

## SCHEDULES

### SCHEDULE 8

#### TRANSFER OF YOUTH REHABILITATION ORDERS TO NORTHERN IRELAND

##### PART 4

###### EFFECT OF ORDER MADE OR AMENDED IN ACCORDANCE WITH PART 1 OF THIS SCHEDULE

###### *Application*

- 12 This Part of this Schedule applies where a youth rehabilitation order is made or amended in accordance with Part 1 of this Schedule.

###### *Duty of offender to keep in touch with relevant officer*

- 13 (1) The offender—
- (a) must keep in touch with the relevant officer in accordance with any instructions the relevant officer may give the offender from time to time, and
  - (b) must notify the relevant officer of any change of address.
- (2) This obligation has effect as if it were a youth rehabilitation requirement of the youth rehabilitation order.
- (3) This paragraph has effect in place of section 193.

###### *Direction by Crown Court in Northern Ireland that proceedings in Northern Ireland be before a court of summary jurisdiction*

- 14 Where the youth rehabilitation order was made or amended by the Crown Court, the Crown Court in Northern Ireland may direct that any proceedings in Northern Ireland in relation to the order be before a court of summary jurisdiction.

###### *Effect of the youth rehabilitation order in Northern Ireland*

- 15 (1) The youth rehabilitation order is to be treated in Northern Ireland as if it were a corresponding order and the legislation which has effect in Northern Ireland in relation to such orders applies accordingly.
- (2) Sub-paragraph (1) is subject to the following provisions of this Part of this Schedule.

###### *Powers of the home court in respect of the youth rehabilitation order*

- 16 (1) The home court may exercise any relevant local power in relation to the youth rehabilitation order, subject to the following restrictions.

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- (2) A “relevant local power” means a power which the home court could exercise in relation to a corresponding order by virtue of the legislation that applies in Northern Ireland in relation to such orders.
  - (3) The home court may not discharge or revoke the order.
  - (4) But that does not prevent the home court from exercising a power to revoke the order where—
    - (a) the offender has been convicted of a further offence, and
    - (b) the court has imposed a custodial sentence (and section 222(1) (meaning of “custodial sentence”) does not apply for this purpose).
  - (5) The home court may not deal with the offender for the offence in respect of which the youth rehabilitation order was made.
  - (6) If the youth rehabilitation order imposes a curfew requirement, the home court may not vary the order so as to specify curfew periods (within the meaning of paragraph 18 of Schedule 6) that could not be specified by a court in England and Wales if, applying the relevant assumptions, it were imposing the requirement.
  - (7) For that purpose, “the relevant assumptions” are that the offender—
    - (a) has just been convicted by or before the court in England and Wales of the offence in respect of which the youth rehabilitation order was made, but
    - (b) is the same age as when in fact convicted of the offence.
- 17 (1) The home court may require the offender to appear before the relevant court in England and Wales if sub-paragraph (2) or (3) applies.
- (2) This sub-paragraph applies where it appears to the home court upon a complaint being made to a lay magistrate in Northern Ireland that the offender has breached one or more requirements of the order.
  - (3) This sub-paragraph applies where it appears to the home court, on the application of the offender or the relevant officer, that it would be in the interests of justice for any of the following powers to be exercised—
    - (a) a power conferred by Part 3 of Schedule 7 (revocation of order with or without re-sentencing);
    - (b) a power conferred by paragraph 15 of that Schedule (amendment by appropriate court).

*Breach of requirement: certificate of home court*

- 18 (1) Where the home court requires the offender to appear before the relevant court in England and Wales by virtue of paragraph 17(2) (breach of a requirement of the order) the home court must send the court in England and Wales—
- (a) a certificate certifying that the offender has breached a requirement of the order specified in the certificate, and
  - (b) such other particulars of the case as may be desirable.
- (2) A certificate under sub-paragraph (1)(a) purporting to be signed by the clerk of the home court (or, if the home court is the Crown Court in Northern Ireland, by the chief clerk) is admissible as evidence of the breach before the relevant court in England or Wales.

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

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*Powers of court in England or Wales where offender required to appear under paragraph 17*

- 19 (1) This paragraph applies where under paragraph 17 the home court requires the offender to appear before the relevant court in England and Wales.
- (2) The relevant court may issue a warrant for the offender’s arrest.
- (3) The relevant court may exercise any power which it could exercise in respect of the youth rehabilitation order if the offender resided in England or Wales.

This is subject to paragraph 20.

- (4) Any enactment relating to the exercise of such powers has effect accordingly, with any reference in it to the responsible officer being read as a reference to the relevant officer.

- 20 (1) This paragraph applies where—
- (a) the relevant court in England and Wales is exercising a power to amend a youth rehabilitation order by virtue of paragraph 19(3), and
  - (b) the offender resides in Northern Ireland.

- (2) The court may not amend the youth rehabilitation order unless, in relation to any requirement that it proposes to impose, it appears to the court that suitable arrangements for the offender’s supervision can be made by—

- (a) the Probation Board for Northern Ireland, or
- (b) any other designated body.

- (3) The court may not impose either of the following requirements—

- (a) a local authority residence requirement;
- (b) a fostering requirement.

- (4) The court may not amend the youth rehabilitation order to impose a locally based requirement unless it appears to the court that—

- (a) arrangements exist for persons to comply with such a requirement in Northern Ireland, and
- (b) provision can be made for the offender to comply with the requirement under those arrangements.

For the purposes of this paragraph, “locally based requirement” has the same meaning as it has for the purposes of paragraph 5.

- (5) The court may not—

- (a) impose a requirement, or
- (b) amend a requirement imposed by the youth rehabilitation order,

so that it is imposed in respect of more hours, days or months than the maximum number of hours, days or months in respect of which a court in Northern Ireland could impose a similar requirement in a corresponding order.

- (6) The following apply in relation to the amendment of the youth rehabilitation order by virtue of paragraph 19(3) as they apply in relation to the amendment of an order in accordance with Part 1 of this Schedule—

- (a) paragraph 7,
- (b) paragraphs 8 to 17.