

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

SCHEDULES

SCHEDULE 6

Section 173

YOUTH REHABILITATION ORDERS: REQUIREMENTS

PART 1

ACTIVITY REQUIREMENT

Activity requirement: types of requirement

- 1 (1) In this Code “activity requirement”, in relation to a youth rehabilitation order, is a requirement consisting of one or more of the following—
- (a) a specified place obligation (see paragraph 3),
 - (b) a specified activities obligation (see paragraph 4),
 - (c) a specified residential exercise obligation (see paragraph 5),
 - (d) an obligation under paragraph 6 to engage in activities as instructed by the responsible officer.
- (2) A youth rehabilitation order that imposes an activity requirement may specify—
- (a) obligations of more than one of those kinds, or
 - (b) more than one obligation of any of those kinds.
- (3) The aggregate number of days specified in a youth rehabilitation order under paragraphs 3, 4, 5 and 6 must not exceed 90 unless the activity requirement is an extended activity requirement (see paragraph 2).

Commencement Information

II Sch. 6 para. 1 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Extended activity requirement

- 2 (1) An extended activity requirement is an activity requirement for which the aggregate number of days specified in the youth rehabilitation order under paragraphs 3, 4, 5 and 6 is greater than 90.
- (2) Where a youth rehabilitation order imposes an extended activity requirement, the aggregate number of days specified in the order under those paragraphs must not exceed ^[F1]180^[F1] the relevant number].
- ^[F2](2A) In sub-paragraph (2) “the relevant number” means—
- (a) in relation to a youth rehabilitation order in respect of an offence of which the offender was convicted before the day on which paragraph 17 of Schedule 17

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to the Police, Crime, Sentencing and Courts Act 2022 first came into force to any extent, 180 days, and

(b) in relation to a youth rehabilitation order in respect of an offence of which the offender was convicted on or after that day, 365 days.]

(3) For restrictions on making a youth rehabilitation order with intensive supervision and surveillance (and, accordingly, on imposing an extended activity requirement), see section 180 (as well as sections 175 and 178 (requirements and availability relating to youth rehabilitation orders with intensive supervision and surveillance)).

Textual Amendments

- F1** Words in *Sch. 6 para. 2(2)* substituted (3.7.2023 in relation to specified areas until 3.1.2025) by *Police, Crime, Sentencing and Courts Act 2022 (c. 32)*, ss. 161, 208(1), **Sch. 17 para. 17(2)**; S.I. 2023/705, regs. 2, 3, 4(1), *Sch.* (with reg. 4(2))
- F2** *Sch. 6 para. 2(2A)* inserted (3.7.2023 in relation to specified areas until 3.1.2025) by *Police, Crime, Sentencing and Courts Act 2022 (c. 32)*, ss. 161, 208(1), **Sch. 17 para. 17(3)**; S.I. 2023/705, regs. 2, 3, 4(1), *Sch.* (with reg. 4(2))

Commencement Information

- I2** *Sch. 6 para. 2* in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Activity requirement: specified place obligation

- 3 (1) For each specified place obligation that it imposes, a youth rehabilitation order must specify—
- (a) a number of days,
 - (b) a place or places, and
 - (c) for each place specified, the description of person to whom the offender is required to present himself or herself.
- (2) The obligation requires the offender, in accordance with instructions of the responsible officer, on the specified number of days—
- (a) to present himself or herself at a specified place to a person of the specified description, and
 - (b) while there, to participate in activities and comply with instructions given by, or under the authority of, the person in charge of the place.

Commencement Information

- I3** *Sch. 6 para. 3* in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

Activity requirement: specified activities obligation

- 4 (1) For each specified activities obligation that it imposes, a youth rehabilitation order must specify—
- (a) a number of days, and
 - (b) an activity or activities.
- (2) The obligation requires the offender, in accordance with instructions of the responsible officer, on the specified number of days—

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- (a) to participate in a specified activity, and
 - (b) to comply with instructions given by, or under the authority of, the person in charge of the activity.
- (3) An activity specified under this paragraph may be one whose purpose is reparation, such as an activity involving contact between an offender and persons affected by the offending concerned.

Commencement Information

I4 Sch. 6 para. 4 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Activity requirement: specified residential exercise obligation

- 5 (1) For each specified residential exercise obligation that it imposes, a youth rehabilitation order must specify—
- (a) a number of days, and
 - (b) a place or activity.
- (2) The obligation requires the offender, in accordance with the instructions of the responsible officer—
- (a) if a place is specified under sub-paragraph (1)(b)—
 - (i) to present himself or herself at that place to a person of a description specified in the instructions,
 - (ii) to reside there for a period consisting of the specified number of days, and
 - (iii) during that period, to comply with instructions given by, or under the authority of, the person in charge of that place;
 - (b) if an activity is specified under sub-paragraph (1)(b)—
 - (i) to participate in that activity for a period consisting of the specified number of days, and
 - (ii) during that period, to comply with instructions given by or under the authority of, the person in charge of the activity.

Commencement Information

I5 Sch. 6 para. 5 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Activity requirement: obligation to engage in activities as instructed by responsible officer

- 6 (1) A youth rehabilitation order that imposes an obligation under this paragraph—
- (a) must specify a number of days, and
 - (b) may permit the responsible officer to give instructions in accordance with this paragraph requiring the offender to participate in a residential exercise.
- (2) The obligation requires the offender to engage in activities in accordance with instructions of the responsible officer on that number of days.
- (3) For each of those days, instructions of the responsible officer must require the offender—

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- (a) to present himself or herself to a person or persons of a description specified in the instructions at a place so specified, or
 - (b) to participate in an activity specified in the instructions.
- (4) On each of those days, or while participating in any such activity, the offender is required to comply with instructions given by, or under the authority of, the person in charge of the place or the activity.
- (5) An activity specified in instructions under this paragraph may be one whose purpose is reparation, such as an activity involving contact between an offender and persons affected by the offending concerned.
- (6) Sub-paragraphs (7) to (9) apply where under sub-paragraph (1)(b) the youth rehabilitation order permits the responsible officer to give instructions requiring the offender to participate in a residential exercise.
- (7) Instructions given by the responsible officer may require the offender to participate in a residential exercise for the period specified in the instructions, and for that purpose—
- (a) to present himself or herself to a person of a description specified in the instructions at a place so specified at the beginning of that period and to reside there for that period, or
 - (b) to participate for that period in an activity specified in the instructions.
- (8) But instructions requiring the offender to participate in a residential exercise—
- (a) may not require the offender to participate in such an exercise for a period of more than 7 days;
 - (b) may not be given except with the consent of a parent or guardian of the offender.
- (9) Where the responsible officer gives instructions requiring the offender to participate in a residential exercise, the offender is required to comply with instructions given by, or under the authority of, the person in charge of the place or activity specified in the responsible officer's instructions.

