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*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 8 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 8

Section 179

#### BREACH, REVOCATION OR AMENDMENT OF COMMUNITY ORDER

##### Modifications etc. (not altering text)

- C1** Sch. 8 modified (4.4.2010) by [Criminal Procedure \(Scotland\) Act 1995 \(c. 46\)](#), s. 234(6) (as substituted by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 336, **Sch. 32 para. 70(8)**; S.I. 2005/950, **art. 2**, Sch. 1 para. 42(29) (subject to **art. 2(2)**, Sch. 2 (as amended by S.I. 2005/2122, **art. 2**))) (as amended by S.I. 2007/391, **art. 2** (which S.I. was revoked by S.I. 2009/616, **art. 3**) (which S.I. was revoked by S.I. 2009/3111, **art. 2**)) (as amended (3.4.2009) by S.I. 2009/616, **arts. 1, 2**) (as amended (30.11.2009) by S.I. 2009/3111, **arts. 1, 2**))

### PART 1

#### PRELIMINARY

##### *Interpretation*

- 1 In this Schedule—
- “the offender”, in relation to a community order, means the person in respect of whom the order is made;
  - “the [<sup>F1</sup>local justice area] concerned”, area in relation to a community order, means the [<sup>F1</sup>local justice area] for the time being specified in the order;
  - “the responsible officer” has the meaning given by section 197.

##### Textual Amendments

- F1** Words in Sch. 8 para. 1 substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), **art. 2**, **Sch. para. 106(a)**

##### Commencement Information

- II** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by S.I. 2005/950, **art. 2**, Sch. 1 para. 32 (subject to **Sch. 2**) (as amended by S.I. 2007/391, **art. 2**)

- 2 In this Schedule—
- (a) references to a drug rehabilitation requirement of a community order being subject to review are references to that requirement being subject to review in accordance with section 210(1)(b);

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- (b) references to the court responsible for a community order imposing a drug rehabilitation requirement which is subject to review are to be construed in accordance with section 210(2).

**Commencement Information**

- I2** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

3 For the purposes of this Schedule—

- (a) a requirement falling within any paragraph of section 177(1) is of the same kind as any other requirement falling within that paragraph, and  
 (b) an electronic monitoring requirement is a requirement of the same kind as any requirement falling within section 177(1) to which it relates.

**Commencement Information**

- I3** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

*Orders made on appeal*

4 Where a community order has been made on appeal, it is to be taken for the purposes of this Schedule to have been made by the Crown Court.

**Commencement Information**

- I4** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

**PART 2**

BREACH OF REQUIREMENT OF ORDER

*Duty to give warning*

- 5 (1) If the responsible officer is of the opinion that the offender has failed without reasonable excuse to comply with any of the requirements of a community order, the officer must give him a warning under this paragraph unless—
- (a) the offender has within the previous twelve months been given a warning under this paragraph in relation to a failure to comply with any of the requirements of the order, or
- (b) the officer causes an information to be laid before a justice of the peace in respect of the failure.
- (2) A warning under this paragraph must—

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- (a) describe the circumstances of the failure,
  - (b) state that the failure is unacceptable, and
  - (c) inform the offender that, if within the next twelve months he again fails to comply with any requirement of the order, he will be liable to be brought before a court.
- (3) The responsible officer must, as soon as practicable after the warning has been given, record that fact.
- (4) In relation to any community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, the reference in sub-paragraph (1)(b) to a justice of the peace is to be read as a reference to the Crown Court.

**Modifications etc. (not altering text)**

- C2** Sch. 8 para. 5(1)(b) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, [Sch. 5 paras. 2, 12](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

- I5** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

*Breach of order after warning*

- 6 (1) If—
- (a) the responsible officer has given a warning under paragraph 5 to the offender in respect of a community order, and
  - (b) at any time within the twelve months beginning with the date on which the warning was given, the responsible officer is of the opinion that the offender has since that date failed without reasonable excuse to comply with any of the requirements of the order,
- the officer must cause an information to be laid before a justice of the peace in respect of the failure in question.
- (2) In relation to any community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to the Crown Court.

