this section is in premises ”.
- (7) In subsection (2B)—

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- (a) after “subsection (1A)” insert “ or (1D) ”, and
  - (b) at the end insert “ or the responsible officer, as the case may be. ”
- (8) In subsection (3), for “or (1A)” substitute “, (1A) or (1D) ”.
- (9) In subsection (4), after “(1A)” insert “, (1D) ”.

**Commencement Information**

**I17** Sch. 4 para. 17 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

- 18 In section 70(1) (interpretation)—
- (a) omit the definition of “supervision order”,
  - (b) after the definition of “local authority accommodation” insert—
    - ““local authority residence requirement” has the same meaning as in Part 1 of the Criminal Justice and Immigration Act 2008;”, and
  - (c) after the definition of “youth offending team” insert—
    - ““youth rehabilitation order” and “youth rehabilitation order with fostering” have the same meanings as in Part 1 of the Criminal Justice and Immigration Act 2008 (see section 1 of that Act);”.

**Commencement Information**

**I18** Sch. 4 para. 18 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

- 19 In section 73(4)(a) (provisions of section 32 extending to Scotland) for “to (1C)” substitute “ to (1E) ”.

**Commencement Information**

**I19** Sch. 4 para. 19 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 20 The Rehabilitation of Offenders Act 1974 has effect subject to the following amendments.

**Commencement Information**

**I20** Sch. 4 para. 20 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

<sup>F1</sup>21 .....

**Textual Amendments**

**F1** Sch. 4 para. 21 repealed (10.3.2014) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), Sch. 25 Pt. 2 (with s. 141(1)-(6)); S.I. 2014/423, art. 2(c) (with art. 3)

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#### Commencement Information

**I21** Sch. 4 para. 21 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

- 22 In section 7(2) (limitations on rehabilitation under Act, etc.) for paragraph (d) substitute—
- “(d) in any proceedings relating to the variation or discharge of a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008, or on appeal from any such proceedings;”.

#### Commencement Information

**I22** Sch. 4 para. 22 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

#### *Bail Act 1976 (c. 63)*

- 23 In section 4(3) of the Bail Act 1976 (general right to bail of accused persons and others)—
- (a) omit the words “to be dealt with”, and
- (b) for paragraph (a), substitute—
- “(a) Schedule 2 to the Criminal Justice and Immigration Act 2008 (breach, revocation or amendment of youth rehabilitation orders), or”.

#### Commencement Information

**I23** Sch. 4 para. 23 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(iii)

#### *Magistrates' Courts Act 1980 (c. 43)*

- 24 In Schedule 6A to the Magistrates' Courts Act 1980 (fines that may be altered under section 143), omit the entries relating to Schedules 3, 5 and 7 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

#### Commencement Information

**I24** Sch. 4 para. 24 in force at 30.11.2009 for specified purposes by S.I. 2009/3074, art. 2(p)(iv)

PROSPECTIVE

#### *Contempt of Court Act 1981 (c. 49)*

- 25 In section 14 of the Contempt of Court Act 1981 (proceedings in England and Wales), omit the subsection (2A) inserted by the Criminal Justice Act 1982 (c. 48).

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*Criminal Justice Act 1982*

- 26 Part 3 of Schedule 13 to the Criminal Justice Act 1982 (reciprocal arrangements for transfer of community service orders from Northern Ireland) has effect subject to the following amendments.