Commencement Information

I6 Sch. 6 para. 6 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Activity requirement: general provisions

- 7 Instructions given by, or under the authority of, a person in charge of any place under any of the following provisions—
- (a) paragraph 3(2)(b) (specified place obligation),
 - (b) paragraph 5(2)(a)(iii) (residential exercise obligation),
 - (c) paragraph 6(4) (obligation at place specified by responsible officer), or
 - (d) paragraph 6(9) (residential exercise at place specified by responsible officer),
- may require the offender to engage in activities otherwise than at that place.

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Commencement Information

I7 Sch. 6 para. 7 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Restrictions on imposing an activity requirement

- 8 A court may not include an activity requirement in a youth rehabilitation order unless—
- (a) the court has consulted—
 - (i) a member of a youth offending team, or
 - (ii) an officer of a provider of probation services,and is satisfied that it is feasible to secure compliance with the requirement,
 - (b) the court is satisfied that provision can be made for the offender to participate in the activities that it proposes to specify in the order under the arrangements for persons to participate in such activities which exist in the local justice area in which the offender resides or is to reside, and
 - (c) if compliance with the requirement would require the co-operation of a person other than the offender and the responsible officer, that other person consents to its inclusion.

Commencement Information

I8 Sch. 6 para. 8 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

PART 2

SUPERVISION REQUIREMENT

Supervision requirement

- 9 In this Code “supervision requirement”, in relation to a youth rehabilitation order, means a requirement that, while the order is in force, the offender must attend appointments with—
- (a) the responsible officer, or
 - (b) another person determined by the responsible officer,
- at times and places determined by the responsible officer.

Commencement Information

I9 Sch. 6 para. 9 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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PART 3

UNPAID WORK REQUIREMENT

Modifications etc. (not altering text)

- C1** Sch. 6 Pt. 3 applied (with modifications) by 2008 c. 4, s. 39(6)(b), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

Requirement

- 10 (1) In this Code “unpaid work requirement”, in relation to a youth rehabilitation order, means a requirement that the offender 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 offender is to perform it.
- (2) The order must specify the number of hours which the offender may be required to work under the requirement.
- (3) That number must be in aggregate—
- (a) not less than 40, and
 - (b) not more than 240.
- (4) Sub-paragraphs (1)(b) and (3) are subject to paragraphs 10(7) and 19 of Schedule 7 (which make provision for different limits where an unpaid work requirement is imposed or amended in further proceedings).

Commencement Information

- I10** Sch. 6 para. 10 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Restriction on imposing an unpaid work requirement

- 11 (1) A court may not impose an unpaid work requirement in respect of an offender unless it is satisfied—
- (a) that the offender is a suitable person to perform work under an unpaid work requirement, and
 - (b) that provision for the offender to work under such a requirement can be made under the arrangements for persons to perform work under such a requirement which exist in the local justice area in which the offender resides or is to reside.
- (2) In making a decision under sub-paragraph (1)(a) the court must (if it considers it necessary) hear—
- (a) a member of a youth offending team, or
 - (b) an officer of a provider of probation services.

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Commencement Information

I11 Sch. 6 para. 11 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

PART 4

PROGRAMME REQUIREMENT

Programme requirement

- 12 (1) In this Code “programme requirement”, in relation to a youth rehabilitation order, means a requirement for the offender to participate in a particular systematic set of activities (a “programme”), which may have a residential component.
- (2) A youth rehabilitation order which imposes a programme requirement must specify—
- (a) the programme,
 - (b) the place or places at which the offender is required to participate in it,
 - (c) the number of days on which the offender is required to participate in it, and
 - (d) if the programme has a residential component—
 - (i) the place where the offender is required to reside for the purposes of the residential component, and
 - (ii) the period for which the offender is required to reside there.
- (3) For the purposes of this paragraph, a programme has “a residential component” if it is necessary to reside at a particular place for a particular period in order to participate in the programme.
- (4) A programme requirement operates to require the offender, as instructed by the responsible officer—
- (a) to participate in the programme on the number of days specified in the order at a place specified in the order, and
 - (b) while there, to comply with instructions given by, or under the authority of, the person in charge of the programme.

Commencement Information

I12 Sch. 6 para. 12 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restrictions on imposing a programme requirement

- 13 (1) A court may not include a programme requirement in a youth rehabilitation order unless—
- (a) the programme which the court proposes to specify has been recommended to the court by—
 - (i) a member of a youth offending team, or
 - (ii) an officer of a provider of probation services,as being suitable for the offender, and

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- (b) the court is satisfied that the programme is available at the place or places it proposes to specify.

For this purpose, “programme” has the same meaning as in paragraph 12.

- (2) A court may not include a programme requirement in a youth rehabilitation order if compliance with the requirement would require the co-operation of a person other than the offender and the offender's responsible officer, unless that other person consents to its inclusion.