**Modifications etc. (not altering text)**

- C3** Sch. 8 para. 6(1) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, [Sch. 5 paras. 2, 12](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

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### Commencement Information

- I6** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

### *Issue of summons or warrant by justice of the peace*

- 7 (1) This paragraph applies to—
- (a) a community order made by a magistrates' court, or
  - (b) any community order which was made by the Crown Court and includes a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court.
- <sup>F2</sup>(2) If at any time while a community order to which this paragraph applies is in force it appears on information to a justice of the peace <sup>F3</sup>. . . that the offender has failed to comply with any of the requirements of the order, the justice may—
- (a) issue a summons requiring the offender to appear at the place and time specified in it, or
  - (b) if the information is in writing and on oath, issue a warrant for his arrest.
- (3) Any summons or warrant issued under this paragraph must direct the offender to appear or be brought—
- (a) in the case of a community order imposing a drug rehabilitation requirement which is subject to review, before the magistrates' court responsible for the order, or
  - <sup>F4</sup>(b) in any other case, before a magistrates' court [<sup>F5</sup>acting in the local justice area] in which the offender resides or, if it is not known where he resides, before a magistrates' court acting for the petty sessions area concerned.]
- (4) Where a summons issued under sub-paragraph (2)(a) requires the offender to appear before a magistrates' court and the offender does not appear in answer to the summons, the magistrates' court may issue a warrant for the arrest of the offender.

### Textual Amendments

- F2** By [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 106\(b\)](#), it is provided (1.4.2005) that in Sch. 8 para. 7(2) for the words "acting for the petty sessions area" there be substituted the words "acting in the local justice area"
- F3** Words in Sch. 8 para. 7(2) omitted (31.3.2005) by virtue of [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 29, 60, [Sch. 5 para. 7\(2\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)
- F4** Sch. 8 para. 7(3)(b) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 29, 60, [Sch. 5 para. 7\(3\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)
- F5** Words in Sch. 8 para. 7(3)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 106\(b\)](#)

### Commencement Information

- I7** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

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### *Issue of summons or warrant by Crown Court*

- 8
- (1) This paragraph applies to a community order made by the Crown Court which does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court.
  - (2) If at any time while a community order to which this paragraph applies is in force it appears on information to the Crown Court that the offender has failed to comply with any of the requirements of the order, the Crown Court may—
    - (a) issue a summons requiring the offender to appear at the place and time specified in it, or
    - (b) if the information is in writing and on oath, issue a warrant for his arrest.
  - (3) Any summons or warrant issued under this paragraph must direct the offender to appear or be brought before the Crown Court.
  - (4) Where a summons issued under sub-paragraph (2)(a) requires the offender to appear before the Crown Court and the offender does not appear in answer to the summons, the Crown Court may issue a warrant for the arrest of the offender.

#### **Modifications etc. (not altering text)**

- C4** Sch. 8 para. 8 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, [Sch. 5 paras. 3, 13](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### **Commencement Information**

- I8** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

### *Powers of magistrates' court*

- 9
- (1) If it is proved to the satisfaction of a magistrates' court before which an offender appears or is brought under paragraph 7 that he has failed without reasonable excuse to comply with any of the requirements of the community order, the court must deal with him in respect of the failure in any one of the following ways—
    - (a) by amending the terms of the community order so as to impose more onerous requirements which the court could include if it were then making the order;
    - (b) where the community order was made by a magistrates' court, by dealing with him, for the offence in respect of which the order was made, in any way in which the court could deal with him if he had just been convicted by it of the offence;
    - (c) where—
      - (i) the community order was made by a magistrates' court,
      - (ii) the offence in respect of which the order was made was not an offence punishable by imprisonment,
      - (iii) the offender is aged 18 or over, and
      - (iv) the offender has wilfully and persistently failed to comply with the requirements of the order,by dealing with him, in respect of that offence, by imposing a sentence of imprisonment for a term not exceeding 51 weeks.