**Commencement Information**

**I25** Sch. 4 para. 26 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

- 27 (1) Paragraph 7 (transfer to England and Wales) is amended as follows.
- (2) In sub-paragraph (1), in Article 13(4)(b) inserted by that provision, for “such orders” substitute “an unpaid work requirement of a community order under section 177 of the Criminal Justice Act 2003 or youth rehabilitation order under section 1 of the Criminal Justice and Immigration Act 2008”.
- (3) In sub-paragraph (2)(b)—
- (a) after “a community order” insert “or a youth rehabilitation order”, and
  - (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”.
- (4) In sub-paragraph (3)—
- (a) for “A community service order” substitute “An adult community service order”, and
  - (b) in paragraph (b)—
    - (i) omit “within the meaning of Part 12 of the Criminal Justice Act 2003”, and
    - (ii) for “by that Part of that Act” substitute “by Part 12 of the Criminal Justice Act 2003”.
- (5) After sub-paragraph (3) insert—
- “(4) A youth community service order made or amended in accordance with this paragraph shall—
- (a) specify the local justice area in England or Wales in which the offender resides or will be residing when the order or the amendment comes into force; and
  - (b) require—
    - (i) the local probation board for that area established under section 4 of the Criminal Justice and Court Services Act 2000 or (as the case may be) a provider of probation services operating in that area, or
    - (ii) a youth offending team established under section 39 of the Crime and Disorder Act 1998 by a local authority for the area in which the offender resides or will be residing when the order or amendment comes into force,
 to appoint a person who will discharge in respect of the order the functions in respect of youth rehabilitation orders conferred on responsible officers by Part 1 of the Criminal Justice and Immigration Act 2008.

(5) The person appointed under sub-paragraph (4)(b) must be—



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- (a) where the appointment is made by a local probation board, an officer of that board;
- (b) where the appointment is made by a provider of probation services, an officer of that provider;
- (c) where the appointment is made by a youth offending team, a member of that team.”

#### Commencement Information

**I26** Sch. 4 para. 27 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

- 28 (1) Paragraph 9 (general provision) is amended as follows.
- (2) In sub-paragraph (3)—
- (a) in paragraph (a)—
    - (i) for “a community service order” substitute “ an adult community service order ”;
    - (ii) omit “under section 177 of the Criminal Justice Act 2003”;
    - (iii) for “of that Act” substitute “ of the Criminal Justice Act 2003 ”, and
  - (b) before “and” at the end of that paragraph insert—
    - “(aa) a youth community service order made or amended in the circumstances specified in paragraph 7 above shall be treated as if it were a youth rehabilitation order made in England and Wales and the provisions of Part 1 of the Criminal Justice and Immigration Act 2008 shall apply accordingly;”.
- (3) In sub-paragraph (4)(a)—
- (a) after “community orders” insert “ or youth rehabilitation orders ”, and
  - (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”.
- (4) In sub-paragraph (5)—
- (a) after “community order” insert “ or youth rehabilitation order ”, and
  - (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”.
- (5) In sub-paragraph (6)—
- (a) after “community orders” insert “ or youth rehabilitation orders ”,
  - (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”, and
  - (c) in paragraph (b)(i), after “2003” insert “ or, as the case may be, Part 1 of the Criminal Justice and Immigration Act 2008 ”.

#### Commencement Information

**I27** Sch. 4 para. 28 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

- 29 After that paragraph insert—

*“Community service orders relating to persons  
residing in England and Wales: interpretation*

- 10 In paragraphs 7 and 9 above—

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“adult community service order” means a community service order made in respect of an offender who was aged at least 18 when convicted of the offence in respect of which the order is made;

“community order” means an order made under section 177 of the Criminal Justice Act 2003;

“youth community service order” means a community service order made in respect of an offender who was aged under 18 when convicted of the offence in respect of which the order is made;

“youth rehabilitation order” means an order made under section 1 of the Criminal Justice and Immigration Act 2008.”

**Commencement Information**

**I28** Sch. 4 para. 29 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

*Mental Health Act 1983 (c. 20)*

30 In section 37(8) of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship)—

- (a) in paragraph (a), after “Criminal Justice Act 2003” insert “ or a youth rehabilitation order (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008) ”, and
- (b) in paragraph (c), omit the words “a supervision order (within the meaning of that Act) or”.