Commencement Information

I13 Sch. 6 para. 13 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

PART 5

ATTENDANCE CENTRE REQUIREMENT

Modifications etc. (not altering text)

C2 Sch. 6 Pt. 5 applied (with modifications) by 2008 c. 4, s. 39(6)(b), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

Attendance centre requirement

- 14 (1) In this Code “attendance centre requirement”, in relation to a youth rehabilitation order, means a requirement that the offender must attend at a particular attendance centre for a particular number of hours.
- (2) A youth rehabilitation order which imposes an attendance centre requirement must specify—
- (a) the attendance centre, and
 - (b) the aggregate number of hours for which the offender may be required to attend at the attendance centre.
- (3) That number of hours must be—
- (a) if the offender is aged 16 or over at the time of conviction—
 - (i) not less than 12, and
 - (ii) not more than 36;
 - (b) if the offender is aged 14 or 15 at the time of conviction—
 - (i) not less than 12, and
 - (ii) not more than 24;
 - (c) if the offender is aged under 14 at the time of conviction, not more than 12.
- (4) The first time at which the offender is required to attend at the attendance centre is a time notified to the offender by the responsible officer.
- (5) The subsequent hours are to be fixed by the officer in charge of the centre—
- (a) in accordance with arrangements made by the responsible officer, and

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- (b) having regard to the offender's circumstances.
- (6) An offender may not be required under this paragraph to attend at an attendance centre—
 - (a) more than once on any day, or
 - (b) for more than 3 hours at a time.
- (7) A requirement under this paragraph to attend at an attendance centre for any period on any occasion operates as a requirement, during that period, to engage in occupation, or receive instruction, whether at the centre or elsewhere—
 - (a) under the supervision of the officer in charge of the centre, and
 - (b) in accordance with instructions given by, or under the authority of, that officer.

Commencement Information

I14 Sch. 6 para. 14 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restriction on imposing attendance centre requirement

- 15 A court may not include an attendance centre requirement in a youth rehabilitation order unless—
- (a) the court has been notified by the Secretary of State that an attendance centre is available for persons of the offender's description and that provision can be made for the offender there (and the notice has not been withdrawn), and
 - (b) the court is satisfied that the attendance centre which it proposes to specify in the order is reasonably accessible to the offender, having regard to the means of access available to the offender and any other circumstances.

Commencement Information

I15 Sch. 6 para. 15 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

PART 6

PROHIBITED ACTIVITY REQUIREMENT

Requirement

- 16 (1) In this Code “prohibited activity requirement”, in relation to a youth rehabilitation order, means a requirement that the offender must refrain from particular activities—
- (a) on one or more particular days, or
 - (b) for a particular period.
- (2) Where the court makes a youth rehabilitation order imposing a prohibited activity requirement, the order must specify—
- (a) the activities from which the offender must refrain;

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- (b) the day or days on which, or the period for which, the offender must refrain from those activities.
- (3) A prohibited activity requirement may, in particular, include a requirement that the offender does not possess, use or carry a firearm within the meaning of the Firearms Act 1968.

Commencement Information

I16 Sch. 6 para. 16 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Restriction on imposing prohibited activity requirement

- 17 A court may not include a prohibited activity requirement in a youth rehabilitation order unless it has consulted—
- (a) a member of a youth offending team, or
 - (b) an officer of a provider of probation services.

Commencement Information

I17 Sch. 6 para. 17 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

PART 7

CURFEW REQUIREMENT

Modifications etc. (not altering text)

C3 Sch. 6 Pt. 7 applied (with modifications) by 2008 c. 4, s. 39(6)(b), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 266\(5\), 270](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Curfew requirement

- 18 (1) In this Code “curfew requirement”, in relation to a youth rehabilitation order, means a requirement that the offender must remain, for particular periods (“curfew periods”), at a particular place.
- (2) A youth rehabilitation order which imposes a curfew requirement must specify—
- (a) the curfew periods, and
 - (b) the place at which the offender must remain for each curfew period.
- (3) Different places or different curfew periods may be specified for different days.
- (4) The curfew periods must amount to—
- (a) not less than 2 hours in any day, ^{F3}...
 - (b) not more than [^{F4}the relevant number of hours] in any day [^{F5}, and
 - (c) not more than 112 hours in any period of 7 days beginning with the day of the week on which the requirement first takes effect.]

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- [^{F6}(4A) In sub-paragraph (4)(b), “the relevant number of hours”—
- (a) in relation to a youth rehabilitation order in respect of an offence of which the offender was convicted before the day on which paragraph 19 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 came into force, means 16 hours, and
 - (b) in relation to a youth rehabilitation order in respect of an offence of which the offender was convicted on or after that day, means 20 hours.]
- (5) The specified curfew periods must fall within the period of 12 months beginning with the day on which the requirement first takes effect.

Textual Amendments

- F3** Word in Sch. 6 para. 18(4)(a) omitted (28.6.2022) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(u), [Sch. 17 para. 19\(2\)\(a\)](#)
- F4** Words in Sch. 6 para. 18(4)(b) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(u), [Sch. 17 para. 19\(2\)\(b\)](#)
- F5** Sch. 6 para. 18(4)(c) and word inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(u), [Sch. 17 para. 19\(2\)\(c\)](#)
- F6** Sch. 6 para. 18(4A) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(u), [Sch. 17 para. 19\(3\)](#)

Commencement Information

- I18** Sch. 6 para. 18 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Requirements where court imposes curfew requirement

- 19 (1) Before making a youth rehabilitation order imposing a curfew requirement, the court must obtain and consider information about each place proposed to be specified under paragraph 18(2)(b).
- (2) That information must include information as to the attitude of persons likely to be affected by the offender's enforced presence there.
- (3) Where the court makes a youth rehabilitation order which imposes a curfew requirement it must also impose an [^{F7}electronic monitoring requirement][^{F7}electronic compliance monitoring requirement] (see Part 17 of this Schedule) unless—
- (a) it is prevented from doing so by paragraph 44, or
 - (b) in the particular circumstances of the case, it considers it inappropriate to do so.

Textual Amendments

- F7** Words in Sch. 6 para. 19(3) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 10](#); [S.I. 2023/705](#), [regs. 2, 3, 4\(1\)](#), Sch. (with [reg. 4\(2\)](#))

Commencement Information

- I19** Sch. 6 para. 19 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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PART 8

EXCLUSION REQUIREMENT

Requirement

- 20 (1) In this Code “exclusion requirement”, in relation to a youth rehabilitation order, means a provision prohibiting the offender from entering a particular place (the “prohibited place”) for a particular period (the “exclusion period”).
- (2) A youth rehabilitation order which imposes an exclusion requirement must specify—
- (a) the prohibited place, and
 - (b) the exclusion period.
- (3) The exclusion period must not be more than 3 months.
- (4) A youth rehabilitation order may specify—
- (a) more than one prohibited place;
 - (b) more than one exclusion period;
 - (c) different prohibited places for different exclusion periods or different days.
- (5) A prohibited place may be an area.

