



# Sentencing Act 2020

## 2020 CHAPTER 17

### THIRD GROUP OF PARTS Disposals

#### PART 9 U.K.

#### COMMUNITY SENTENCES

#### CHAPTER 1 E+W

#### YOUTH REHABILITATION ORDERS

*What a youth rehabilitation order is*

#### 173 Youth rehabilitation order E+W

- (1) In this Code, “youth rehabilitation order” means an order imposing one or more youth rehabilitation requirements.
- (2) The youth rehabilitation requirements are listed in column 1 of the youth rehabilitation requirements table (see section 174).
- (3) Provision about each requirement is made by the Part of Schedule 6 mentioned in the corresponding entry in column 2 of that table.

#### Commencement Information

- II S. 173 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

#### 174 Youth rehabilitation requirements table E+W

The youth rehabilitation requirements table referred to in sections 173, 184 and 186 is—

*Status: Point in time view as at 06/04/2022.*

*Changes to legislation: Sentencing Act 2020, PART 9 is up to date with all changes known to be in force on or before 06 October 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)*

<b>Requirement</b>	<b>Part of Schedule 6 relating to requirement</b>	<b>Restrictions on availability</b>
activity requirement	Part 1	
extended activity requirement	Part 1	section 185(1)
supervision requirement	Part 2	
unpaid work requirement	Part 3	section 185(2)
programme requirement	Part 4	
attendance centre requirement	Part 5	
prohibited activity requirement	Part 6	
curfew requirement	Part 7	
exclusion requirement	Part 8	
residence requirement	Part 9	
local authority residence requirement	Part 10	
fostering requirement	Part 11	section 175(2)(b), section 185(3)
mental health treatment requirement	Part 12	
drug treatment requirement	Part 13	
drug testing requirement	Part 14	
intoxicating substance treatment requirement	Part 15	
education requirement	Part 16	
electronic monitoring requirement	Part 17	section 185(4)

#### Commencement Information

**I2** S. 174 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 175 Youth rehabilitation order with intensive supervision and surveillance E+W

- (1) In this Code “youth rehabilitation order with intensive supervision and surveillance” means a youth rehabilitation order which imposes—
- (a) an extended activity requirement (see paragraph 2 of Schedule 6),
  - (b) a supervision requirement, and
  - (c) a curfew requirement (and, accordingly, if so required by paragraph 19(3) of Schedule 6, an electronic monitoring requirement).
- (2) A youth rehabilitation order with intensive supervision and surveillance—
- (a) may impose other youth rehabilitation requirements, but
  - (b) may not impose a fostering requirement.

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#### Commencement Information

**I3** S. 175 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 176 Youth rehabilitation order with fostering **E+W**

- (1) In this Code “youth rehabilitation order with fostering” means a youth rehabilitation order which imposes—
  - (a) a fostering requirement (see Part 11 of Schedule 6), and
  - (b) a supervision requirement.
- (2) A youth rehabilitation order with fostering may also impose other requirements.

But this is subject to section 175(2) (fostering requirement not available with intensive supervision and surveillance).

#### Commencement Information

**I4** S. 176 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

#### *Availability*

### 177 Youth rehabilitation order: availability **E+W**

- (1) A youth rehabilitation order is available to a court by or before which an offender is convicted of an offence if the offender is aged under 18 at the time of the conviction.
- (2) Subsection (1) is subject to—
  - (a) subsection (3), and
  - (b) section 37(8) of the Mental Health Act 1983 (youth rehabilitation order not to be made in combination with hospital order or guardianship order in respect of same offence).
- (3) A youth rehabilitation order is not available if a mandatory sentence requirement applies in relation to the offence (see section 399)—
  - (a) because the sentence is fixed by law, or
  - (b) by virtue of—
    - (i) section 258 (required sentence of detention for life), or
    - (ii) section 311 (minimum sentence for certain offences involving firearms that are prohibited weapons).

But this is subject to section 74 and Chapter 4 of Part 12 (reduction of sentence for assistance to prosecution).