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- (2) In dealing with an offender under sub-paragraph (1), a magistrates' court must take into account the extent to which the offender has complied with the requirements of the community order.
- (3) In dealing with an offender under sub-paragraph (1)(a), the court may extend the duration of particular requirements (subject to any limit imposed by Chapter 4 of Part 12 of this Act) but may not extend the period specified under section 177(5).
- [<sup>F6</sup>(3A) Where—
- (a) the court is dealing with the offender under sub-paragraph (1)(a), and
  - (b) the community order does not contain an unpaid work requirement,
- section 199(2)(a) applies in relation to the inclusion of such a requirement as if for “40” there were substituted 20.]
- (4) In dealing with an offender under sub-paragraph (1)(b), the court may, in the case of an offender who has wilfully and persistently failed to comply with the requirements of the community order, impose a custodial sentence (where the order was made in respect of an offence punishable with such a sentence) notwithstanding anything in section 152(2).
- (5) Where a magistrates' court deals with an offender under sub-paragraph (1)(b) or (c), it must revoke the community order if it is still in force.
- [<sup>F7</sup>(5A) Where a magistrates' court dealing with an offender under sub-paragraph (1)(a) would not otherwise have the power to amend the community order under paragraph 16 (amendment by reason of change of residence), that paragraph has effect as if the references to the appropriate court were references to the court dealing with the offender.]
- (6) Where a community order was made by the Crown Court and a magistrates' court would (apart from this sub-paragraph) be required to deal with the offender under sub-paragraph (1)(a), (b) or (c), it may instead commit him to custody or release him on bail until he can be brought or appear before the Crown Court.
- (7) A magistrates' court which deals with an offender's case under sub-paragraph (6) must 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 community order in the respect specified in the certificate, and
  - (b) such other particulars of the case as may be desirable;
- and a certificate purporting to be so signed is admissible as evidence of the failure before the Crown Court.
- (8) A person sentenced under sub-paragraph (1)(b) or (c) for an offence may appeal to the Crown Court against the sentence.

#### Textual Amendments

- F6** Sch. 8 para. 9(3A) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 38\(2\)](#), [153](#); [S.I. 2008/1586](#), [art. 2\(1\)](#), [Sch. 1 para. 19](#)
- F7** Sch. 8 para. 9(5A) inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), [ss. 29, 60](#), [Sch. 5 para. 7\(4\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)

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#### Commencement Information

- 19** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by S.I. 2005/950, art. 2, Sch. 1 para. 32 (subject to Sch. 2) (as amended by S.I. 2007/391, art. 2)

#### *Powers of Crown Court*

- 10 (1) Where under paragraph 8 or by virtue of paragraph 9(6) an offender appears or is brought before the Crown Court and it is proved to the satisfaction of that court that he has failed without reasonable excuse to comply with any of the requirements of the community order, the Crown Court must deal with him in respect of the failure in any one of the following ways—
- (a) by amending the terms of the community order so as to impose more onerous requirements which the Crown Court could impose if it were then making the order;
  - (b) by dealing with him, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made;
  - (c) where—
    - (i) the offence in respect of which the order was made was not an offence punishable by imprisonment,
    - (ii) the offender is aged 18 or over,
    - (iii) the offender has wilfully and persistently failed to comply with the requirements of the order,by dealing with him, in respect of that offence, by imposing a sentence of imprisonment for a term not exceeding 51 weeks.
- (2) In dealing with an offender under sub-paragraph (1), the Crown Court must take into account the extent to which the offender has complied with the requirements of the community order.
- (3) In dealing with an offender under sub-paragraph (1)(a), the court may extend the duration of particular requirements (subject to any limit imposed by Chapter 4 of Part 12 of this Act) but may not extend the period specified under section 177(5).
- [<sup>F8</sup>(3A) Where—
- (a) the court is dealing with the offender under sub-paragraph (1)(a), and
  - (b) the community order does not contain an unpaid work requirement,
- section 199(2)(a) applies in relation to the inclusion of such a requirement as if for “40” there were substituted 20.]
- (4) In dealing with an offender under sub-paragraph (1)(b), the Crown Court may, in the case of an offender who has wilfully and persistently failed to comply with the requirements of the community order, impose a custodial sentence (where the order was made in respect of an offence punishable with such a sentence) notwithstanding anything in section 152(2).
- (5) Where the Crown Court deals with an offender under sub-paragraph (1)(b) or (c), it must revoke the community order if it is still in force.