Commencement Information

I20 Sch. 6 para. 20 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Requirement for electronic monitoring where court imposes exclusion requirement

- 21 Where the court makes a youth rehabilitation order which imposes an exclusion requirement it must also impose an [F8electronic monitoring requirement][F8electronic compliance monitoring requirement] (see Part 17 of this Schedule) unless—
- (a) it is prevented from doing so by paragraph 44, or
 - (b) in the particular circumstances of the case, it considers it inappropriate to do so.

Textual Amendments

F8 Words in [Sch. 6 para. 21](#) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 11](#); [S.I. 2023/705](#), [regs. 2, 3, 4\(1\)](#), [Sch. \(with reg. 4\(2\)\)](#)

Commencement Information

I21 Sch. 6 para. 21 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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PART 9

RESIDENCE REQUIREMENT

Requirement

- 22 (1) In this Code “residence requirement”, in relation to a youth rehabilitation order, means a requirement that, for a particular period (“the required period”), the offender must—
- (a) reside with a particular individual, or
 - (b) reside—
 - (i) at a particular place (“the required place”), or
 - (ii) if the order so permits, at the required place or, with the prior approval of the responsible officer, at some other place.
- (2) A youth rehabilitation order which imposes a residence requirement within sub-paragraph (1)(a) must specify—
- (a) the required period, and
 - (b) the individual with whom the offender is required to reside.
- (3) A youth rehabilitation order which imposes a residence requirement within sub-paragraph (1)(b) (a “place of residence requirement”) must specify—
- (a) the required period,
 - (b) the required place, and
 - (c) if the offender is to be permitted to reside at some other place with the prior approval of the responsible officer, that fact.

Commencement Information

I22 Sch. 6 para. 22 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Imposing a residence requirement: restrictions and requirements

- 23 (1) A youth rehabilitation order which imposes a residence requirement within paragraph 22(1)(a) may not specify, as the individual with whom the offender is required to reside, an individual who has not consented to the requirement.
- (2) A court may not include a place of residence requirement in a youth rehabilitation order unless the offender is aged 16 or over at the time of conviction.
- (3) Before making a youth rehabilitation order containing a place of residence requirement, the court must consider the home surroundings of the offender.
- (4) A hostel or other institution may not be specified as the required place, except on the recommendation of—
- (a) a member of a youth offending team,
 - (b) an officer of a provider of probation services, or
 - (c) a social worker of a local authority.
- (5) In this paragraph, “place of residence requirement” and “the required place” have the same meanings as in paragraph 22.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

Commencement Information

I23 Sch. 6 para. 23 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

PART 10

LOCAL AUTHORITY RESIDENCE REQUIREMENT

Requirement

- 24 (1) In this Code “local authority residence requirement”, in relation to a youth rehabilitation order, means a requirement that, for a particular period (“the required period”), the offender must reside in accommodation provided by or on behalf of a particular local authority.
- (2) A youth rehabilitation order which imposes a local authority residence requirement may also stipulate that the offender is not to reside with a particular person.
- (3) A youth rehabilitation order which imposes a local authority residence requirement must specify—
- (a) the required period,
 - (b) the local authority which is to receive the offender, and
 - (c) any person with whom the offender is not to reside by virtue of subparagraph (2).
- (4) The required period must—
- (a) not be longer than 6 months, and
 - (b) end before the offender reaches the age of 18.
- (5) The authority specified must be the local authority in whose area the offender resides or is to reside.

Commencement Information

I24 Sch. 6 para. 24 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restrictions on imposing local authority residence requirement

- 25 A court may not include a local authority residence requirement in a youth rehabilitation order made in respect of an offence unless the requirements in A to C are met.
- (1) The court is satisfied that—
 - (a) the behaviour which constituted the offence was due to a significant extent to the circumstances in which the offender was living, and
 - (b) imposing that requirement would assist in the offender's rehabilitation.
 - (2) The court has consulted—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

- (a) a parent or guardian of the offender (unless it is impracticable to do so), and
 - (b) the local authority which is to receive the offender.
- (3) The offender was legally represented in court when the court was considering whether to impose the local authority residence requirement, but this does not apply if—
- (a) representation was made available to the offender for the purposes of the proceedings under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 but was withdrawn because of the offender's conduct, or
 - (b) the offender has been informed of the right to apply for such representation for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.

For this purpose, “the proceedings” means—
the whole proceedings, or
the part of the proceedings relating to the imposition of the local authority residence requirement.

Commencement Information

I25 Sch. 6 para. 25 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

PART 11

FOSTERING REQUIREMENT

Requirement

- 26 (1) In this Code “fostering requirement”, in relation to a youth rehabilitation order, means a requirement that, for a particular period (“the fostering period”), the offender must reside with a local authority foster parent.
- (2) A youth rehabilitation order which imposes a fostering requirement must specify—
- (a) the fostering period, and
 - (b) the local authority which is to place the offender with a local authority foster parent under—
 - (i) section 22C of the Children Act 1989, or
 - (ii) section 81 of the Social Services and Well-being (Wales) Act 2014 (anaw 4).
- (3) The fostering period—
- (a) must end no later than the end of the period of 12 months beginning with the day on which the requirement takes effect, and
 - (b) must end before the offender reaches the age of 18.

This is subject to paragraphs 10(9) and (10) and 17(5) and (6) of Schedule 7 (substitute fostering requirement).

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

- (4) The authority specified must be the local authority in whose area the offender resides or is to reside.
- (5) Sub-paragraph (6) applies if during the fostering period the responsible officer notifies the offender—
 - (a) that no suitable local authority foster parent is available, and
 - (b) that the responsible officer has applied, or proposes to apply, under Part 3 or 4 of Schedule 7 for the youth rehabilitation order to be amended or revoked.
- (6) The fostering requirement has effect, until the application is determined, as a requirement for the offender to reside in accommodation provided by or on behalf of a local authority.
- (7) This paragraph does not affect the power of a local authority to place with a local authority foster parent an offender in respect of whom a local authority residence requirement is imposed.