#### Commencement Information

**I5** S. 177 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Status: Point in time view as at 06/04/2022.*

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**178 Youth rehabilitation order with intensive supervision and surveillance or fostering: availability** E+W

- (1) A youth rehabilitation order which is—
  - (a) a youth rehabilitation order with intensive supervision and surveillance, or
  - (b) a youth rehabilitation order with fostering,
 is available only in respect of an imprisonable offence.
- (2) This is subject to paragraph 11(2) of Schedule 7 (powers of court in case of wilful and persistent failure to comply with youth rehabilitation order).

**Commencement Information**

**I6** S. 178 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Exercise of power to make youth rehabilitation order*

**179 Exercise of power to make youth rehabilitation order: general considerations** E+W

- (1) This section applies where a court is dealing with an offender for an offence and a youth rehabilitation order is available.
- (2) The court must not make a youth rehabilitation order unless it is of the opinion that—
  - (a) the offence, or
  - (b) the combination of the offence and one or more offences associated with it,
 was serious enough to warrant the making of such an order.
- (3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and any associated offence or offences, including any aggravating or mitigating factors.
- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.
- (5) The fact that, by virtue of subsection (2), the court may make a youth rehabilitation order does not require it to do so.
- (6) Before making a youth rehabilitation order, the court must obtain and consider information about—
  - (a) the offender's family circumstances, and
  - (b) the likely effect of a youth rehabilitation order on those circumstances.

**Commencement Information**

**I7** S. 179 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Status: Point in time view as at 06/04/2022.*

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## **180 Making youth rehabilitation order with intensive supervision and surveillance or fostering** **E+W**

- (1) This section applies where either of the following orders is available to a court dealing with an offender for an offence—
  - (a) a youth rehabilitation order with intensive supervision and surveillance;
  - (b) a youth rehabilitation order with fostering.
- (2) The court must not make an order of either of those kinds unless it is of the opinion—
  - (a) that the offence, or the combination of the offence and one or more offences associated with it, was so serious that, if such an order were not available, a custodial sentence—
    - (i) would be appropriate, or
    - (ii) where the offender is aged under 12 when convicted, would be appropriate if the offender were aged 12, and
  - (b) if the offender is aged under 15 when convicted, that the offender is a persistent offender.
- (3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.
- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.

### **Commencement Information**

**18** S. 180 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

## **181 Making youth rehabilitation order where offender subject to other order** **E+W**

### *Offender subject to detention and training order*

- (1) Where a court makes a youth rehabilitation order in respect of an offender who is subject to a detention and training order, the court may order that the youth rehabilitation order is to take effect—
  - (a) when the period of supervision in respect of the detention and training order begins in accordance with section 242 (the period of supervision), or
  - (b) on the expiry of the detention and training order.
- (2) For the purposes of subsection (1)—
  - (a) the references to a detention and training order include an order made under section 211 of the Armed Forces Act 2006 (detention and training orders made by service courts), and
  - (b) the reference to section 242 includes that provision as applied by section 213 of that Act.
- (3) For those purposes, the references in subsections (1) and (2) to a detention and training order include an order under section 100 of the Powers of Criminal Courts (Sentencing) Act 2000 (and references to section 242 include references to section 103 of that Act).

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*Offender subject to youth rehabilitation order or reparation order*

- (4) A court must not make a youth rehabilitation order in respect of an offender when—
- (a) another youth rehabilitation order, or
  - (b) a reparation order,
- is in force in respect of the offender, unless when it makes the order it revokes the earlier order.
- (5) For the purposes of subsection (4)—
- (a) the reference in paragraph (a) to another youth rehabilitation order includes an order under section 1 of the Criminal Justice and Immigration Act 2008, and
  - (b) the reference in paragraph (b) to a reparation order includes an order under section 73 of the Powers of Criminal Courts (Sentencing) Act 2000.

*Court dealing with offender for offences including one of which the offender is convicted when aged 18*

- (6) A court may not make a youth rehabilitation order in respect of an offence if it makes a suspended sentence order for any other offence for which it deals with the offender.