**Commencement Information**

**I29** Sch. 4 para. 30 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

*Child Abduction Act 1984 (c. 37)*

31 In paragraph 2(1) of the Schedule to the Child Abduction Act 1984 (modifications of section 1 for children in certain cases)—

- (a) in paragraph (a), for “paragraph 7(4) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000” substitute “ paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008 ”, and
- (b) in paragraph (b), after “1969” insert “ or paragraph 21 of Schedule 2 to the Criminal Justice and Immigration Act 2008 ”.

**Commencement Information**

**I30** Sch. 4 para. 31 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

*Prosecution of Offences Act 1985 (c. 23)*

32 (1) Section 19 of the Prosecution of Offences Act 1985 (provision for orders as to costs in other circumstances) is amended as follows.

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- (2) In subsection (3B)(b)(i), for the words from “in a community order” to “that Act” substitute “ a mental health treatment requirement in a community order or youth rehabilitation order ”.
- (3) After subsection (3B) insert—
- “(3C) For the purposes of subsection (3B)(b)(i)—
- “community order” has the same meaning as in Part 12 of the Criminal Justice Act 2003;
- “mental health treatment requirement” means—
- (a) in relation to a community order, a mental health treatment requirement under section 207 of the Criminal Justice Act 2003, and
- (b) in relation to a youth rehabilitation order, a mental health treatment requirement under paragraph 20 of Schedule 1 to the Criminal Justice and Immigration Act 2008;
- “youth rehabilitation order” has the same meaning as in Part 1 of the Criminal Justice and Immigration Act 2008.”

**Commencement Information**

**I31** Sch. 4 para. 32 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

*Children Act 1989 (c. 41)*

33 The Children Act 1989 has effect subject to the following amendments.

**Commencement Information**

**I32** Sch. 4 para. 33 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

- 34 (1) Section 21 (provision of accommodation for children in police protection or detention or on remand, etc.) is amended as follows.
- (2) In subsection (2)(c)—
- (a) in sub-paragraph (i), omit “paragraph 7(5) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000 or” and “or” at the end of that sub-paragraph, and
- (b) for sub-paragraph (ii), substitute—
- “(ii) remanded to accommodation provided by or on behalf of a local authority by virtue of paragraph 21 of Schedule 2 to the Criminal Justice and Immigration Act 2008 (breach etc. of youth rehabilitation orders); or
- (iii) the subject of a youth rehabilitation order imposing a local authority residence requirement or a youth rehabilitation order with fostering.”.
- (3) After subsection (2) insert—

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“(2A) In subsection (2)(c)(iii), the following terms have the same meanings as in Part 1 of the Criminal Justice and Immigration Act 2008 (see section 7 of that Act)—

- “local authority residence requirement”;
- “youth rehabilitation order”;
- “youth rehabilitation order with fostering”.

**Commencement Information**

**I33** Sch. 4 para. 34 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

35 In section 31(7)(b) (care and supervision orders), for sub-paragraph (ii) substitute—  
 “(ii) a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008; or”.

**Commencement Information**

**I34** Sch. 4 para. 35 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

36 In section 105(6) (interpretation)—  
 (a) in paragraph (b), omit from the words “or an” to the end of the paragraph, and  
 (b) after that paragraph insert—  
 “(ba) in accordance with the requirements of a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008; or”.

**Commencement Information**

**I35** Sch. 4 para. 36 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

37 (1) Part 3 of Schedule 3 (education supervision orders) is amended as follows.  
 (2) In paragraph 13(2), for paragraph (c) substitute—  
 “(c) a youth rehabilitation order made under Part 1 of the Criminal Justice and Immigration Act 2008 with respect to the child, while the education supervision order is in force, may not include an education requirement (within the meaning of that Part);”.  
 (3) In paragraph 14—  
 (a) in sub-paragraph (1), for “order under section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000” substitute “youth rehabilitation order (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008)”, and  
 (b) in sub-paragraph (2), after “direction” (in the second place it occurs) insert “or instruction”.

