

Changes to legislation: Sentencing Act 2020, Cross Heading: Children Act 1989 (c. 41) is up to date with all changes known to be in force on or before 26 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 24

CONSEQUENTIAL AMENDMENTS

PART 1

ACTS OF PARLIAMENT

Children Act 1989 (c. 41)

- 108 (1) Section 21 of the Children Act 1989 is amended as follows.
- (2) In subsection (2)(c)—
- (a) in sub-paragraph (ia), for “paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000” substitute “ paragraph 5 of Schedule 4 or paragraph 7 of Schedule 5 to the Sentencing Code ”;
 - (b) in sub-paragraph (ii), for “paragraph 21 of Schedule 2 to the Criminal Justice and Immigration Act 2008” substitute “ paragraph 25 of Schedule 7 to that Code ”.
- (3) For subsection (2A) substitute—
- “(2A) In subsection (2)(c)(iii)—
- “local authority residence requirement” has the meaning given by paragraph 24 of Schedule 6 to the Sentencing Code;
 - “youth rehabilitation order” has the meaning given by section 173 of that Code;
 - “youth rehabilitation order with fostering” has the meaning given by section 176 of that Code.”

Commencement Information

I1 Sch. 24 para. 108 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 109 In section 31(7)(b)(ii) of that Act, for “the meaning of Part 1 of the Criminal Justice and Immigration Act 2008” substitute “ the meaning given by section 173 of the Sentencing Code ”.

Commencement Information

I2 Sch. 24 para. 109 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 110 In section 104 of that Act—

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- (a) in subsection (3A), after “(3BA)” insert “, (3BB)”.
- (b) after subsection (3BA) insert—

“(3BB) Regulations fall within this subsection if they are regulations made in the exercise of the power conferred by paragraph 3B(4) of Schedule A1.”

Commencement Information

I3 Sch. 24 para. 110 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 111 In section 105(6)(ba) of that Act, for “Part 1 of the Criminal Justice and Immigration Act 2008” substitute “ Chapter 1 of Part 9 of the Sentencing Code ”.

Commencement Information

I4 Sch. 24 para. 111 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 112 (1) Schedule A1 to that Act is amended as follows.
 (2) For Part 1 substitute—

“PART 1

UNPAID WORK REQUIREMENT

The responsible officer etc

- 1 (1) For the purposes of this Part of this Schedule—
 “the responsible officer”, in relation to a relevant person, means the person who is for the time being responsible for discharging the functions conferred by this Part of this Schedule on the responsible officer in accordance with arrangements made by the Secretary of State;
 “relevant person”, in relation to an enforcement order, means a person subject to the order.
- (2) The responsible officer must be an officer of a provider of probation services.

Obligations of responsible officer

- 2 (1) This paragraph applies where an enforcement order is in force.
- (2) The responsible officer must—
- (a) make any arrangements that are necessary in connection with the requirements imposed by the order, and
 - (b) promote the relevant person's compliance with those requirements.
- (3) Sub-paragraph (4) applies where—
- (a) an enforcement order is in force, and

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- (b) an officer of the Children and Family Court Advisory and Support Service or a Welsh family proceedings officer (as defined in section 35 of the Children Act 2004) is required under section 11M to report on matters relating to the order.
- (4) The officer of the Service or the Welsh family proceedings officer (“the family officer”) may request the responsible officer to report to the family officer on such matters relating to the order as the family officer may require for the purpose of making a report under section 11M(1)(c) or (d); and it shall be the duty of the responsible officer to comply with such a request.

Enforcement order to specify relevant person's home local justice area

- 3 (1) An enforcement order must specify which local justice area is the relevant person's home local justice area.
- (2) The area specified must be the local justice area in which the relevant person resides or will reside.

Requirement and obligation of relevant person

- 3A (1) In this Part of this Schedule “unpaid work requirement”, in relation to an enforcement order, means a requirement that the relevant person must perform unpaid work in accordance with the instructions of the responsible officer as to—
 - (a) the work to be performed, and
 - (b) the times, during a period of 12 months, at which the person is to perform it.
- (2) Sub-paragraph (1)(b) is subject to paragraphs 7 and 9.
- (3) But the period of 12 months is not to run while the enforcement order is suspended under section 11J(9).