**Commencement Information**

**I9** S. 181 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**182 Youth rehabilitation order: effect of remand in custody** **E+W**

- (1) In determining the restrictions on liberty to be imposed by a youth rehabilitation order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with—
- (a) the offence, or
  - (b) any other offence the charge for which was founded on the same facts or evidence.
- (2) For this purpose a person is remanded in custody if—
- (a) remanded in or committed to custody by order of a court,
  - (b) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail), or
  - (c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.

**Commencement Information**

**I10** S. 182 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**183 Concurrent and consecutive orders** **E+W**

- (1) This section applies where a court is dealing with an offender for two or more offences.

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- (2) If the court makes an order of any of the following kinds in respect of one of the offences—
  - (a) a youth rehabilitation order with intensive supervision and surveillance,
  - (b) a youth rehabilitation order with fostering, or
  - (c) any other youth rehabilitation order,it may not make a youth rehabilitation order of another of those kinds in respect of the other offence, or any of the other offences.
- (3) If the court makes—
  - (a) two or more youth rehabilitation orders with intensive supervision and surveillance, or
  - (b) two or more youth rehabilitation orders with fostering,those orders must take effect at the same time (in accordance with section 198).
- (4) Subsections (5) to (7) apply where the court includes requirements of the same kind in two or more youth rehabilitation orders.
- (5) The court must direct, for each kind of requirement—
  - (a) whether the requirements are to be concurrent or consecutive, or
  - (b) if more than two requirements of that kind are imposed, which are to be concurrent and which consecutive.
- (6) But the court may not direct that two or more fostering requirements are to be consecutive.
- (7) Where the court directs that two or more requirements of the same kind are to be consecutive, the numbers of hours, days or months specified in relation to each of them—
  - (a) are to be aggregated, but
  - (b) in aggregate, must not exceed the maximum number which may be specified in relation to any one of them.
- (8) For the purposes of subsections (4) to (7), requirements are of the same kind if they fall within the same Part of Schedule 6.

**Commencement Information**

**III** S. 183 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

*Available requirements*

**184 Youth rehabilitation order: available requirements** **E+W**

- (1) Any youth rehabilitation requirement imposed by a youth rehabilitation order must be a requirement that is available to the court which makes the order.
- (2) A youth rehabilitation requirement is available unless a provision mentioned in column 3 of the entry for that requirement in the youth rehabilitation requirements table (see section 174) provides otherwise.

*Status: Point in time view as at 06/04/2022.*

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**Commencement Information**

**I12** S. 184 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**185 Youth rehabilitation order: availability of particular requirements** **E+W**

*Extended activity requirement*

- (1) An extended activity requirement is not available for a youth rehabilitation order other than a youth rehabilitation order with intensive supervision and surveillance.

*Unpaid work requirement*

- (2) An unpaid work requirement is not available for a youth rehabilitation order in respect of an offence unless the offender is aged 16 or 17 when convicted of the offence.

*Fostering requirement*

- (3) A fostering requirement is not available for a youth rehabilitation order other than a youth rehabilitation order with fostering.

*Electronic monitoring requirement*

- (4) An electronic monitoring requirement is not available for a youth rehabilitation order unless the order imposes at least one other youth rehabilitation requirement.

**Commencement Information**

**I13** S. 185 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Exercise of power to impose particular requirements*

**186 Youth rehabilitation order: exercise of power to impose particular requirements** **E+W**

- (1) This section applies where a court makes a youth rehabilitation order in respect of an offence.

*Restrictions and obligations relating to imposing particular requirements*

- (2) The power to impose a particular youth rehabilitation requirement is subject to the provisions of the Part of Schedule 6 relating to requirements of that kind (see column 2 of the table in section 174).

*Suitability*

- (3) The particular youth rehabilitation requirement or combination of youth rehabilitation requirements imposed by the order must, in the opinion of the court, be the most suitable for the offender.