Commencement Information

I26 Sch. 6 para. 26 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restrictions on imposing fostering requirement

- 27 A court may not make a youth rehabilitation order which imposes a fostering requirement unless the requirements in A to D are met.
- (1) The court is satisfied that—
 - (a) the behaviour which constituted the offence was due to a significant extent to the circumstances in which the offender was living, and
 - (b) imposing that requirement would assist in the offender's rehabilitation.
 - (2) The court has been notified by the Secretary of State that arrangements for implementing such a requirement are available in the area of the local authority which is to place the offender with a local authority foster parent (and the notice has not been withdrawn).
 - (3) The court has consulted—
 - (a) the offender's parents or guardians (unless it is impracticable to do so), and
 - (b) the local authority which is to place the offender with a local authority foster parent.
 - (4) The offender was legally represented in court when the court was considering whether to impose the fostering requirement, but this does not apply if—
 - (a) representation was made available to the offender for the purposes of the proceedings under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 but was withdrawn because of the offender's conduct, or
 - (b) the offender has been informed of the right to apply for such representation for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

For this purpose, “the proceedings” means—
the whole proceedings, or
the part of the proceedings relating to the imposition of the fostering requirement.

Commencement Information

I27 Sch. 6 para. 27 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

PART 12

MENTAL HEALTH TREATMENT REQUIREMENT

Mental health treatment requirement

- 28 (1) In this Code “mental health treatment requirement”, in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a particular period or particular periods, to mental health treatment, which may be—
- (a) in-patient treatment,
 - (b) institution-based out-patient treatment, or
 - (c) practitioner-based treatment.
- (2) For this purpose—
- “mental health treatment”, in relation to an offender, means treatment which is—
- (a) by or under the direction of a registered medical practitioner or registered psychologist, and
 - (b) with a view to improvement of the offender's mental condition;
- “in-patient treatment” means treatment as a resident patient in—
- (a) a care home,
 - (b) an independent hospital, or
 - (c) a hospital within the meaning of the Mental Health Act 1983,
- but not in hospital premises where high security psychiatric services are provided;
- “institution-based out-patient treatment” means treatment as a non-resident patient at a particular institution or place;
- “practitioner-based treatment” means treatment by or under the direction of a particular registered medical practitioner or registered psychologist (or both).
- (3) A youth rehabilitation order which imposes a mental health treatment requirement must specify—
- (a) the period or periods during which the offender is required to submit to mental health treatment, and
 - (b) for each such period—
 - (i) if the mental health treatment is to be in-patient treatment, the care home or hospital where it is to be provided;

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

- (ii) if it is to be institution-based out-patient treatment, the institution or place where it is to be provided;
- (iii) if it is to be practitioner-based treatment, the registered medical practitioner or registered psychologist (or both) by whom or under whose direction it is to be provided;

but may not otherwise specify the nature of the treatment.

(4) In this paragraph—

“care home” means—

- (a) a care home in England within the meaning of the Care Standards Act 2000, or
- (b) a place in Wales at which a care home service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)) is provided;

“high security psychiatric services” has the same meaning as in the Mental Health Act 1983;

“independent hospital”—

- (a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;
- (b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;

“registered psychologist” means a person for the time being registered in the part of the register maintained under the Health Professions Order 2001 (S.I. 2002/254) which relates to practitioner psychologists.

(5) While the offender is under treatment which is in-patient treatment in pursuance of a mental health treatment requirement of a youth rehabilitation order, the responsible officer is to carry out the supervision of the offender only to the extent necessary for the purpose of the revocation or amendment of the order.

Commencement Information

I28 Sch. 6 para. 28 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restrictions on imposing mental health treatment requirement

- 29 (1) A court may not include a mental health treatment requirement in a youth rehabilitation order unless the following conditions are met—
- (a) the need for treatment condition,
 - (b) the arrangements condition, and
 - (c) the consent condition.
- (2) The need for treatment condition is that the court is satisfied that the mental condition of the offender—
- (a) requires treatment,
 - (b) may be susceptible to treatment, and
 - (c) does not warrant the making of a hospital order or guardianship order within the meaning of the Mental Health Act 1983.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

- (3) The arrangements condition is that the court is satisfied that arrangements—
- (a) have been made, or
 - (b) can be made,
- for the treatment intended to be specified in the order.

Those arrangements include arrangements for the reception of the offender, if that treatment is, or includes, in-patient treatment (see paragraph 28(2)).

- (4) The consent condition is that the offender has expressed willingness to comply with the requirement.

Commencement Information

I29 Sch. 6 para. 29 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Alternative arrangements for mental health treatment

- 30 (1) Where—
- (a) an offender is being treated in pursuance of a mental health treatment requirement, and
 - (b) the treatment practitioner is of the opinion that part of the treatment can be better or more conveniently given in an institution or at a place—
 - (i) which is not specified in the youth rehabilitation order, and
 - (ii) where the treatment of the offender will be given by or under the direction of a registered medical practitioner or registered psychologist,
- the treatment practitioner may make arrangements (“alternative arrangements”) for the offender to be treated accordingly.
- (2) Alternative arrangements may be made only if the offender has expressed willingness for the treatment to be given under those arrangements.
- (3) Alternative arrangements may provide for the offender to receive part of the treatment as a resident patient in an institution or place which could not have been specified for that purpose in the youth rehabilitation order.
- (4) Where alternative arrangements are made—
- (a) the treatment for which the alternative arrangements provide is to be deemed to be treatment to which the offender is required to submit in pursuance of the mental health treatment requirement, and
 - (b) the treatment practitioner must give a notice in writing to the offender's responsible officer, specifying the institution or place where that treatment is to be carried out.
- (5) In this paragraph—
- “registered psychologist” means a person for the time being registered in the part of the register maintained under the Health Professions Order 2001 (S.I. 2002/254) which relates to practitioner psychologists;
- “treatment practitioner” means the medical practitioner or registered psychologist by or under whose direction the offender is being treated in pursuance of the mental health treatment requirement.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

Commencement Information

I30 Sch. 6 para. 30 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

PART 13

DRUG TREATMENT REQUIREMENT

Requirement

- 31 (1) In this Code “drug treatment requirement”, in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a period or periods (each a “treatment period”), to drug rehabilitation treatment.

Such treatment may be resident treatment or non-resident treatment.