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- (6) In proceedings before the Crown Court under this paragraph any question whether the offender has failed to comply with the requirements of the community order is to be determined by the court and not by the verdict of a jury.

#### Textual Amendments

- F8** Sch. 8 para. 10(3A) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 38(3)**, 153; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 19

#### Modifications etc. (not altering text)

- C5** Sch. 8 para. 10 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 181, 184, 383**, **Sch. 5 para. 14** (as amended (31.10.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), **ss. 145, 153**, **Sch. 25 para. 32**; S.I. 2009/1028, **art. 2(b)**); S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**; S.I. 2009/1028, **art. 2(b)**
- C6** Sch. 8 para. 10(1)(b) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 181, 383**, **Sch. 5 para. 8**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- C7** Sch. 8 para. 10(4) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 181, 383**, **Sch. 5 para. 8(4)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

#### Commencement Information

- I10** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), **art. 2**, Sch. 1 para. 32 (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), **art. 2**)

#### *Restriction of powers in paragraphs 9 and 10 where treatment required*

- 11 (1) An offender who is required by any of the following requirements of a community order—
- (a) a mental health treatment requirement,
  - (b) a drug rehabilitation requirement, or
  - (c) an alcohol treatment requirement,
- to submit to treatment for his mental condition, or his dependency on or propensity to misuse drugs or alcohol, is not to be treated for the purposes of paragraph 9 or 10 as having failed to comply with that requirement on the ground only that he had refused to undergo any surgical, electrical or other treatment if, in the opinion of the court, his refusal was reasonable having regard to all the circumstances.
- (2) A court may not under paragraph 9(1)(a) or 10(1)(a) amend a mental health treatment requirement, a drug rehabilitation requirement or an alcohol treatment requirement unless the offender expresses his willingness to comply with the requirement as amended.

#### Commencement Information

- I11** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), **art. 2**, Sch. 1 para. 32 (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), **art. 2**)



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## Supplementary

12 F9 .....

### Textual Amendments

**F9** Sch. 8 para. 12 repealed (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 149, 153, Sch. 4 para. 96, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(xv)(u)(xxxi)**

### Commencement Information

**I12** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by S.I. 2005/950, **art. 2**, Sch. 1 para. 32 (subject to Sch. 2) (as amended by S.I. 2007/391, **art. 2**)

## PART 3

### REVOCATION OF ORDER

#### *Revocation of order with or without re-sentencing: powers of magistrates' court*

- 13 (1) This paragraph applies where a community order, other than an order made by the Crown Court and falling within paragraph 14(1)(a), is in force and on the application of the offender or the responsible officer it appears to the appropriate magistrates' court that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice—
- (a) for the order to be revoked, or
  - (b) for the offender to be dealt with in some other way for the offence in respect of which the order was made.
- (2) The appropriate magistrates' court may—
- (a) revoke the order, or
  - (b) both—
    - (i) revoke the order, and
    - (ii) deal with the offender, for the offence in respect of which the order was made, in any way in which it could deal with him if he had just been convicted by the court of the offence.
- (3) The circumstances in which a community order may be revoked under sub-paragraph (2) include the offender's making good progress or his responding satisfactorily to supervision or treatment (as the case requires).
- (4) In dealing with an offender under sub-paragraph (2)(b), a magistrates' court must take into account the extent to which the offender has complied with the requirements of the community order.
- (5) A person sentenced under sub-paragraph (2)(b) for an offence may appeal to the Crown Court against the sentence.
- (6) Where a magistrates' court proposes to exercise its powers under this paragraph otherwise than on the application of the offender, it must summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

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- (7) In this paragraph “the appropriate magistrates' court” means—
- (a) in the case of an order imposing a drug rehabilitation requirement which is subject to review, the magistrates' court responsible for the order, and
  - (b) in the case of any other community order, a magistrates' court [<sup>F10</sup>acting in the local justice area] concerned..

