

Changes to legislation: There are currently no known outstanding effects for the Policing and Crime Act 2009, Part 1. (See end of Document for details)

SCHEDULES

[^{F1}SCHEDULE 5A

BREACH OF INJUNCTION: POWERS OF COURT IN RESPECT OF UNDER-18S

Textual Amendments

- F1** Sch. 5A inserted (E.W.) (9.1.2012) by [Crime and Security Act 2010 \(c. 17\)](#) , **ss. 39(3)** , 59(1) ; S.I. 2011/3016 , art. 2(d)

PART 1

INTRODUCTORY

Power to make supervision order or detention order

- 1 (1) Where—
- (a) an injunction under Part 4 [^{F2}has been] granted against a person under the age of 18,
[the person is still under the age of 18,] and
^{F3}(aa)
 - (b) on an application made by the injunction applicant, [^{F4}a youth court] is satisfied beyond reasonable doubt that the person is in breach of any provision of the injunction,
- [^{F5}that court] may make one of the orders specified in sub-paragraph (2) in respect of the person.
- (2) Those orders are—
- (a) a supervision order (see Part 2 of this Schedule);
 - (b) a detention order (see Part 3 of this Schedule).
- ^{F6}(3)
- (4) Before making an application under paragraph 1(1)(b) the injunction applicant must consult—
- (a) the youth offending team consulted under section 38(1) or 39(5) in relation to the injunction, and
 - (b) any other person previously so consulted.
- (5) In considering whether and how to exercise its powers under this paragraph, the court must consider a report made to assist the court in that respect by the youth offending team referred to in sub-paragraph (4)(a).

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- (6) An order under sub-paragraph (1) may not be made in respect of a person aged 18 or over.
- (7) The court may not make a detention order under sub-paragraph (1) unless it is satisfied, in view of the severity or extent of the breach, that no other power available to the court is appropriate.
- (8) Where the court makes a detention order under sub-paragraph (1) it must state in open court why it is satisfied as specified in sub-paragraph (7).
- (9) In this Schedule—
- “ defaulter ”, in relation to an order under this Schedule, means the person in respect of whom the order is made;
- “ injunction applicant ”, in relation to an injunction under Part 4 or an order under this Schedule made in respect of such an injunction, means the person who applied for the injunction;
- ^{F7} ...]

Textual Amendments

- F2** Words in Sch. 5A para. 1(1)(a) substituted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 12 para. 7\(2\)\(a\)](#) (with s. 18(6)); S.I. 2015/813, art. 3(c)
- F3** Sch. 5A para. 1(1)(aa) inserted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 12 para. 7\(2\)\(b\)](#) (with s. 18(6)); S.I. 2015/813, art. 3(c)
- F4** Words in Sch. 5A para. 1(1)(b) substituted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 12 para. 7\(2\)\(c\)](#) (with s. 18(6)); S.I. 2015/813, art. 3(c)
- F5** Words in Sch. 5A para. 1(1) substituted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 12 para. 7\(2\)\(d\)](#) (with s. 18(6)); S.I. 2015/813, art. 3(c)
- F6** Sch. 5A para. 1(3) omitted (1.6.2015) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 12 para. 7\(3\)](#) (with s. 18(6)); S.I. 2015/813, art. 3(c)
- F7** Definition in Sch. 5A para. 1(9) omitted (1.6.2015) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 12 para. 7\(4\)](#) (with s. 18(6)); S.I. 2015/813, art. 3(c)

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