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SCHEDULES

PROSPECTIVE

SCHEDULE 31

Section 300

DEFAULT ORDERS: MODIFICATION OF PROVISIONS RELATING TO COMMUNITY ORDERS

General

- 1 Any reference to the offender is, in relation to a default order, to be read as a reference to the person in default.

Unpaid work requirement

- 2 (1) In its application to a default order, [F1 paragraph 2 of Schedule 9 to the Sentencing Code] (unpaid work requirement) is modified as follows.
- (2) [F2 In sub-paragraph (1)(b), for sub-paragraphs (i) and (ii) there is substituted—
- “(i) not less than 20 hours, and
- (ii) in the case] of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

| Amount | Number of Hours |
|---|-----------------|
| An amount not exceeding £200 | 40 hours |
| An amount exceeding £200 but not exceeding £500 | 60 hours |
| An amount exceeding £500 | 100 hours”; |

[F3 (3) Sub-paragraphs (3) and (4) are omitted.]

Textual Amendments

- F1** Words in Sch. 31 para. 2(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(2\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F2** Words in Sch. 31 para. 2(2) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(2\)\(b\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** Sch. 31 para. 2(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(2\)\(c\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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Curfew requirement

3 (1) In its application to a default order, [F4 paragraph 9 of Schedule 9 to the Sentencing Code] (curfew requirement) is modified as follows.

[F5(1A) Any reference to an offence of which the offender was convicted before, on or after a day is to be read as a reference to a default made by a person before, on or after that day.]

(2) After [F6 sub-paragraph (4A)] there is inserted—

[F7“(4B) In the case of an amount in default which is specified in the first column of the following Table, the number of days on which the person in default is subject to the curfew requirement must not exceed the number of days set out opposite that amount in the second column.

TABLE

| Amount | Number of days |
|---|----------------|
| An amount not exceeding £200 | 20 days |
| An amount exceeding £200 but not exceeding £500 | 30 days |
| An amount exceeding £500 but not exceeding £1,000 | 60 days |
| An amount exceeding £1,000 but not exceeding £2,500 | 90 days |
| An amount exceeding £2,500 | 180 days” |

Textual Amendments

- F4** Words in Sch. 31 para. 3(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(3\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F5** [Sch. 31 para. 3\(1A\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(9\)\(a\)](#), 208(5)(q)
- F6** Words in [Sch. 31 para. 3\(2\)](#) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(9\)\(b\)\(i\)](#), 208(5)(q)
- F7** Word in [Sch. 31 para. 3\(2\)](#) substituted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 150\(9\)\(b\)\(ii\)](#), 208(5)(q)

[F8 Attendance centre requirement

Textual Amendments

- F8** [Sch. 31 para. 3A](#) and preceding heading inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 148](#), 153, [Sch. 26 para. 2\(4\)](#) (with [Sch. 27 para. 13\(2\)](#)); S.I. 2008/1586, [art. 2\(1\)](#), [Sch. 1 para. 48\(a\)](#)

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3A [F9] In its application to a default order, paragraph 27(3) of Schedule 9 to the Sentencing Code (attendance centre requirement) is modified by the substitution for the words after “must” of “be—]

- (a) not less than 12, and
- (b) in the case of an amount in default which is specified in the first column of the following Table, not more than the number of hours set out opposite that amount in the second column.

TABLE

| <i>Amount</i> | <i>Number of hours</i> |
|---|------------------------|
| An amount not exceeding £200 | 18 hours |
| An amount exceeding £200 but not exceeding £500 | 21 hours |
| An amount exceeding £500 but not exceeding £1,000 | 24 hours |
| An amount exceeding £1,000 but not exceeding £2,500 | 30 hours |
| An amount exceeding £2,500 | 36 hours |

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Textual Amendments

F9 Words in Sch. 31 para. 3A substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 249(4) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

[F10] Change of residence

Textual Amendments

F10 Sch. 31 paras. 3B, 3C and cross-heading inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), ss. 18(10), 22(1) (with Sch. 7 para. 7); S.I. 2015/40, art. 2(p)

3B (1) In its application to a default order, [F11] section 215 of the Sentencing Code] (duty of offender to keep in touch with responsible officer) is modified as follows.