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#### Commencement Information

**I36** Sch. 4 para. 37 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

- 38 In paragraph 3 of Schedule 8 (privately fostered children) for paragraph (a) substitute—
- “(a) a youth rehabilitation order made under section 1 of the Criminal Justice and Immigration Act 2008;”.

#### Commencement Information

**I37** Sch. 4 para. 38 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

#### *Criminal Justice Act 1991 (c. 53)*

- 39 Part 3 of Schedule 3 to the Criminal Justice Act 1991 (transfer of probation orders from Northern Ireland to England and Wales) has effect subject to the following amendments.

#### Commencement Information

**I38** Sch. 4 para. 39 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

- 40 (1) Paragraph 10 is amended as follows.
- (2) In sub-paragraph (2)(b), for the words from “the local probation board” to the end substitute “—
- (i) the local probation board for the area which contains the local justice area in which he resides or will reside or (as the case may be) a provider of probation services operating in the local justice area in which he resides or will reside, or
- (ii) a youth offending team established by a local authority for the area in which he resides or will reside,” and
- (3) In sub-paragraph (3)(a), for the words from “an officer of a local probation board” to the end substitute “—
- (i) an officer of a local probation board assigned to the local justice area in England and Wales in which the offender resides or will be residing when the order or amendment comes into force or (as the case may be) an officer of a provider of probation services acting in the local justice area in which the offender resides or will then be residing, or
- (ii) a member of a youth offending team established by a local authority for the area in England and Wales in which the offender resides or will then be residing;”.

#### Commencement Information

**I39** Sch. 4 para. 40 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Criminal Justice and Immigration Act 2008, SCHEDULE 4 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*

- 41 (1) Paragraph 11 is amended as follows.
- (2) In sub-paragraph (2)—
- (a) for “a probation order” substitute “ an adult probation order ”,
  - (b) in paragraph (a), omit “under section 177 of the Criminal Justice Act 2003”, and
  - (c) in paragraph (b), for “of that Act” substitute “ of the Criminal Justice Act 2003 ”.
- (3) After that sub-paragraph insert—
- “(2A) Where a youth probation order is made or amended in any of the circumstances specified in paragraph 10 above then, subject to the following provisions of this paragraph—
- (a) the order shall be treated as if it were a youth rehabilitation order made in England and Wales, and
  - (b) the provisions of Part 1 of the Criminal Justice and Immigration Act 2008 shall apply accordingly.”
- (4) In sub-paragraph (3)—
- (a) for paragraph (a) substitute—
    - “(a) the requirements of the legislation relating to community orders or, as the case may be, youth rehabilitation orders;”;
  - (b) in paragraph (b), for “Schedule 8 to that Act” substitute “ that legislation ”.
- (5) In sub-paragraph (4)—
- (a) after “a community order” insert “ or, as the case may be, a youth rehabilitation order ”,
  - (b) omit “under section 177 of the Criminal Justice Act 2003”, and
  - (c) for “to that Act” substitute “ to the Criminal Justice Act 2003 or by paragraph 6(2)(c) or 11(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008 ”.
- (6) In sub-paragraph (5)—
- (a) after “2003” insert “ or, as the case may be, Part 1 of the Criminal Justice and Immigration Act 2008 ”,
  - (b) for “(2) above” substitute “ (2) or (2A) (as the case may be) ”, and
  - (c) in paragraph (b) for the words from “of the” to “board” substitute “of—
    - (i) the offender, or
    - (ii) the officer of a local probation board, officer of a provider of probation services or member of a youth offending team (as the case may be),”.
- (7) In sub-paragraph (8)—
- (a) after “In this paragraph” insert—
 

““adult probation order” means a probation order made in respect of an offender who was aged at least 18 when convicted of the offence in respect of which the order is made;

“community order” means an order made under section 177 of the Criminal Justice Act 2003;”;
  - (b) at the end insert—

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““youth probation order” means a probation order made in respect of an offender who was aged under 18 when convicted of the offence in respect of which the order is made;

“youth rehabilitation order” means an order made under section 1 of the Criminal Justice and Immigration Act 2008.”