- (2) In this paragraph—

“drug rehabilitation treatment”, in relation to an offender, means treatment which is—

- (a) by or under the direction of a person having the necessary qualifications or experience, and
- (b) with a view to the reduction or elimination of the offender's dependency on, or propensity to misuse, drugs;

“resident treatment” means treatment as a resident in a particular institution or place;

“non-resident treatment” means treatment as a non-resident at a particular institution or place;

“the treatment director” means the person by or under whose direction the treatment is to be provided.

- (3) A youth rehabilitation order which imposes a drug treatment requirement must specify—

- (a) the treatment period or treatment periods, and
- (b) for each treatment period—
 - (i) the treatment director;
 - (ii) if the treatment is to be resident treatment, the institution or place where it is to be provided;
 - (iii) if it is to be non-resident treatment, the institution or place where, and the intervals at which, it is to be provided;

but must not otherwise specify the nature of the treatment.

Commencement Information

I31 Sch. 6 para. 31 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restrictions on imposing drug treatment requirement

- 32 (1) A court may not include a drug treatment requirement in a youth rehabilitation order unless the following conditions are met—

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

- (a) the need for treatment condition,
 - (b) the availability condition,
 - (c) the arrangements condition,
 - (d) the suitability condition, and
 - (e) the consent condition.
- (2) The need for treatment condition is that the court is satisfied—
- (a) that the offender—
 - (i) is dependent on drugs, or
 - (ii) has a propensity to misuse drugs, and
 - (b) that the offender's dependency or propensity—
 - (i) requires treatment, and
 - (ii) may be susceptible to treatment.
- (3) The availability condition is that the court has been notified by the Secretary of State that arrangements for implementing drug treatment requirements are in force in the local justice area in which the offender resides or is to reside (and the notice has not been withdrawn).
- (4) The arrangements condition is that the court is satisfied that arrangements—
- (a) have been made, or
 - (b) can be made,
- for the treatment intended to be specified in the order.
- Those arrangements include arrangements for the reception of the offender if that treatment is, or includes, resident treatment (within the meaning given in paragraph 31(2)).
- (5) The suitability condition is that the requirement has been recommended to the court as suitable for the offender by—
- (a) a member of a youth offending team, or
 - (b) an officer of a provider of probation services.
- (6) The consent condition is that the offender has expressed willingness to comply with the requirement.

Commencement Information

I32 Sch. 6 para. 32 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Meaning of “drug”

- 33 In this Part of this Schedule, “drug” means a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971.

Commencement Information

I33 Sch. 6 para. 33 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

PART 14

DRUG TESTING REQUIREMENT

Requirement

- 34 (1) In this Code “drug testing requirement”, in relation to a youth rehabilitation order, means a requirement that, during any treatment period, the offender must, for the purpose of ascertaining whether there is any drug in the offender's body during that period, provide samples in accordance with instructions given by—
- (a) the responsible officer, or
 - (b) the treatment director.
- (2) A youth rehabilitation order which imposes a drug testing requirement—
- (a) must specify, for each month, the minimum number of occasions when samples are to be provided, and
 - (b) may specify—
 - (i) when and in what circumstances the responsible officer or treatment director may require the offender to provide samples, and
 - (ii) the kinds of sample which may be required.
- (3) A youth rehabilitation order which imposes a drug testing requirement must provide for the results of tests on samples provided by the offender in pursuance of the requirement to be communicated to the responsible officer, if they are not carried out by the responsible officer.
- (4) In this paragraph—
- (a) “drug” has the meaning given by paragraph 33;
 - (b) “treatment director” and “treatment period” have the same meanings as in paragraph 31.

Commencement Information

I34 Sch. 6 para. 34 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restrictions on imposing drug testing requirement

- 35 (1) A youth rehabilitation order may impose a drug testing requirement only if it also imposes a drug treatment requirement.
- (2) A court may not include a drug testing requirement in a youth rehabilitation order unless the following conditions are met—
- (a) the availability condition, and
 - (b) the consent condition.
- (3) The availability condition is that the court has been notified by the Secretary of State that arrangements for implementing drug testing requirements are in force in the local justice area in which the offender resides or is to reside (and the notice has not been withdrawn).
- (4) The consent condition is that the offender has expressed willingness to comply with the requirement.

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

Commencement Information

I35 Sch. 6 para. 35 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

PART 15

INTOXICATING SUBSTANCE TREATMENT REQUIREMENT

Requirement

- 36 (1) In this Code “intoxicating substance treatment requirement”, in relation to a youth rehabilitation order, means a requirement that the offender must submit, during a period or periods (each, a “treatment period”) to substance abuse treatment.

Such treatment may be resident treatment or non-resident treatment.

- (2) In this paragraph—

“substance abuse treatment” means treatment which is—

- (a) by or under the direction of a person having the necessary qualifications or experience, and
- (b) with a view to the reduction or elimination of the offender's dependency on or propensity to misuse intoxicating substances;

“resident treatment” means treatment as a resident in a particular institution or place;

“non-resident treatment” means treatment as a non-resident at a particular institution or place;

“the treatment director” means the person by or under whose direction the treatment is to be provided.

- (3) A youth rehabilitation order which imposes an intoxicating substance treatment requirement must specify—

- (a) the treatment period or treatment periods, and
- (b) for each treatment period—

- (i) the treatment director;

- (ii) if the treatment is to be resident treatment, the institution or place where it is to be provided;

- (iii) if it is to be non-resident treatment, the institution or place where, and the intervals at which, it is to be provided;

but must not otherwise specify the nature of the treatment.

Commencement Information

I36 Sch. 6 para. 36 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Restrictions on imposing intoxicating substance treatment requirement

- 37 (1) A court may not include an intoxicating substance treatment requirement in a youth rehabilitation order unless the following conditions are met—

- (a) the need for treatment condition,

Status: Point in time view as at 03/07/2023.

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- (b) the arrangements condition,
 - (c) the suitability condition, and
 - (d) the consent condition.
- (2) The need for treatment condition is that the court is satisfied—
- (a) that the offender—
 - (i) is dependent on intoxicating substances, or
 - (ii) has a propensity to misuse intoxicating substances, and
 - (b) that the offender's dependency or propensity—
 - (i) requires treatment, and
 - (ii) may be susceptible to treatment.
- (3) The arrangements condition is that the court is satisfied that arrangements—
- (a) have been made, or
 - (b) can be made,
- for the treatment intended to be specified in the order.
- Those arrangements include arrangements for the reception of the offender if that treatment is, or includes, resident treatment (within the meaning given in paragraph 36(2)).
- (4) The suitability condition is that the requirement has been recommended to the court as suitable for the offender by—
- (a) a member of a youth offending team, or
 - (b) an officer of a provider of probation services.
- (5) The consent condition is that the offender has expressed willingness to comply with the requirement.