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In the case of a youth rehabilitation order with intensive supervision and surveillance, this is subject to section 175 (by virtue of which the order must impose certain requirements).

- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming any opinion on whether a particular youth rehabilitation requirement or combination of youth rehabilitation requirements is suitable for the offender.
- (5) In forming its opinion for the purposes of subsection (3) on which requirement or combination of requirements is the most suitable for the offender, the court may take into account any information about the offender which is before it.

*Restrictions on liberty to be commensurate with seriousness*

- (6) The restrictions on liberty imposed by the order must be such as are in the opinion of the court commensurate with the seriousness of—
  - (a) the offence, or
  - (b) the combination of the offence and one or more offences associated with it.

In the case of a youth rehabilitation order with intensive supervision and surveillance, this is subject to section 175 (by virtue of which the order must impose certain requirements).

- (7) In forming its opinion for the purposes of subsection (6), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.
- (8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.
- (9) The fact that, by virtue of subsection (6), particular restrictions on liberty may be imposed by a youth rehabilitation order does not require the court to impose those restrictions.

*Compatibility with other requirements and other matters*

- (10) If the order imposes two or more requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.

This is subject to sections 175 and 176 and paragraphs 19(3) and 21 of Schedule 6 (certain types of youth rehabilitation order to contain certain requirements).

- (11) The court must ensure, as far as practicable, that any requirement imposed by the order is such as to avoid—
  - (a) any conflict with the offender's religious beliefs,
  - (b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and
  - (c) any conflict with the requirements of any other court order to which the offender may be subject,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

- (12) Regulations under subsection (11) are subject to the negative resolution procedure.

*Status: Point in time view as at 06/04/2022.*

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

- C1** S. 186(2)(10)(11) applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

- I14** S. 186 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

*Making a youth rehabilitation order: contents*

**187 Youth rehabilitation order to specify end date** E+W

- (1) A youth rehabilitation order must specify a date (the “end date”) by which all the requirements in it must have been complied with.
- (2) The end date must be—
  - (a) not more than 3 years, and
  - (b) in the case of a youth rehabilitation order with intensive supervision and surveillance, not less than 6 months, after the date on which the order takes effect.
- (3) If a youth rehabilitation order imposes two or more different youth rehabilitation requirements—
  - (a) the order may also specify, for each of the requirements, a date by which the requirement must have been complied with;
  - (b) if it does so, the last of those dates must be the same as the end date.

**Commencement Information**

- I15** S. 187 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

**188 Youth rehabilitation order to specify offender's home local justice area** E+W

- (1) A youth rehabilitation order must specify which local justice area is the offender's home local justice area.
- (2) The area specified must be the local justice area in which the offender resides or will reside.

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

- C2** S. 188 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

- I16** S. 188 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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## 189 Power for Crown Court to direct magistrates' court supervision **E+W**

- (1) This section applies where the Crown Court makes a youth rehabilitation order otherwise than on appeal from a magistrates' court.
- (2) The Crown Court may include a direction that the order is to be subject to magistrates' court supervision.

For the effect of such a direction, see Schedule 7 (breach, revocation or amendment of youth rehabilitation order).

### Commencement Information

**I17** S. 189 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

## 190 Provision of copies of youth rehabilitation order and related documents **E+W**

- (1) This section applies when a court makes a youth rehabilitation order.
- (2) The court must forthwith provide copies of the order—
  - (a) to the offender,
  - (b) if the offender is aged under 14, to the offender's parent or guardian,
  - (c) to a member of a youth offending team assigned to the court or to an officer who is acting at the court and is an officer of a provider of probation services, and
  - (d) if the court does not act in the offender's home local justice area, to a provider of probation services operating in that area.
- (3) If the order imposes a requirement specified in column 1 of the following table, the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