**Commencement Information**

**I40** Sch. 4 para. 41 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

*Criminal Justice and Public Order Act 1994 (c. 33)*

42 In section 136 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement: execution of warrants), in subsection (7A), after “youth offender panel)” insert “ or under Schedule 2 to the Criminal Justice and Immigration Act 2008 (youth rehabilitation orders: breach etc.) ”.

**Commencement Information**

**I41** Sch. 4 para. 42 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

F<sup>2</sup>43 .....

**Textual Amendments**

**F2** Sch. 4 paras. 43-46 repealed (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), Sch. 2 para. 53; S.S.I. 2010/413, art. 2, Sch. (with art. 3(1))

**Commencement Information**

**I42** Sch. 4 para. 43 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

F<sup>2</sup>44 .....

**Textual Amendments**

**F2** Sch. 4 paras. 43-46 repealed (1.2.2011) by Criminal Justice and Licensing (Scotland) Act 2010 (asp 13), s. 206(1), Sch. 2 para. 53; S.S.I. 2010/413, art. 2, Sch. (with art. 3(1))

**Commencement Information**

**I43** Sch. 4 para. 44 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

F<sup>2</sup>45 .....

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Criminal Justice and Immigration Act 2008, SCHEDULE 4 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*

#### Textual Amendments

**F2** Sch. 4 paras. 43-46 repealed (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 2 para. 53](#); S.S.I. 2010/413, art. 2, Sch. (with art. 3(1))

#### Commencement Information

**I44** Sch. 4 para. 45 in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(p\)\(v\)](#)

**F2**46 .....

#### Textual Amendments

**F2** Sch. 4 paras. 43-46 repealed (1.2.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), s. 206(1), [Sch. 2 para. 53](#); S.S.I. 2010/413, art. 2, Sch. (with art. 3(1))

#### Commencement Information

**I45** Sch. 4 para. 46 in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(p\)\(v\)](#)

#### *Education Act 1996 (c. 56)*

47 In section 562(2)(b) of the Education Act 1996 (Act not to apply to persons detained under order of a court), for “community order under section 177 of the Criminal Justice Act 2003” substitute “ youth rehabilitation order under section 1 of the Criminal Justice and Immigration Act 2008 ”.

#### Commencement Information

**I46** Sch. 4 para. 47 in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(p\)\(v\)](#)

#### *Crime and Disorder Act 1998 (c. 37)*

48 The Crime and Disorder Act 1998 has effect subject to the following amendments.

#### Commencement Information

**I47** Sch. 4 para. 48 in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(p\)\(v\)](#)

49 In section 38(4) (local provision of youth justice services)—

- (a) in paragraph (f), for “, reparation orders and action plan orders” substitute “ and reparation orders ”,
- (b) after paragraph (f) insert—
  - “(fa) the provision of persons to act as responsible officers in relation to youth rehabilitation orders (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008);
  - (fb) the supervision of children and young persons sentenced to a youth rehabilitation order under that Part which includes a supervision requirement (within the meaning of that Part);”



*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** Criminal Justice and Immigration Act 2008, SCHEDULE 4 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

- (c) omit paragraph (g), and
- (d) in paragraph (h), omit “or a supervision order”.

**Commencement Information**

**I48** Sch. 4 para. 49 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

50 In Schedule 8 (minor and consequential amendments), in paragraph 13(2), for “that section” substitute “ section 10 of that Act ”.

**Commencement Information**

**I49** Sch. 4 para. 50 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(v)

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

F<sup>3</sup>51 .....

**Textual Amendments**

**F3** Sch. 4 paras. 51-58 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

F<sup>3</sup>52 .....

**Textual Amendments**

**F3** Sch. 4 paras. 51-58 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

F<sup>3</sup>53 .....

**Textual Amendments**

**F3** Sch. 4 paras. 51-58 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

F<sup>3</sup>54 .....

