

*Status: Point in time view as at 03/12/2012.*

**Changes to legislation:** Criminal Justice and Immigration Act 2008, Paragraph 16 is up to date with all changes known to be in force on or before 16 June 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 2

#### BREACH, REVOCATION OR AMENDMENT OF YOUTH REHABILITATION ORDERS

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

- C1** Sch. 2 modified by Criminal Procedure (Scotland) Act 1995 (c. 46), s. 234(6A) (as inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), s. 153\(7\)](#), [Sch. 4 para. 44\(6\)](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074, art. 2\(p\)\(v\)](#))

#### **PART 4**

##### AMENDMENT OF ORDER

###### *Exercise of powers under paragraph 13(4) or 14(4): further provisions*

- 16 (1) [<sup>F1</sup>Subject to paragraph 16A,] any requirement imposed under paragraph 13(4)(b) or 14(4)(b) must be capable of being complied with before the date specified under paragraph 32(1) of Schedule 1.
- (2) Where—
- (a) a youth rehabilitation order imposes a fostering requirement (the “original requirement”), and
  - (b) under paragraph 13(4)(b) or 14(4)(b) a court proposes to substitute a new fostering requirement (“the substitute requirement”) for the original requirement,
- paragraph 18(2) of Schedule 1 applies in relation to the substitute requirement as if the reference to the period of 12 months beginning with the date on which the original requirement first had effect were a reference to the period of 18 months beginning with that date.
- (3) The court may not under paragraph 13(4) or 14(4) impose—
- (a) a mental health treatment requirement,
  - (b) a drug treatment requirement, or
  - (c) a drug testing requirement,
- unless the offender has expressed willingness to comply with the requirement.
- (4) If an offender fails to express willingness to comply with a mental health treatment requirement, a drug treatment requirement or a drug testing requirement which the court proposes to impose under paragraph 13(4) or 14(4), the court may—
- (a) revoke the youth rehabilitation order, and

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(b) deal with the offender, for the offence in respect of which the order was made, in any way in which that court could have dealt with the offender for that offence (had the offender been before that court to be dealt with for it).

(5) In dealing with the offender under sub-paragraph (4)(b), the court must take into account the extent to which the offender has complied with the order.

**Textual Amendments**

**F1** Words in Sch. 2 para. 16(1) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 83\(4\)](#), 151(1); S.I. 2012/2906, art. 2(a) (with art. 5(2))

**Commencement Information**

**I1** Sch. 2 para. 16 in force at 30.11.2009 by [S.I. 2009/3074](#), [art. 2\(n\)](#)

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