<b>Requirement</b>	<b>Person to whom copy of requirement is to be given</b>
An activity requirement which comprises or includes a specified place obligation	The person in charge of each place specified under paragraph 3(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified activities obligation	The person in charge of each activity specified under paragraph 4(1)(b) of Schedule 6
An activity requirement which comprises or includes a specified residential exercise obligation	The person in charge of each place or activity specified under paragraph 5(1)(b) of Schedule 6
An attendance centre requirement	The officer in charge of the attendance centre specified under paragraph 14(2)(a) of Schedule 6
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender	The person intended to be protected
A residence requirement requiring residence with an individual	The individual specified under paragraph 22(2)(b) of Schedule 6

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A place of residence requirement (within the meaning of paragraph 22 of Schedule 6) relating to residence in an institution	The person in charge of the institution
A local authority residence requirement	The local authority specified under paragraph 24(3)(b) of Schedule 6
A mental health treatment requirement	The person in charge of the institution or place specified under sub-paragraph (3)(b)(i) or (ii) of paragraph 28 of Schedule 6, or the person specified under sub-paragraph (3)(b)(iii) of that paragraph
A drug treatment requirement	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
A drug testing requirement	The treatment director specified under paragraph 31(3)(b)(i) of Schedule 6
An intoxicating substance treatment requirement	The treatment director specified under paragraph 36(3)(b)(i) of Schedule 6
An education requirement	The relevant authority specified under paragraph 39(2)(a) of Schedule 6
An electronic monitoring requirement	Any person who by virtue of paragraph 42(1) of Schedule 6 will be responsible for the electronic monitoring  Any person without whose consent the requirement could not be included in the order.

- (4) If the court does not act in the offender's home local justice area, it must provide the magistrates' court acting in the offender's home local justice area with—
- (a) a copy of the order, and
  - (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.

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

**C3** Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

**Commencement Information**

**I18** S. 190 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

*Obligations of responsible officer and offender*

**191 The responsible officer** E+W

- (1) For the purposes of this Chapter, “the responsible officer”, in relation to an offender to whom a youth rehabilitation order relates, means the person identified in subsection (2), (3) or (4).

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- (2) If the order imposes the following requirements, and no other youth rehabilitation requirements—
  - (a) an electronic monitoring requirement, and
  - (b) a curfew requirement or an exclusion requirement (or both),the responsible officer is the person who under paragraph 42(1) of Schedule 6 is responsible for the electronic monitoring required by the order.
- (3) If the only youth rehabilitation requirement imposed by the order is an attendance centre requirement, the responsible officer is the officer in charge of the attendance centre specified in the order.
- (4) In any other case the responsible officer is the qualifying officer who, as respects the offender, is for the time being responsible for discharging the functions conferred by this Chapter on the responsible officer.
- (5) In subsection (4) “qualifying officer”, means—
  - (a) a member of a youth offending team established by a local authority specified in the order for the purposes of this section, or
  - (b) an officer of a provider of probation services acting in the offender's home local justice area.

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

**C3** Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); [S.I. 2020/1236](#), reg. 2)

#### **Commencement Information**

**I19** S. 191 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

## **192 Obligations of responsible officer** E+W

- (1) This section applies where a youth rehabilitation order is in force.

### *Functions of the responsible officer*

- (2) The responsible officer must—
  - (a) make any arrangements that are necessary in connection with the requirements imposed by the order,
  - (b) promote the offender's compliance with those requirements, and
  - (c) where appropriate, take steps to enforce those requirements.
- (3) But subsection (2) does not apply to a person who is a responsible officer by virtue of section 191(2) (person responsible for electronic monitoring).

### *Exercise of functions by responsible officer*

- (4) In giving instructions to the offender in pursuance of the order, the responsible officer must ensure, as far as practicable, that any instruction is such as to avoid—
  - (a) any conflict with the offender's religious beliefs,

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- (b) any interference with the times, if any, at which the offender normally works or attends school or any other educational establishment, and
- (c) any conflict with the requirements of any other court order to which the offender may be subject,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(5) Regulations under subsection (4) are subject to the negative resolution procedure.