**Textual Amendments**

**F3** Sch. 4 paras. 51-58 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

F<sup>3</sup>55 .....

*Status: This version of this schedule contains provisions that are prospective.*

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**Textual Amendments**

**F3** Sch. 4 paras. 51-58 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

**F3**56 .....

**Textual Amendments**

**F3** Sch. 4 paras. 51-58 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

**F3**57 .....

**Textual Amendments**

**F3** Sch. 4 paras. 51-58 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

**F3**58 .....

**Textual Amendments**

**F3** Sch. 4 paras. 51-58 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

59 In section 159 (execution of process between England and Wales and Scotland)—

- (a) after “Schedule 1 to this Act,” insert “ or ”,
- (b) omit “paragraph 3(1), 10(6) or 18(1) of Schedule 3 to this Act,”,
- (c) omit “paragraph 1(1) of Schedule 5 to this Act”, and
- (d) omit “paragraph 7(2) of Schedule 7 to this Act, or”.

**Commencement Information**

**I50** Sch. 4 para. 59(a)(b)(d) in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(p)(x)**

**F4**60 .....

**Textual Amendments**

**F4** Sch. 4 para. 60 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

61 In section 163 (general definitions)—

- (a) omit the definitions of “action plan order”, “affected person”, “attendance centre”, “attendance centre order”, “community sentence”, “curfew order”, “exclusion order”, “supervision order”, “supervisor” and “youth community order”,

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(b) in the definition of “responsible officer”, omit paragraphs (a), (aa) and (f), and

(c) at the end add—

““youth rehabilitation order” has the meaning given by section 1(1) of the Criminal Justice and Immigration Act 2008.”

**Commencement Information**

**I51** Sch. 4 para. 61(a) in force at 30.11.2009 for specified purposes by [S.I. 2009/3074](#), [art. 2\(p\)\(xii\)](#)

**I52** Sch. 4 para. 61(b)(c) in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(p\)\(xii\)](#)

<sup>F5</sup>62 .....

**Textual Amendments**

**F5** Sch. 4 paras. 62-64 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

<sup>F5</sup>63 .....

**Textual Amendments**

**F5** Sch. 4 paras. 62-64 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

<sup>F5</sup>64 .....

**Textual Amendments**

**F5** Sch. 4 paras. 62-64 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

*Child Support, Pensions and Social Security Act 2000 (c. 19)*

<sup>F6</sup>65 .....

**Textual Amendments**

**F6** Sch. 4 paras. 65-67 repealed (22.3.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 7 Pt. 3](#); [S.I. 2010/293](#), [art. 2\(3\)\(b\)](#) (with [art. 2\(4\)](#))

<sup>F6</sup>66 .....

**Textual Amendments**

**F6** Sch. 4 paras. 65-67 repealed (22.3.2010) by [Welfare Reform Act 2009 \(c. 24\)](#), s. 61(3), [Sch. 7 Pt. 3](#); [S.I. 2010/293](#), [art. 2\(3\)\(b\)](#) (with [art. 2\(4\)](#))

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**Changes to legislation:** *Criminal Justice and Immigration Act 2008, SCHEDULE 4 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*

F<sup>6</sup>67 .....

**Textual Amendments**  
F6 Sch. 4 paras. 65-67 repealed (22.3.2010) by Welfare Reform Act 2009 (c. 24), s. 61(3), Sch. 7 Pt. 3; S.I. 2010/293, art. 2(3)(b) (with art. 2(4))

*Criminal Justice and Court Services Act 2000 (c. 43)*

68 The Criminal Justice and Court Services Act 2000 has effect subject to the following amendments.

**Commencement Information**  
I53 Sch. 4 para. 68 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

69 In section 1(2)(a) (purposes of Chapter), after “2003” insert “, youth rehabilitation orders (as defined by section 1 of the Criminal Justice and Immigration Act 2008)”.