Commencement Information

I37 Sch. 6 para. 37 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Meaning of “intoxicating substance”

- 38 In this Part of this Schedule “intoxicating substance” means—
- (a) alcohol, or
 - (b) any other substance or product which—
 - (i) can be used for the purpose of causing intoxication (whether through inhaling it or its fumes or otherwise), and
 - (ii) is not a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971.

Commencement Information

I38 Sch. 6 para. 38 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

PART 16

EDUCATION REQUIREMENT

Requirement

- 39 (1) In this Code “education requirement”, in relation to a youth rehabilitation order, means a requirement that the offender must comply, during a particular period or particular periods, with arrangements for the offender's education—
- (a) made for the time being by the offender's parent or guardian, and
 - (b) approved by a relevant authority.
- (2) A youth rehabilitation order which imposes an education requirement must specify—
- (a) the relevant authority for the purposes of the requirement, and
 - (b) the period or periods during which the offender must comply with the education arrangements.
- (3) The authority specified as the relevant authority must be the local authority (within the meaning of the Education Act 1996) for the area in which the offender resides or is to reside.
- (4) Any period specified must end [^{F9}by the relevant time].
- [^{F10}(4A) In sub-paragraph (4) “the relevant time” in relation to a youth rehabilitation order made in respect of—
- (a) an offence of which the offender was convicted before the day on which paragraph 21 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 came into force, or
 - (b) an offender who, when the order was made, was not resident in England within the meaning of Part 1 of the Education and Skills Act 2008 (duty to participate in education or training after compulsory school age),
- means the time the offender ceases to be of compulsory school age.
- (4B) In sub-paragraph (4) “the relevant time” in relation to a youth rehabilitation order made in respect of—
- (a) an offence of which the offender was convicted on or after the day on which paragraph 21 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 came into force, and
 - (b) an offender who, when the order was made, was resident in England within the meaning of Part 1 of the Education and Skills Act 2008 (duty to participate in education or training after compulsory school age),
- means the time at which the offender ceases to be a person to whom that Part applies or, if later, ceases to be of compulsory school age.]
- (5) In this paragraph, “parent” has the same meaning as in the Education Act 1996.

Textual Amendments

- F9** Words in Sch. 6 para. 39(4) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(u), [Sch. 17 para. 21\(2\)](#)
- F10** [Sch. 6 para. 39\(4A\)\(4B\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(u), [Sch. 17 para. 21\(3\)](#)

Status: Point in time view as at 03/07/2023.

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Commencement Information

I39 Sch. 6 para. 39 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Restriction on imposing education requirement

- 40 A court may not include an education requirement in a youth rehabilitation order unless—
- (a) it has consulted the authority which is to be specified as the relevant authority (within the meaning of paragraph 39), and
 - (b) it is satisfied—
 - (i) that, in the view of that authority, arrangements exist for the offender to receive efficient full-time education suitable to the offender's age, ability, aptitude and special educational needs (if any), and
 - (ii) that, having regard to the circumstances of the case, it is necessary to include the education requirement in order to secure the good conduct of the offender or to prevent the commission of further offences.

Commencement Information

I40 Sch. 6 para. 40 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

^{F11}PART 17

ELECTRONIC MONITORING [^{F11}REQUIREMENT]

Textual Amendments

F11 Word in [Sch. 6 Pt. 17](#) heading omitted (28.4.2022 for specified purposes) by virtue of [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(2\)](#)

Modifications etc. (not altering text)

C4 [Sch. 6 Pt. 17](#) applied (with modifications) by 2008 c. 4, s. 39(6)(b), [Sch. 7](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 266\(5\)](#), [270](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#))

[^{F12}Requirement][^{F12}Electronic compliance monitoring requirement]

Textual Amendments

F12 [Sch. 6 para. 41 cross-heading](#) substituted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(3\)](#)

- 41 In this Code “[^{F13}electronic monitoring requirement][^{F13}electronic compliance monitoring requirement]”, in relation to a youth rehabilitation order, means a requirement for securing the electronic monitoring of the offender's compliance

Status: Point in time view as at 03/07/2023.

Changes to legislation: Sentencing Act 2020, SCHEDULE 6 is up to date with all changes known to be in force on or before 06 July 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)

with other requirements imposed by the order during a particular period (“the monitoring period”).

Textual Amendments

F13 Words in [Sch. 6 para. 41](#) substituted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(4\)](#)

Commencement Information

I41 Sch. 6 para. 41 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

*Person responsible for electronic monitoring [F14:
electronic compliance monitoring requirement]*

Textual Amendments

F14 Words in [Sch. 6 para. 42 cross-heading](#) inserted (28.4.2022 for specified purposes) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(5\)](#)

- 42 (1) A youth rehabilitation order which imposes an [F15electronic monitoring requirement][F15electronic compliance monitoring requirement] must include provision for making a person responsible for the monitoring.
- (2) The person who is made responsible for the monitoring must be of a description specified in regulations made by the Secretary of State.

Textual Amendments

F15 Words in [Sch. 6 para. 42\(1\)](#) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(6\)](#); [S.I. 2023/705](#), regs. 2, 3, 4(1), [Sch. \(with reg. 4\(2\)\)](#)

Commencement Information

I42 Sch. 6 para. 42 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Monitoring period [F16: electronic compliance monitoring requirement]

Textual Amendments

F16 Words in [Sch. 6 para. 43 cross-heading](#) inserted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(7\)](#); [S.I. 2023/705](#), regs. 2, 3, 4(1), [Sch. \(with reg. 4\(2\)\)](#)

- 43 (1) A youth rehabilitation order which imposes an [F17electronic monitoring requirement][F17electronic compliance monitoring requirement] must—
- specify the monitoring period, or
 - provide for the responsible officer to determine the monitoring period in accordance with the order.