Number of hours of unpaid work to be specified in order

- 3B (1) The number of hours which a person may be required to work under an unpaid work requirement—
 - (a) must be specified in the relevant order, and
 - (b) must, in aggregate, be—
 - (i) not less than 40, and
 - (ii) not more than 200.
- (2) Sub-paragraph (3) applies where on the same occasion and in relation to the same person the court makes more than one enforcement order imposing an unpaid work requirement.
- (3) The court may direct that the hours of work specified in any of those requirements is to be—
 - (a) concurrent with, or
 - (b) additional to,
 those specified in any other of those orders.

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But the total number of hours which are not concurrent must not exceed the maximum number (see sub-paragraph (1)(b)(ii)).

- (4) The Secretary of State may by regulations substitute the maximum number of hours for the time being specified in sub-paragraph (1)(b).

Duty to keep in touch with responsible officer

- 3C (1) This paragraph applies where an enforcement order is in force.
- (2) The relevant person—
- (a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the relevant person from time to time, and
 - (b) must notify the responsible officer of any change of address.
- (3) An obligation imposed by sub-paragraph (2) is enforceable as if it were a requirement of the enforcement order.

Rules relating to enforcement orders

- 3D The power of the Secretary of State to make rules under section 394 of the Sentencing Code in relation to persons subject to community orders or suspended sentence orders may also be exercised in relation to persons subject to enforcement orders.”
- (3) In paragraph 6(2), for “section 199(2)(a) of the Criminal Justice Act 2003” substitute “ paragraph 3B(1)(b)(i) ”.
 - (4) In paragraph 7(2), for “section 200(2) of the Criminal Justice Act 2003 (as substituted by paragraph 3)” substitute “ paragraph 3A(1)(b) ”.
 - (5) In paragraph 8(8), “the same meaning as in section 197 of the Criminal Justice Act 2003 (as modified by paragraph 2)” substitute “ the meaning given by paragraph 1 ”.
 - (6) In paragraph 9(9)—
 - (a) for “section 199(2)(b) of the Criminal Justice Act 2003, as substituted by paragraph 3” substitute “ paragraph 3B(1)(b)(ii) ”;
 - (b) for “section 200(2) of the Criminal Justice Act 2003 (as substituted by paragraph 3)” substitute “ paragraph 3A(1)(b) ”.

Commencement Information

I5 Sch. 24 para. 112 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 113 In Schedule 2 to that Act, in paragraph 21(7), at the end of paragraph (c) insert “ or section 260 of the Sentencing Code ”.

Commencement Information

I6 Sch. 24 para. 113 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 114 (1) Schedule 3 to that Act is amended as follows.

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- (2) In paragraph 13(2)(c), for “Part 1 of the Criminal Justice and Immigration Act 2008” substitute “ Chapter 1 of Part 9 of the Sentencing Code ”.
- (3) In paragraph 14(1), for “the meaning of Part 1 of the Criminal Justice and Immigration Act 2008” substitute “ the meaning given by section 173 of the Sentencing Code ”.

Commencement Information

I7 Sch. 24 para. 114 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

- 115 In Schedule 8 to that Act, in paragraph 3(a), for “section 1 of the Criminal Justice and Immigration Act 2008” substitute “ Chapter 1 of Part 9 of the Sentencing Code ”.

Commencement Information

I8 Sch. 24 para. 115 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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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):

