

## SCHEDULES

### SCHEDULE 10

#### BREACH, REVOCATION OR AMENDMENT OF COMMUNITY ORDER

##### PART 1

##### PRELIMINARY

##### *Meaning of particular expressions relating to an order*

- 1 (1) In this Schedule, in relation to a community order—  
“appropriate court” means—
- (a) if the community order imposes a drug rehabilitation requirement which is subject to review, the court responsible for the order (see paragraph 4);
  - (b) if the community order is a Crown Court community order, the Crown Court;
  - (c) in any other case, a magistrates’ court acting in the offender’s home local justice area;
- “treatment requirement”, in relation to a community order, means—
- (a) a mental health treatment requirement of the order,
  - (b) a drug rehabilitation requirement of the order, or
  - (c) an alcohol treatment requirement of the order.
- (2) In this Schedule, in relation to a community order, any reference (however expressed) to breach of a requirement of the order is a reference to any failure of the offender to comply with a requirement imposed by the order.

##### *Enforcement officers*

- 2 (1) In this Schedule, “enforcement officer” means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.
- (2) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.
- (3) In sub-paragraph (2) “public sector provider” means—
- (a) a probation trust or other public body, or
  - (b) the Secretary of State.

##### *Community order subject to magistrates’ court supervision and Crown Court order*

- 3 In this Schedule—

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*Status: This is the original version (as it was originally enacted).*

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“community order subject to magistrates’ court supervision” means a community order which—

- (a) was made by a magistrates’ court, or
- (b) was made by the Crown Court and includes a direction under section 211 (order to be subject to magistrates’ court supervision);

“Crown Court community order” means a community order which—

- (a) was made by the Crown Court, and
- (b) does not include a direction under that section.

*Requirements subject to review*

- 4 For the purposes of this Schedule—
- (a) a drug rehabilitation requirement of a community order is subject to review if it is subject to review in accordance with paragraph 21 of Schedule 9;
  - (b) a reference to the court responsible for a community order imposing a drug rehabilitation requirement which is subject to review is to the responsible court within the meaning of that paragraph.

*Orders made on appeal*

- 5 A community order made on appeal is to be taken for the purposes of this Schedule to have been made by the Crown Court.