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- (2) Sub-paragraph (3) applies where the responsible officer is to determine the monitoring period in accordance with the order.
- (3) Before it begins, the responsible officer must notify the following people of when the monitoring period is to begin—
- (a) the offender,
 - (b) the person responsible for the monitoring, and
 - (c) any person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring.

Textual Amendments

F17 Words in [Sch. 6 para. 43\(1\)](#) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(8\)](#); S.I. 2023/705, regs. 2, 3, 4(1), [Sch.](#) (with reg. 4(2))

Commencement Information

I43 [Sch. 6 para. 43](#) in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

[^{F18}/^{F19}Electronic monitoring][^{F19}Electronic compliance monitoring requirement]: general

Textual Amendments

F18 [Sch. 6 para. 43A](#) and cross-heading inserted (28.4.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(u), [Sch. 17 para. 1](#)

F19 Words in [Sch. 6 para. 43A](#) cross-heading substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(9\)](#); S.I. 2023/705, regs. 2, 3, 4(1), [Sch.](#) (with reg. 4(2))

- 43A Where a youth rehabilitation order made on or after the day on which paragraph 1 of Schedule 17 to the Police, Crime, Sentencing and Courts Act 2022 came into force imposes an [^{F20}electronic monitoring requirement][^{F20}electronic compliance monitoring requirement], the offender must (in particular)—
- (a) submit, as required from time to time by the responsible officer or the person responsible for the monitoring, to—
 - (i) being fitted with, or installation of, any necessary apparatus, and
 - (ii) inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
 - (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
 - (c) take any steps required by the responsible officer, or the person responsible for the monitoring, for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.]

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Textual Amendments

- F20** Words in [Sch. 6 para. 43A\(1\)](#) substituted (28.6.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(10\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

[^{F21}Restrictions on imposing electronic monitoring][^{F21}Restrictions on imposing electronic compliance monitoring requirement]

Textual Amendments

- F21** [Sch. 6 para. 44 cross-heading](#) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(11\)](#); S.I. 2023/705, regs. 2, 3, 4(1), Sch. (with reg. 4(2))

- 44 (1) Where—
- (a) it is proposed to include an [^{F22}electronic monitoring requirement][^{F22}electronic compliance monitoring requirement] in a youth rehabilitation order, but
 - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,
- the requirement may not be included in the order without that person's consent.
- (2) A court may not include an [^{F23}electronic monitoring requirement][^{F23}electronic compliance monitoring requirement] in a youth rehabilitation order unless—
- (a) the court has been notified by the Secretary of State that arrangements for electronic monitoring of offenders are available—
 - (i) in the local justice area proposed to be specified in the order as the offender's home local justice area, and
 - (ii) for each requirement mentioned in the table in sub-paragraph (3) which the court proposes to include in the order, in the area in which the relevant place specified in the table for that requirement is situated,(and the notice has not been withdrawn in relation to any of those areas), and
 - (b) the court is satisfied that the necessary provision can be made under the arrangements currently available.
- (3) That table is—

<i>Proposed requirement of youth rehabilitation order</i>	<i>Relevant place</i>
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Curfew requirement	The place which the court proposes to specify in the order for the purposes of that requirement.
Exclusion requirement	The prohibited place (within the meaning of paragraph 20) which the court proposes to specify in the order.

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Attendance centre requirement The attendance centre which the court proposes to specify in the order.

Textual Amendments

- F22** Words in [Sch. 6 para. 44\(1\)\(a\)](#) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(12\)\(a\)](#); S.I. 2023/705, regs. 2, 3, 4(1), [Sch.](#) (with [reg. 4\(2\)](#))
- F23** Words in [Sch. 6 para. 44\(2\)](#) substituted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(12\)\(b\)](#); S.I. 2023/705, regs. 2, 3, 4(1), [Sch.](#) (with [reg. 4\(2\)](#))

Commencement Information

- I44** [Sch. 6 para. 44](#) in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

^{F24}Electronic whereabouts monitoring requirement

Textual Amendments

- F24** [Sch. 6 paras. 45-48 and cross-headings](#) inserted (28.4.2022 for specified purposes, 3.7.2023 in relation to specified areas until 3.1.2025) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), ss. 161, 208(4)(r), [Sch. 17 para. 12\(13\)](#); S.I. 2023/705, regs. 2, 3, 4(1), [Sch.](#) (with [reg. 4\(2\)](#))

- 45 In this Code “electronic whereabouts monitoring requirement”, in relation to a youth rehabilitation order, means a requirement to submit to electronic monitoring of the offender’s whereabouts (otherwise than for the purpose of monitoring the offender’s compliance with any other requirement included in the order) during a period specified in the order.

Person responsible for electronic monitoring: electronic whereabouts monitoring order

- 46 (1) A youth rehabilitation order which imposes an electronic whereabouts monitoring requirement must include provision for making a person responsible for the monitoring.
- (2) The person who is made responsible for the monitoring must be of a description specified in regulations made by the Secretary of State.

Electronic whereabouts monitoring requirement: general

- 47 Where a youth rehabilitation order imposes an electronic whereabouts monitoring requirement, the offender must (in particular)—
- (a) submit, as required from time to time by the responsible officer or the person responsible for the monitoring, to—
- (i) being fitted with, or installation of, any necessary apparatus, and
- (ii) inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
- (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and

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- (c) take any steps required by the responsible officer, or the person responsible for the monitoring, for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.

Restrictions on imposing electronic whereabouts monitoring requirement

- 48 (1) Where—
- (a) it is proposed to include an electronic whereabouts monitoring requirement in a youth rehabilitation order, but
 - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,
- the requirement may not be included in the order without that person’s consent.
- (2) A court may not include an electronic whereabouts monitoring requirement in a youth rehabilitation order in respect of an offender unless—
- (a) the court has been notified by the Secretary of State that electronic monitoring arrangements are available in the local justice area proposed to be specified in the order (and the notice has not been withdrawn),
 - (b) the court is satisfied that—
 - (i) the offender can be fitted with any necessary apparatus under the arrangements currently available, and
 - (ii) any other necessary provision can be made under those arrangements, and
 - (c) the court is satisfied that arrangements are generally operational throughout England and Wales (even if not always operational everywhere there) under which the offender’s whereabouts can be electronically monitored.]

Status:

Point in time view as at 03/07/2023.

Changes to legislation:

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