#### Textual Amendments

**F10** Words in Sch. 8 para. 13(7)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 106\(c\)](#)

#### Commencement Information

**I13** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

#### *Revocation of order with or without re-sentencing: powers of Crown Court*

- 14 (1) This paragraph applies where—
- (a) there is in force a community order made by the Crown Court which does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, and
  - (b) the offender or the responsible officer applies to the Crown Court for the order to be revoked or for the offender to be dealt with in some other way for the offence in respect of which the order was made.
- (2) If it appears to the Crown Court to be in the interests of justice to do so, having regard to circumstances which have arisen since the order was made, the Crown Court may—
- (a) revoke the order, or
  - (b) both—
    - (i) revoke the order, and
    - (ii) deal with the offender, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (3) The circumstances in which a community order may be revoked under sub-paragraph (2) include the offender's making good progress or his responding satisfactorily to supervision or treatment (as the case requires).
- (4) In dealing with an offender under sub-paragraph (2)(b), the Crown Court must take into account the extent to which the offender has complied with the requirements of the order.
- (5) Where the Crown Court proposes to exercise its powers under this paragraph otherwise than on the application of the offender, it must summon him to appear before the court and, if he does not appear in answer to the summons, may issue a warrant for his arrest.

*Status: Point in time view as at 04/10/2010.*

*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 8 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C8** Sch. 8 para. 14 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, [Sch. 5 paras. 4, 15](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- C9** Sch. 8 para. 14(2)(b)(ii) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 8\(1\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

- I14** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

*Supplementary*

15 <sup>F11</sup> .....

**Textual Amendments**

- F11** Sch. 8 para. 15 repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 149, 153, [Sch. 4 para. 96](#), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), [art. 2\(p\)\(xv\)\(u\)\(xxxi\)](#)

**Commencement Information**

- I15** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

**PART 4**

AMENDMENT OF ORDER

**Modifications etc. (not altering text)**

- C10** Sch. 8 Pt. 4 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 184, 383, [Sch. 5 paras. 5, 16](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

*Amendment by reason of change of residence*

- 16 (1) This paragraph applies where, at any time while a community order is in force in respect of an offender, the appropriate court is satisfied that the offender proposes to change, or has changed, his residence from the [F12]local justice area] concerned to another [F12]local justice area] .
- (2) Subject to sub-paragraphs (3) and (4), the appropriate court may, and on the application of the responsible officer must, amend the community order by substituting the other [F12]local justice area] for the area specified in the order.

*Status: Point in time view as at 04/10/2010.*

*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 8 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The court may not under this paragraph amend a community order which contains requirements which, in the opinion of the court, cannot be complied with unless the offender continues to reside in the [<sup>F12</sup>local justice area] concerned unless, in accordance with paragraph 17, it either—
- (a) cancels those requirements, or
  - (b) substitutes for those requirements other requirements which can be complied with if the offender ceases to reside in that area.
- (4) The court may not amend under this paragraph a community order imposing a programme requirement unless it appears to the court that the accredited programme specified in the requirement is available in the other [<sup>F12</sup>local justice area] .
- (5) In this paragraph “the appropriate court” means—
- (a) in relation to any community order imposing a drug rehabilitation requirement which is subject to review, the court responsible for the order,
  - (b) in relation to any community order which was made by the Crown Court and does not include any direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, the Crown Court, and
  - (c) in relation to any other community order, a magistrates' court [<sup>F13</sup>acting in the local justice area] concerned.

#### Textual Amendments

**F12** Words in Sch. 8 para. 16(1)-(4) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 106\(d\)](#)

**F13** Words in Sch. 8 para. 16(5)(c) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 106\(d\)](#)

#### Commencement Information

**I16** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), art. 2, [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), art. 2)

#### *Amendment of requirements of community order*

- 17 (1) The appropriate court may, on the application of the offender or the responsible officer, by order amend a community order—
- (a) by cancelling any of the requirements of the order, or
  - (b) by replacing any of those requirements with a requirement of the same kind, which the court could include if it were then making the order.
- (2) The court may not under this paragraph amend a mental health treatment requirement, a drug rehabilitation requirement or an alcohol treatment requirement unless the offender expresses his willingness to comply with the requirement as amended.
- (3) If the offender fails to express his willingness to comply with a mental health treatment requirement, drug rehabilitation requirement or alcohol treatment requirement as proposed to be amended by the court under this paragraph, the court may—

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*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 8 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) revoke the community order, and
  - (b) deal with him, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (4) In dealing with the offender under sub-paragraph (3)(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 (where the order was made in respect of an offence punishable with such a sentence) notwithstanding anything in section 152(2).
- (5) <sup>F14</sup> .....
- (6) In this paragraph “the appropriate court” has the same meaning as in paragraph 16.