**Commencement Information**  
I54 Sch. 4 para. 69 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

70 In section 70 (interpretation, etc.) omit subsection (5).

**Commencement Information**  
I55 Sch. 4 para. 70 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

*Criminal Justice Act 2003 (c. 44)*

71 Part 12 of the Criminal Justice Act 2003 (sentencing) has effect subject to the following amendments.

**Commencement Information**  
I56 Sch. 4 para. 71 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xiii)

F<sup>7</sup>72 .....

**Textual Amendments**  
F7 Sch. 4 paras. 72-91 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

F<sup>7</sup>73 .....

*Status: This version of this schedule contains provisions that are prospective.*

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**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F774** .....

**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F775** .....

**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F776** .....

**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F777** .....

**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F778** .....

**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F779** .....

**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F780** .....

*Status: This version of this schedule contains provisions that are prospective.*

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**Textual Amendments**

F7 Sch. 4 paras. 72-91 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

F781 .....

**Textual Amendments**

F7 Sch. 4 paras. 72-91 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

F782 .....

**Textual Amendments**

F7 Sch. 4 paras. 72-91 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

F783 .....

**Textual Amendments**

F7 Sch. 4 paras. 72-91 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

F784 .....

**Textual Amendments**

F7 Sch. 4 paras. 72-91 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

F785 .....

**Textual Amendments**

F7 Sch. 4 paras. 72-91 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

F786 .....

**Textual Amendments**

F7 Sch. 4 paras. 72-91 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

F787 .....

*Status: This version of this schedule contains provisions that are prospective.*

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**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F788** .....

**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F789** .....

**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F790** .....

**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

**F791** .....

**Textual Amendments**

**F7** Sch. 4 paras. 72-91 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

92 In section 221(2) (provision of attendance centres)—  
(a) omit “or” at the end of paragraph (a),  
(b) after that paragraph insert—  
    “(aa) attendance centre requirements of youth rehabilitation orders, within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008,” and  
(c) omit paragraph (b).

**Commencement Information**

**I57** Sch. 4 para. 92(b) in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(p)(xiv)**

**F893** .....

*Status: This version of this schedule contains provisions that are prospective.*

**Changes to legislation:** *Criminal Justice and Immigration Act 2008, SCHEDULE 4 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*

#### Textual Amendments

**F8** Sch. 4 para. 93 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

94 Omit section 279 (drug treatment and testing requirement in action plan order or supervision order).

#### Commencement Information

**I58** Sch. 4 para. 94 in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(p)(xv)**

95 In section 330(5)(a) (orders subject to the affirmative resolution procedure), omit the entry relating to section 161(7).

#### Commencement Information

**I59** Sch. 4 para. 95 in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(p)(xv)**

<sup>F9</sup>96 .....

#### Textual Amendments

**F9** Sch. 4 para. 96 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

97 Omit Schedule 24 (drug treatment and testing requirement in action plan order or supervision order).

#### Commencement Information

**I60** Sch. 4 para. 97 in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(p)(xv)**

#### *Violent Crime Reduction Act 2006 (c. 38)*

98 In section 47 of the Violent Crime Reduction Act 2006 (power to search persons in attendance centres for weapons), in the definition of “relevant person” in subsection (11), for paragraph (b) substitute—

“(b) a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008;”.

#### Commencement Information

**I61** Sch. 4 para. 98 in force at 30.11.2009 by [S.I. 2009/3074](#), **art. 2(p)(xv)** (with art. 4)

#### *Offender Management Act 2007 (c. 21)*

99 In section 1(4) of the Offender Management Act 2007 (meaning of “the probation purposes”), in the definition of “community order”—



*Status:* This version of this schedule contains provisions that are prospective.

**Changes to legislation:** Criminal Justice and Immigration Act 2008, SCHEDULE 4 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

- (a) after paragraph (a) insert—
  - “(aa) a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008 (see section 1 of that Act);”, and
- (b) after paragraph (b) insert—
  - “(c) a youth community order within the meaning of that Act (as it applies to offences committed before section 1 of the Criminal Justice and Immigration Act 2008 comes into force)”.