[F12(2) At the end of subsection (2) there is inserted “, and must notify the responsible officer of any change of address.”]

Textual Amendments

F11 Words in Sch. 31 para. 3B(1) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 249(5)(a) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

F12 Sch. 31 para. 3B(2) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 249(5)(b) (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

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3C [F13Section 216 of the Sentencing Code] (duty to obtain permission before changing residence) does not apply in relation to a default order.]

Textual Amendments

F13 Words in Sch. 31 para. 3C substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(6\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Enforcement, revocation and amendment of default order

4 (1) In its application to a default order, [F14Schedule 10 to the Sentencing Code (breach, revocation or amendment of community order)] is modified as follows.

(2) Any reference to the offence in respect of which the community order was made is to be taken to be a reference to the default in respect of which the default order was made.

(3) Any power of the court to revoke the community order [F15and re-sentence the offender] for the offence is to be taken to be a power to revoke the default order and deal with him in any way in which the court which made the default order could deal with him for his default in paying the sum in question.

(4) In [F16paragraph 5] the reference to the Crown Court is to be taken as a reference to a magistrates' court.

[F17(4A) For [F18paragraphs 16 and 17] there is substituted—

“16 (1) This paragraph applies where, at any time while a default order is in force in respect of a person, the appropriate court is satisfied that the person proposes to change, or has changed, residence from the local justice area concerned to another local justice area (“the new local justice area”).

(2) The appropriate court may amend the default order to specify the new local justice area.

(3) In this paragraph “the appropriate court” means a magistrates’ court acting in the local justice area specified in the order.”]

[F19(5) The following provisions are omitted—

(a) paragraph 10(5)(d) (in relation to any time after the coming into force of paragraph 21(2) of Schedule 22 to the Sentencing Act 2020);

(b) paragraph 10(11);

(c) paragraph 14(8);

(d) paragraph 16(3) (in relation to any time after the coming into force of paragraph 23 of Schedule 22 to that Act);

(e) paragraph 23(6);

(f) paragraph 25(2)(b).]

Textual Amendments

F14 Words in Sch. 31 para. 4(1) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(7\)\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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- F15** Words in Sch. 31 para. 4(3) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 249(7)(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F16** Words in Sch. 31 para. 4(4) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 249(7)(c)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F17** Sch. 31 para. 4(4A) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), ss. 18(11), 22(1) (with Sch. 7 para. 7); S.I. 2015/40, **art. 2(p)**
- F18** Words in Sch. 31 para. 4(4A) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 249(7)(d)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F19** Sch. 31 para. 4(5) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 249(7)(e)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

Power to alter amount of money or number of hours or days

- 5 The Secretary of State may by order amend paragraph 2 [^{F20} 3 or 3A] by substituting for any reference to an amount of money or a number of hours or days there specified a reference to such other amount or number as may be specified in the order.

Textual Amendments

- F20** Words in Sch. 31 para. 5 substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, **Sch. 26 para. 2(6)**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 48(a) (with Sch. 27 para. 13(2))

Transfer of default orders to Scotland or Northern Ireland

- 6 In its application to a default order, [^{F21} Schedule 11 to the Sentencing Code] (transfer of community orders to Scotland or Northern Ireland) is modified as follows.

Textual Amendments

- F21** Words in Sch. 31 para. 6 substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 249(8)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

- [^{F227} After paragraph 20 there is inserted—

“20A Nothing in paragraph 20 affects the application of section 300(7) of the Criminal Justice Act 2003 to a default order made or amended in accordance with Part 1 or 2.”]

Textual Amendments

- F22** Sch. 31 para. 7 substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 249(9)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2

- [^{F238} In paragraph 21, after sub-paragraph (5) there is inserted—

“(5A) The home court may not impose a fine on the offender.”]

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Textual Amendments

- F23** Sch. 31 para. 8 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 249\(10\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

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