#### Textual Amendments

**F14** Sch. 8 para. 17(5) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 149, 153, Sch. 4 para. 96, **Sch. 28 Pt. 1** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(xv)(u)(xxxi)**

#### Modifications etc. (not altering text)

**C11** Sch. 8 para. 17 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 184, 383, **Sch. 5 para. 17**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

**C12** Sch. 8 para. 17(3)(b) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, **Sch. 5 para. 8(1)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

**C13** Sch. 8 para. 17(4)(b) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, **Sch. 5 para. 8(4)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

#### Commencement Information

**I17** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by S.I. 2005/950, **art. 2**, Sch. 1 para. 32 (subject to Sch. 2) (as amended by S.I. 2007/391, **art. 2**)

#### *Amendment of treatment requirements of community order on report of practitioner*

- 18 (1) Where the medical practitioner or other person by whom or under whose direction an offender is, in pursuance of any requirement to which this sub-paragraph applies, being treated for his mental condition or his dependency on or propensity to misuse drugs or alcohol—
- (a) is of the opinion mentioned in sub-paragraph (3), or
  - (b) is for any reason unwilling to continue to treat or direct the treatment of the offender,
- he must make a report in writing to that effect to the responsible officer and that officer must apply under paragraph 17 to the appropriate court for the variation or cancellation of the requirement.
- (2) The requirements to which sub-paragraph (1) applies are—
- (a) a mental health treatment requirement,

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- (b) a drug rehabilitation requirement, and
  - (c) an alcohol treatment requirement.
- (3) The opinion referred to in sub-paragraph (1) is—
- (a) that the treatment of the offender should be continued beyond the period specified in that behalf in the order,
  - (b) that the offender needs different treatment,
  - (c) that the offender is not susceptible to treatment, or
  - (d) that the offender does not require further treatment.
- (4) In this paragraph “the appropriate court” has the same meaning as in paragraph 16.

**Commencement Information**

**I18** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

*Amendment in relation to review of drug rehabilitation requirement*

- 19 Where the responsible officer is of the opinion that a community order imposing a drug rehabilitation requirement which is subject to review should be so amended as to provide for each subsequent periodic review (required by section 211) to be made without a hearing instead of at a review hearing, or vice versa, he must apply under paragraph 17 to the court responsible for the order for the variation of the order.

**Modifications etc. (not altering text)**

**C14** Sch. 8 para. 19 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 6](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

**I19** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

*Extension of unpaid work requirement*

- 20 (1) Where—
- (a) a community order imposing an unpaid work requirement is in force in respect of any offender, and
  - (b) on the application of the offender or the responsible officer, it appears to the appropriate court that it would be in the interests of justice to do so having regard to circumstances which have arisen since the order was made,
- the court may, in relation to the order, extend the period of twelve months specified in section 200(2).
- (2) In this paragraph “the appropriate court” has the same meaning as in paragraph 16.

*Status: Point in time view as at 04/10/2010.*

*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 8 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I20** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by S.I. 2005/950, **art. 2**, Sch. 1 para. 32 (subject to Sch. 2) (as amended by S.I. 2007/391, **art. 2**)

## PART 5

### POWERS OF COURT IN RELATION TO ORDER FOLLOWING SUBSEQUENT CONVICTION

#### *Powers of magistrates' court following subsequent conviction*

- 21 (1) This paragraph applies where—
- (a) an offender in respect of whom a community order made by a magistrates' court is in force is convicted of an offence by a magistrates' court, and
  - (b) it appears to the court that it would be in the interests of justice to exercise its powers under this paragraph, having regard to circumstances which have arisen since the community order was made.
- (2) The magistrates' court may—
- (a) revoke the order, or
  - (b) both—
    - (i) revoke the order, and
    - (ii) deal with the offender, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (3) In dealing with an offender under sub-paragraph (2)(b), a magistrates' court must take into account the extent to which the offender has complied with the requirements of the community order.
- (4) A person sentenced under sub-paragraph (2)(b) for an offence may appeal to the Crown Court against the sentence.

