

## SCHEDULES

### SCHEDULE 5

#### ENFORCEMENT ETC. OF REPARATION AND ACTION PLAN ORDERS

##### *Supplemental*

- 5 (1) The provisions of section 17 of the 1982 Act (attendance centre orders) shall apply for the purposes of paragraph 3(2)(a) above but as if—
- (a) in subsection (1), for the words from “has power” to “probation order” there were substituted the words “considers it appropriate to make an attendance centre order in respect of any person in pursuance of paragraph 3(2) of Schedule 5 to the Crime and Disorder Act 1998”; and
  - (b) subsection (13) were omitted.
- (2) Sections 18 and 19 of the 1982 Act (discharge and variation of attendance centre order and breach of attendance centre orders or attendance centre rules) shall also apply for the purposes of that paragraph but as if there were omitted—
- (a) from subsection (4A) of section 18 and subsections (3) and (5) of section 19, the words “, for the offence in respect of which the order was made,” and “for that offence”; and
  - (b) from subsection (4B) of section 18 and subsection (6) of section 19, the words “for an offence”.
- (3) The provisions of section 12 of the 1991 Act (curfew orders) shall apply for the purposes of paragraph 3(2)(a) above but as if—
- (a) in subsection (1), for the words from the beginning to “before which he is convicted” there were substituted the words “Where a court considers it appropriate to make a curfew order in respect of any person in pursuance of paragraph 3(2)(a) of Schedule 5 to the Crime and Disorder Act 1998, the court”; and
  - (b) in subsection (8), for the words “on conviction” there were substituted the words “on the date on which his failure to comply with a requirement included in the reparation order or action plan order was proved to the court”.
- (4) Schedule 2 to the 1991 Act (enforcement etc. of community orders), so far as relating to curfew orders, shall also apply for the purposes of that paragraph but as if—
- (a) the power conferred on the magistrates' court by each of paragraphs 3(1)(d) and 7(2)(a)(ii) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the reparation order or action plan order, in any manner in which the appropriate court could deal with him for that failure to comply if it had just been proved to the satisfaction of that court;
  - (b) the power conferred on the Crown Court by paragraph 4(1)(d) to deal with the offender for the offence in respect of which the order was made were

---

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

---

- a power to deal with the offender, for his failure to comply with such a requirement, in any manner in which that court could deal with him for that failure to comply if it had just been proved to its satisfaction;
- (c) the reference in paragraph 7(1)(b) to the offence in respect of which the order was made were a reference to the failure to comply in respect of which the curfew order was made; and
  - (d) the power conferred on the Crown Court by paragraph 8(2)(b) to deal with the offender for the offence in respect of which the order was made were a power to deal with the offender, for his failure to comply with a requirement included in the reparation order or action plan order, in any manner in which the appropriate court (if that order was made by a magistrates' court) or the Crown Court (if that order was made by the Crown Court) could deal with him for that failure to comply if it had just been proved to the satisfaction of that court.
- (5) For the purposes of the provisions mentioned in sub-paragraph (4)(a) and (d) above, as applied by that sub-paragraph, if the reparation order or action plan order is no longer in force the appropriate court's powers shall be determined on the assumption that it is still in force.
- (6) If while an application to the appropriate court in pursuance of paragraph 2 or 3 above is pending the offender attains the age of 18 years, the court shall, subject to paragraph 4(6) above, deal with the application as if he had not attained that age.
- (7) The offender may appeal to the Crown Court against—
- (a) any order made under paragraphs 2 or 3 above, except an order made or which could have been made in his absence (by virtue of paragraph 4(9) above);
  - (b) the dismissal of an application under paragraph 2 above to discharge a reparation order or action plan order.