

## SCHEDULES

### SCHEDULE 10

### SUPERVISION

#### PART III

#### AMENDMENTS OF SECTION 15

- 1 The following subsection shall be substituted for subsection (2A)—
- “(2A) If while a supervision order made under section 7(7) of this Act or made by a court on discharging a care order made under that subsection is in force in respect of a person who has not attained the age of 18 it is proved to the satisfaction of a juvenile court, on the application of the supervisor, that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12, 12A, 12C or 18(2)(b) of this Act, the court—
- (a) may order him to pay a fine of an amount not exceeding £100; or
  - (b) subject to section 16A(1) of this Act, may make an attendance centre order in respect of him,
- whether or not it also make an order under subsection (1) of this section.”
- 2 In subsection (3), for “12(1) or (2)” there shall be substituted “12, 12A, 12B or 12C”.
- 3 The following subsections shall be substituted for subsection (4)—
- “(4) If while a supervision order made under section 7(7) of this Act or made by a court on discharging a care order made under that section is in force in respect of a person who has attained the age of 18 it is proved to the satisfaction of a magistrates' court (not being a juvenile court), on the application of the supervisor, that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12, 12A, 12C or 18(2)(b) of this Act, the court—
- (a) whether or not it also makes an order under subsection (3) of this section, may order him to pay a fine of an amount not exceeding £100 or, subject to section 16A(1) of this Act, may make an attendance centre order in respect of him;
  - (b) if it also discharges the supervision order, may make an order imposing on him any punishment other than a sentence of detention in a young offender institution which it could have imposed on him if it had then had power to try him for the offence in consequence of which the supervision order was made and had convicted him in the exercise of that power;
- and in a case where the offence in question is of a kind which the court has no power to try or has no power to try without appropriate consents—

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*Status: This is the original version (as it was originally enacted).*

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- (i) the punishment imposed by virtue of paragraph (b) of this subsection shall not exceed that which any court having power to try such an offence could have imposed in respect of it; and
  - (ii) if the punishment imposed is a fine, it shall not in any event exceed £2,000.
- (4A) If while a supervision order is in force in respect of a person it is proved to the court under subsection (2A) or (4) above that the supervised person has failed to comply with any requirement included in the supervision order in pursuance of section 12A(3)(a) of this Act directing the supervised person to participate in specified activities, the court may, if it also discharges the supervision order, make an order imposing on him any sentence which it could have imposed on him if it had then had power to try him for the offence in consequence of which the supervision order was made and had convicted him, or found him guilty, in the exercise of that power.
- (4B) In a case where the offence in question is of a kind which the court has no power to try or has no power to try without appropriate consents, the sentence imposed shall not exceed that which any court having power to try such an offence could have imposed in respect of it and shall not in any event exceed a custodial sentence for a term of six months and a fine—
  - (a) if the offender has not attained the age of 18, or £400; and
  - (b) if he has attained that age, of £2,000.
- (4C) A court may not make an order by virtue of subsection (4A) of this section unless the court which made the supervision order made a statement under section 12D(1) of this Act.
- (4D) For the purposes of subsection (4C) above a certificate under section 12D of this Act shall be evidence of the making of the statement to which it relates.”.