#### Modifications etc. (not altering text)

**C15** Sch. 8 para. 21 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by **Armed Forces Act 2006 (c. 52)**, ss. 184, 383, **Sch. 8 para. 18**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

#### Commencement Information

**I21** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by S.I. 2005/950, **art. 2**, Sch. 1 para. 32 (subject to Sch. 2) (as amended by S.I. 2007/391, **art. 2**)

- 22 (1) Where an offender in respect of whom a community order made by the Crown Court is in force is convicted of an offence by a magistrates' court, the magistrates' court may commit the offender in custody or release him on bail until he can be brought before the Crown Court.

*Status: Point in time view as at 04/10/2010.*

*Changes to legislation: Criminal Justice Act 2003, SCHEDULE 8 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) Where the magistrates' court deals with an offender's case under sub-paragraph (1), it must send to the Crown Court such particulars of the case as may be desirable.

**Modifications etc. (not altering text)**

**C16** Sch. 8 para. 22 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 7](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**Commencement Information**

**I22** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

*Powers of Crown Court following subsequent conviction*

- 23 (1) This paragraph applies where—
- (a) an offender in respect of whom a community order is in force—
    - (i) is convicted of an offence by the Crown Court, or
    - (ii) is brought or appears before the Crown Court by virtue of paragraph 22 or having been committed by the magistrates' court to the Crown Court for sentence, and
  - (b) it appears to the Crown Court that it would be in the interests of justice to exercise its powers under this paragraph, having regard to circumstances which have arisen since the community order was made.
- (2) The Crown Court may—
- (a) revoke the order, or
  - (b) both—
    - (i) revoke the order, and
    - (ii) deal with the offender, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (3) In dealing with an offender under sub-paragraph (2)(b), the Crown Court must take into account the extent to which the offender has complied with the requirements of the community order.

**Modifications etc. (not altering text)**

**C17** Sch. 8 para. 23 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 184, 383, [Sch. 5 para. 19](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

**C18** Sch. 8 para. 23(2)(b)(ii) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 181, 383, [Sch. 5 para. 8\(1\)](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)



*Status: Point in time view as at 04/10/2010.*

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#### Commencement Information

- I23** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

## PART 6

### SUPPLEMENTARY

- 24 (1) No order may be made under paragraph 16, and no application may be made under paragraph 13, 17 or 20, while an appeal against the community order is pending.
- (2) Sub-paragraph (1) does not apply to an application under paragraph 17 which—
- relates to a mental health treatment requirement, a drug rehabilitation requirement or an alcohol treatment requirement, and
  - is made by the responsible officer with the consent of the offender.

#### Commencement Information

- I24** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 25 (1) Subject to sub-paragraph (2), where a court proposes to exercise its powers under Part 4 or 5 of this Schedule, otherwise than on the application of the offender, the court—
- must summon him to appear before the court, and
  - if he does not appear in answer to the summons, may issue a warrant for his arrest.
- (2) This paragraph does not apply to an order cancelling a requirement of a community order or reducing the period of any requirement, or substituting a new <sup>[F15]</sup>local justice area] or a new place for the one specified in the order..

#### Textual Amendments

- F15** Words in Sch. 8 para. 25(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), [art. 2](#), [Sch. para. 106\(e\)](#)

#### Commencement Information

- I25** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

<sup>[F16]</sup>25A(1) This paragraph applies to any hearing relating to an offender held by a magistrates' court in any proceedings under this Schedule.

- (2) The court may adjourn the hearing, and, where it does so, may—
- direct that the offender be released forthwith, or
  - remand the offender.

