

Status: Point in time view as at 01/12/2020.

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SCHEDULES

SCHEDULE 10

BREACH, REVOCATION OR AMENDMENT OF COMMUNITY ORDER

Modifications etc. (not altering text)

- C1** Sch. 10 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 241\(5\)](#), **249** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 10 modified by 2006 c. 52, s. 181 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 6** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 10 applied (with modifications) by 2006 c. 52, s. 182(3)(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 10 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 10 applied (with modifications) by 2006 c. 52, Sch. 6A (as inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 12** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 10 applied by 2006 c. 52, s. 178(2) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

PART 4

AMENDMENT OF ORDER

Amendment because of change of residence

- 16 (1) This paragraph applies where at any time while a community order is in force—
- (a) the offender is given permission under section 216 to change residence, and
 - (b) the local justice area in which the new residence is situated (“the new local justice area”) is different from the offender's home local justice area.
- (2) If the permission is given by a court, the court must amend the order to specify the new local justice area as the offender's home local justice area.

Commencement Information

- II** Sch. 10 para. 16 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

- 17 (1) This paragraph applies where at any time while a community order is in force—
- (a) a court amends the order,
 - (b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and

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- (c) the local justice area in which that place is situated (“the new local justice area”) is different from the offender's home local justice area.
- (2) The court must amend the order to specify the new local justice area as the offender's home local justice area.

Commencement Information

I2 Sch. 10 para. 17 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Amendment of requirements of community order

- 18 (1) The appropriate court may, on the application of the offender or an officer of a provider of probation services, amend a community order—
- (a) by cancelling any of the requirements of the order, or
 - (b) by replacing any of those requirements with a requirement of the same kind which the court could include if the offender had just been convicted by or before it of the offence in respect of which the order was made and it were then making the order.
- (2) For the purposes of sub-paragraph (1)(b)—
- (a) requirements are of the same kind if they fall within the same entry in column 1 of the table in section 201, and
 - (b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.
- (3) No application may be made under this paragraph while an appeal against the community order is pending, other than an application which—
- (a) relates to a treatment requirement, and
 - (b) is made by an officer of a provider of probation services with the offender's consent.
- (4) Before exercising its powers under this paragraph, the court must summon the offender to appear before it, unless—
- (a) the application was made by the offender, or
 - (b) the court would exercise the powers only to—
 - (i) cancel a requirement of the community order,
 - (ii) replace any such requirement with one of a shorter duration, or
 - (iii) substitute a new place for one specified in the order.
- (5) If the offender fails to appear in answer to a summons under sub-paragraph (4) the court may issue a warrant for the offender's arrest.
- (6) Sub-paragraph (1)(b) has effect subject to any provision that applies to the court in making a community order as if the court were imposing the requirements on making the order.
- (7) The court may not under this paragraph amend a treatment requirement unless the offender expresses willingness to comply with the requirement as amended.
- (8) If the offender fails to express willingness to comply with a treatment requirement as proposed to be amended under this paragraph, the court may—

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- (a) revoke the community order, and
 - (b) re-sentence the offender for the offence in respect of which the order was made.
- (9) If the court deals with the offender under sub-paragraph (8)(b), it—
- (a) must take into account the extent to which the offender has complied with the requirements of the order, and
 - (b) may impose a custodial sentence even if it is not of the opinion mentioned in section 230(2) (general restrictions on imposing discretionary custodial sentences).

Commencement Information

I3 Sch. 10 para. 18 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Amendment of treatment requirement on report of practitioner

- 19 (1) This paragraph applies where an offender is being treated in pursuance of a treatment requirement and the treatment practitioner—
- (a) is of the opinion that—
 - (i) the treatment of the offender should be continued beyond the period specified in the order,
 - (ii) the offender needs different treatment,
 - (iii) the offender is not susceptible to treatment, or
 - (iv) the offender does not require further treatment, or
 - (b) is for any reason unwilling to continue to treat or direct the treatment of the offender.
- (2) The treatment practitioner must make a report in writing to that effect to the responsible officer.
- (3) The responsible officer must cause an application to be made under paragraph 18 to the appropriate court for the replacement or cancellation of the requirement.
- (4) In this paragraph, “the treatment practitioner”, in relation to a treatment requirement, means—
- (a) the medical practitioner or other person specified in the community order as the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement, or
 - (b) in the case of a mental health treatment requirement, if no such person is specified, the person by whom, or under whose direction, the offender is being treated in pursuance of the requirement.

Commencement Information

I4 Sch. 10 para. 19 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Extension of order

- 20 (1) The appropriate court may, on the application of—

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- (a) the offender, or
 - (b) an officer of a provider of probation services,
- amend a community order by substituting a later date for the end date.
- (2) Unless the application was made by the offender, the court—
- (a) must, before exercising its powers under this paragraph, summon the offender to appear before the court, and
 - (b) if the offender fails to appear in answer to the summons, may issue a warrant for the offender's arrest.
- (3) A date substituted under sub-paragraph (1)—
- (a) must not be more than 6 months after the end date;
 - (b) subject to that, may be more than 3 years after the date of the order.
- (4) Once the power in sub-paragraph (1) has been exercised in relation to the order, it may not be exercised again in relation to it by any court.
- (5) No application may be made under this paragraph while an appeal against the community order is pending.

Commencement Information

I5 Sch. 10 para. 20 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Extension of unpaid work requirement

- 21 (1) This paragraph applies where a community order imposing an unpaid work requirement is in force in respect of an offender.
- (2) The appropriate court may, on the application of—
- (a) the offender, or
 - (b) an officer of a provider of probation services,
- extend the period of 12 months specified in paragraph 1(1)(b) of Schedule 9, if it appears to the court to be in the interests to do so, having regard to circumstances which have arisen since the order was made.
- (3) No application may be made under this paragraph while an appeal against the community order is pending.
- (4) Unless the application was made by the offender, the court—
- (a) must, before exercising its powers under this paragraph, summon the offender to appear before the court, and
 - (b) if the offender fails to appear in answer to the summons, may issue a warrant for the offender's arrest.

Commencement Information

I6 Sch. 10 para. 21 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

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