#### Commencement Information

**I62** Sch. 4 para. 99 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xv)

## PART 2 **E+W**

### RELATED AMENDMENTS

#### *Children and Young Persons Act 1933 (c. 12)*

**F10** 100 .....

#### Textual Amendments

**F10** Sch. 4 para. 100 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with s. 413(4)(5), Sch. 27); S.I. 2020/1236, reg. 2

#### *Children and Young Persons Act 1969 (c. 54)*

- 101 (1) Section 32 of the Children and Young Persons Act 1969 (detention of absentees) is amended as follows.
- (2) In subsection (1A)—
- (a) in paragraph (a), after “under” insert “ paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or ”,
  - (b) in paragraph (b) (as substituted by paragraph 17(2)(b) of this Schedule), in sub-paragraph (ii), after “under” insert “ paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or ”.
- (3) In subsection (1C) (as substituted by paragraph 17(3) of this Schedule)—
- (a) in paragraph (a), after “under” insert “ paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or ”, and
  - (b) in paragraph (c), after “under” insert “ paragraph 4(6) of Schedule 1 or paragraph 6(8) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or ”.

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**Commencement Information**

**I63** Sch. 4 para. 101 in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(p\)\(xv\)](#)

*Bail Act 1976 (c. 63)*

102 In section 4(3) of the Bail Act 1976 (general right to bail of accused persons and others), before paragraph (a) (as substituted by paragraph 23(b) of this Schedule) insert—

- “(za) Schedule 1 to the Powers of Criminal Courts (Sentencing) Act 2000 (referral orders: referral back to appropriate court),
- “(zb) Schedule 8 to that Act (breach of reparation order).”

**Commencement Information**

**I64** Sch. 4 para. 102 in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(p\)\(xv\)](#)

*Magistrates' Courts Act 1980 (c. 43)*

<sup>F11</sup>103 .....

**Textual Amendments**

**F11** Sch. 4 para. 103 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

*Child Abduction Act 1984 (c. 37)*

104 In paragraph 2(1) of the Schedule to the Child Abduction Act 1984 (modifications of section 1 for children in certain cases)—

- (a) in paragraph (a), after “under” insert “ paragraph 4(1)(a) of Schedule 1 or paragraph 6(4)(a) of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 or ”, and
- (b) in paragraph (b), before “or” (as inserted by paragraph 31(b) of this Schedule) insert “ , paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 ”.

**Commencement Information**

**I65** Sch. 4 para. 104 in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(p\)\(xv\)](#)

*Children Act 1989 (c. 41)*

105 In section 21(2)(c) of the Children Act 1989 (provision of accommodation for children in police protection or detention or on remand, etc.), after sub-paragraph (i) insert—

- “(ia) remanded to accommodation provided by or on behalf of a local authority by virtue of paragraph 4 of Schedule 1 or

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paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 (breach etc. of referral orders and reparation orders);”.

**Commencement Information**

**I66** Sch. 4 para. 105 in force at 30.11.2009 by S.I. 2009/3074, art. 2(p)(xv)

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

<sup>F12</sup>106 .....

**Textual Amendments**

**F12** Sch. 4 paras. 106-109 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

<sup>F12</sup>107 .....

**Textual Amendments**

**F12** Sch. 4 paras. 106-109 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

<sup>F12</sup>108 .....

**Textual Amendments**

**F12** Sch. 4 paras. 106-109 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

*Criminal Justice Act 2003 (c. 44)*

<sup>F12</sup>109 .....

**Textual Amendments**

**F12** Sch. 4 paras. 106-109 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

**Status:**

This version of this schedule contains provisions that are prospective.

**Changes to legislation:**

Criminal Justice and Immigration Act 2008, SCHEDULE 4 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.

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**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. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)