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- (3) Where the court remands the offender under sub-paragraph (2)—
  - (a) it must fix the time and place at which the hearing is to be resumed, and
  - (b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.
- (4) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
  - (a) it may fix the time and place at which the hearing is to be resumed, but
  - (b) if it does not do so, it must not resume the hearing unless it is satisfied that the offender and the responsible officer have had adequate notice of the time and place for the resumed hearing.
- (5) The powers of a magistrates' court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.
- (6) This paragraph—
  - (a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
  - (b) is not to be taken to affect the application of that section to hearings of any other description.]

#### Textual Amendments

**F16** Sch. 8 para. 25A inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 109](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), [art. 2\(p\)\(xv\)](#)

- 26 Paragraphs 9(1)(a), 10(1)(a) and 17(1)(b) have effect subject to the provisions mentioned in subsection (2) of section 177, and to subsections (3) and (6) of that section.

#### Modifications etc. (not altering text)

**C19** Sch. 8 para. 26 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 184, 383, [Sch. 5 para. 20](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Commencement Information

**I26** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

- 27 (1) On the making under this Schedule of an order revoking or amending a community order, the proper officer of the court must—
- (a) provide copies of the revoking or amending order to the offender and the responsible officer,
  - (b) in the case of an amending order which substitutes a new [<sup>F17</sup>local justice area], provide a copy of the amending order to—
    - (i) the local probation board acting for that area [<sup>F18</sup>, or (as the case may be) a provider of probation services operating in that area], and

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- (ii) the magistrates' court acting [<sup>F19</sup>in that area], and
  - (c) in the case of an amending order which imposes or amends a requirement specified in the first column of Schedule 14, provide a copy of so much of the amending order as relates to that requirement to the person specified in relation to that requirement in the second column of that Schedule<sup>F20</sup>, and
  - (d) where the court acts for a petty sessions area other than the one specified in the order prior to the revocation or amendment, provide a copy of the revoking or amending order to a magistrates' court acting for the area so specified.]
- (2) Where under sub-paragraph (1)(b) the proper officer of the court provides a copy of an amending order to a magistrates' court [<sup>F21</sup>acting in a different area], the officer must also provide to that court such documents and information relating to the case as it considers likely to be of assistance to a court [<sup>F22</sup>acting in that area] in the exercise of its functions in relation to the order.
- (3) In this paragraph “proper officer” means—
- (a) in relation to a magistrates' court, the [<sup>F23</sup>designated officer] for the court; and
  - (b) in relation to the Crown Court, the appropriate officer.

#### Textual Amendments

- F17** Words in Sch. 8 para. 27(1)(b) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 106\(f\)\(i\)](#)
- F18** Words in Sch. 8 para. 27(1)(b)(i) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 3, [Sch. 1 para. 19\(17\)](#)
- F19** Words in Sch. 8 para. 27(1)(b)(ii) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 106\(f\)\(i\)](#)
- F20** Sch. 8 para. 27(1)(d) and preceding word inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 29, 60, [Sch. 5 para. 7\(5\)](#); [S.I. 2005/579](#), [art. 3\(d\)](#)
- F21** Words in Sch. 8 para. 27(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 106\(f\)\(ii\)](#)
- F22** Words in Sch. 8 para. 27(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 106\(f\)\(ii\)](#)
- F23** Words in Sch. 8 para. 27(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 106\(f\)\(iii\)](#)

#### Modifications etc. (not altering text)

- C20** Sch. 8 para. 27 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 184, 383, [Sch. 5 para. 21](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

#### Commencement Information

- I27** Sch. 8 wholly in force at 4.4.2009; Sch. 8 not in force at Royal Assent, see s. 336(3); Sch. 8 in force for certain purposes at 4.4.2005 and otherwise in force at 4.4.2009 by [S.I. 2005/950](#), [art. 2](#), [Sch. 1 para. 32](#) (subject to [Sch. 2](#)) (as amended by [S.I. 2007/391](#), [art. 2](#))

**Status:**

Point in time view as at 04/10/2010.

**Changes to legislation:**

Criminal Justice Act 2003, SCHEDULE 8 is up to date with all changes known to be in force on or before 05 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.