

SCHEDULES

SCHEDULE 9

COMMUNITY ORDERS AND SUSPENDED SENTENCE ORDERS: REQUIREMENTS

PART 10

DRUG REHABILITATION REQUIREMENT

Periodic review of drug rehabilitation requirement

- 22 (1) This paragraph applies in relation to a relevant order which imposes a drug rehabilitation requirement that is subject to review.
- (2) At a review hearing the court may, after considering the officer's report referred to in paragraph 21(2)(d) ("the review officer's report"), amend the relevant order, so far as it relates to the drug rehabilitation requirement.
- (3) The court—
- (a) may not amend the drug rehabilitation requirement unless the offender expresses willingness to comply with the requirement as amended, and
 - (b) except with the consent of the offender, may not amend any requirement or provision of the order while an appeal against the order is pending.
- (4) If the offender fails to express willingness to comply with the drug rehabilitation requirement as proposed to be amended by the court, the court may—
- (a) revoke the community order, or the suspended sentence order and the suspended sentence to which it relates, and
 - (b) re-sentence the offender.
- (5) In dealing with the offender under sub-paragraph (4)(b), the court—
- (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).
- (6) Where at a review hearing the court—
- (a) has considered the review officer's report, and
 - (b) is of the opinion that the offender's progress under the requirement is satisfactory,
- the court may amend the order so that it provides for each subsequent review to be made by the court without a hearing.
- (7) Where at a review without a hearing the court—
- (a) has considered the review officer's report, and

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- (b) is of the opinion that the offender’s progress under the requirement is no longer satisfactory,
the court may require the offender to attend a hearing of the court at a specified time and place.
- (8) At that hearing the court, after considering that report, may—
- (a) exercise the powers conferred by this paragraph as if the hearing were a review hearing, and
 - (b) amend the order so that it provides for each subsequent review to be made at a review hearing.
- (9) In this paragraph—
- “responsible court” has the same meaning as in paragraph 21;
 - “review hearing” has the meaning given by paragraph 21(2)(b).
- (10) In relation to a review without a hearing, a reference in this paragraph to the court is to be read—
- (a) in the case of the Crown Court, as a reference to a judge of the court;
 - (b) in the case of a magistrates’ court, as a reference to a justice of the peace.
- (11) If an officer of a provider of probation services is of the opinion that the order should be amended so as to provide for each subsequent review to be made—
- (a) without a hearing instead of at a review hearing, or
 - (b) at a review hearing instead of without a hearing,
- the officer must apply under paragraph 18 of Schedule 10 (amendment of requirements of community order) or paragraph 25 of Schedule 16 (amendment of community requirements of suspended sentence order) to the responsible court for the order to be amended.