

SCHEDULES

SCHEDULE 2

ENFORCEMENT ETC. OF COMMUNITY ORDERS

PART II

BREACH OF REQUIREMENT OF ORDER

Powers of magistrates' court

- 3 (1) If it is proved to the satisfaction of the magistrates' court before which an offender appears or is brought under paragraph 2 above that he has failed without reasonable excuse to comply with any of the requirements of the relevant order, the court may deal with him in respect of the failure in any one of the following ways, namely—
- (a) it may impose on him a fine not exceeding £1,000;
 - (b) subject to paragraph 6(3) to (5) below, it may make a community service order in respect of him;
 - (c) where the relevant order is a probation order and the case is one to which section 17 of the 1982 Act applies, it may make an order under that section requiring him to attend at an attendance centre; or
 - (d) where the relevant order was made by a magistrates' court, it may revoke the order and deal with him, for the offence in respect of which the order was made, in any manner in which it could deal with him if he had just been convicted by the court of the offence.
- (2) In dealing with an offender under sub-paragraph (1)(d) above, a magistrates' court—
- (a) shall take into account the extent to which the offender has complied with the requirements of the relevant order; and
 - (b) may assume, in the case of an offender who has wilfully and persistently failed to comply with those requirements, that he has refused to give his consent to a community sentence which has been proposed by the court and requires that consent.
- (3) Where a relevant order was made by the Crown Court and a magistrates' court has power to deal with the offender under sub-paragraph (1)(a), (b) or (c) above, it may instead commit him to custody or release him on bail until he can be brought or appear before the Crown Court.
- (4) A magistrates' court which deals with an offender's case under sub-paragraph (3) above shall send to the Crown Court—
- (a) a certificate signed by a justice of the peace certifying that the offender has failed to comply with the requirements of the relevant order in the respect specified in the certificate; and
 - (b) such other particulars of the case as may be desirable;

Status: This is the original version (as it was originally enacted).

and a certificate purporting to be so signed shall be admissible as evidence of the failure before the Crown Court.

- (5) A person sentenced under sub-paragraph (1)(d) above for an offence may appeal to the Crown Court against the sentence.