- s. 34A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 1](#)
- s. 80(3)(f) inserted by [2021 c. 17 s. 54\(2\)](#)
- s. 179(4A) inserted by [2020 c. 17 Sch. 22 para. 11\(1\)](#)
- s. 179A inserted by [2020 c. 17 Sch. 22 para. 12\(2\)](#)
- s. 179A(1)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 16\(2\)](#)
- s. 180(5) inserted by [2020 c. 17 Sch. 22 para. 11\(2\)](#)
- s. 186(8A) inserted by [2020 c. 17 Sch. 22 para. 11\(3\)](#)
- s. 202(1A)(1B) inserted by [2020 c. 17 Sch. 22 para. 13\(b\)](#)
- s. 202(1A)(b)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 17\(2\)](#)
- s. 204A inserted by [2020 c. 17 Sch. 22 para. 14\(2\)](#)
- s. 204A(3)(c)(i)(ii) substituted for words by [2020 c. 17 Sch. 22 para. 18\(2\)](#)
- s. 215(1A)(1B) inserted by [2022 c. 32 s. 149\(2\)\(a\)](#)
- s. 215(2A) inserted by [2022 c. 32 s. 149\(2\)\(c\)](#)
- s. 226(2)(ba) and word substituted for s. 226(2)(c)(d) by [2020 c. 17 Sch. 22 para. 43](#)
- s. 230(3A) and words inserted by [2020 c. 17 Sch. 22 para. 2](#)
- s. 234(1)(aa) inserted by [2020 c. 17 Sch. 22 para. 27\(1\)\(b\)](#)
- s. 234(1)(aa) omitted by [2020 c. 17 Sch. 22 para. 28\(1\)](#)
- s. 235(3A) inserted by [2020 c. 17 Sch. 22 para. 27\(2\)](#)
- s. 236(2A) inserted by [2020 c. 17 Sch. 22 para. 29\(3\)](#)
- s. 236(2A)(b) word substituted by [2020 c. 17 Sch. 22 para. 47\(b\)](#)
- s. 301(1A)(1B) inserted by [2022 c. 32 s. 149\(3\)\(a\)](#)
- s. 301(2A) inserted by [2022 c. 32 s. 149\(3\)\(c\)](#)
- s. 323(2A)-(2C) inserted by [2020 c. 17 Sch. 22 para. 85\(3\)](#)
- s. 343(4) inserted by [2022 c. 32 s. 178\(2\)](#)
- s. 348A348B inserted by [2022 c. 32 s. 178\(4\)](#)
- s. 350(6C)(6D) inserted by [2022 c. 32 s. 178\(5\)](#)
- s. 387A inserted by [2021 c. 17 s. 54\(3\)](#)
- s. 397A inserted by [2020 c. 17 Sch. 22 para. 15](#)
- s. 397A(4)(a)(ia) inserted by [2020 c. 17 Sch. 22 para. 19\(2\)\(b\)](#)
- s. 397A(4)(a)(i) words omitted by [2020 c. 17 Sch. 22 para. 19\(2\)\(a\)](#)
- s. 397A(5) words inserted by [2020 c. 17 Sch. 22 para. 19\(3\)](#)
- s. 397A(6)(7) inserted by [2020 c. 17 Sch. 22 para. 19\(4\)](#)
- s. 418(2A) inserted by [2021 c. 11 Sch. 13 para. 43\(5\)](#)
- Sch. 1 para. 13A inserted by [2020 c. 17 Sch. 22 para. 4\(a\)](#)
- Sch. 10 para. 10(5)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(a\)](#)
- Sch. 10 para. 10(9A) inserted by [2020 c. 17 Sch. 22 para. 21\(2\)\(c\)](#)
- Sch. 10 para. 11(2)(d) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(a\)](#)
- Sch. 10 para. 11(6A) inserted by [2020 c. 17 Sch. 22 para. 21\(3\)\(c\)](#)
- Sch. 10 para. 10(9A) omitted by [2020 c. 17 Sch. 22 para. 74\(1\)\(b\)](#)
- Sch. 10 para. 11(6A) omitted by [2020 c. 17 Sch. 22 para. 75\(1\)\(b\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 25\(a\)](#)
- Sch. 10 para. 10(5)(d) words substituted by [2020 c. 17 Sch. 22 para. 74\(1\)\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 26\(a\)](#)
- Sch. 10 para. 11(2)(d) words substituted by [2020 c. 17 Sch. 22 para. 75\(1\)\(a\)](#)
- Sch. 17A para. 24A inserted by [2020 c. 17, Sch. 22 para. 79A \(as inserted\) by 2021 c. 11 Sch. 13 para. 11\(20\)\(m\)](#)
- Sch. 18 para. 26A and cross-heading inserted by [2020 c. 17 Sch. 22 para. 80](#)

- Sch. 19 para. 22A and cross-heading inserted by 2020 c. 17 Sch. 22 para. 84
- Sch. 26 para. 13A inserted by 2021 c. 11 Sch. 13 para. 43(7)(a)
- Sch. 26 para. 15(a)(iii) inserted by 2021 c. 11 Sch. 13 para. 43(7)(c)
- Sch. 26 para. 19(a)(ia) inserted by 2021 c. 11 Sch. 13 para. 43(7)(e)(i)
- Sch. 26 para. 20(c) inserted by 2021 c. 11 Sch. 13 para. 43(7)(f)
- Sch. 26 para. 20A inserted by 2021 c. 11 Sch. 13 para. 43(7)(g)
- Sch. 26 para. 24A inserted by 2021 c. 11 Sch. 13 para. 43(7)(i)
- Sch. 26 para. 20A(za) inserted by 2022 c. 32 s. 129(3)(d)
- Sch. 27 para. 16(2)(a)(b) substituted for words by 2021 c. 11 Sch. 13 para. 43(8)