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

**C3** Ss. 190-192 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 266(5), 270 (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

**I20** S. 192 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

**193 Duty of offender to keep in touch with responsible officer etc** E+W

- (1) This section applies where a youth rehabilitation order is in force.
- (2) The offender—
  - (a) must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time, and
  - (b) must notify the responsible officer of any change of address.
- (3) This obligation is enforceable as if it were a youth rehabilitation requirement of the youth rehabilitation order.

**Commencement Information**

**I21** S. 193 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

*Review*

**194 Power to provide for court review of youth rehabilitation orders** E+W

- (1) The Secretary of State may by regulations—
  - (a) enable or require a court making a youth rehabilitation order to provide for the order to be reviewed periodically by that or another court,
  - (b) enable a court to amend a youth rehabilitation order so as to include or remove a provision for review by a court, and
  - (c) make provision as to the timing and conduct of reviews and as to the powers of the court on a review.
- (2) Regulations under this section may, in particular, make provision in relation to youth rehabilitation orders corresponding to any provision made by sections 293 to 295 in relation to suspended sentence orders.

*Status: Point in time view as at 06/04/2022.*

*Changes to legislation: Sentencing Act 2020, PART 9 is up to date with all changes known to be in force on or before 06 October 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) Regulations under this section may repeal or amend any provision of this Chapter.

(4) Regulations under this section are subject to the affirmative resolution procedure.

**Commencement Information**

**I22** S. 194 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Breach, revocation or amendment of order*

**195 Breach, revocation or amendment of youth rehabilitation order** **E+W**

Schedule 7 makes provision about—

- (a) failures to comply with the requirements of youth rehabilitation orders, and
- (b) revocation and amendment of youth rehabilitation orders.

**Commencement Information**

**I23** S. 195 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Transferring order to Northern Ireland*

**196 Transfer of youth rehabilitation orders to Northern Ireland** **E+W+N.I.**

Schedule 8 makes provision about the transfer of youth rehabilitation orders to Northern Ireland.

**Commencement Information**

**I24** S. 196 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

*Youth rehabilitation orders: supplementary*

**197 Youth rehabilitation orders: interpretation** **E+W**

In this Chapter, except where the contrary intention appears—

“end date”, in relation to a youth rehabilitation order, means the date for the time being specified in the order under—

- (a) section 187 (youth rehabilitation order to specify end date),
- (b) paragraph 10(4) of Schedule 7 (power to substitute later end date on breach), or
- (c) paragraph 18(1) of that Schedule (extension of order);

“home local justice area”, in relation to a youth rehabilitation order, means the local justice area for the time being specified in the order under—

- (a) section 188, or
- (b) paragraph 15(2) of Schedule 7;

*Status: Point in time view as at 06/04/2022.*

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“the responsible officer”, in relation to an offender to whom a youth rehabilitation order relates, has the meaning given by section 191;

“youth rehabilitation requirement” has the meaning given by section 173.

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

**C4** S. 197 applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

**I25** S. 197 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

**198 When a youth rehabilitation order is in force** E+W

- (1) A youth rehabilitation order takes effect at the beginning of the day on which it is made.
- (2) But a court making a youth rehabilitation order may order that it is to take effect instead on a later date (and see, in particular, section 181(1)).
- (3) A youth rehabilitation order is in force for the period—
  - (a) beginning when it takes effect, and
  - (b) ending—
    - (i) with the end date, or
    - (ii) if later, when the offender has completed any unpaid work requirement imposed by the order.
- (4) But a youth rehabilitation order ceases to be in force when it is revoked.
- (5) An unpaid work requirement is completed when the offender has worked under it for the number of hours specified in the order.

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

**C5** S. 198(3)-(5) applied (with modifications) by 2008 c. 4, s. 39(6)(a), Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 266(5), **270** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

**I26** S. 198 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

**199 Youth rehabilitation orders: Isles of Scilly** E+W

- (1) This Chapter has effect in relation to the Isles of Scilly with such exceptions, adaptations and modifications as the Secretary of State may by regulations specify.
- (2) Regulations under this section are subject to the negative resolution procedure.



*Status: Point in time view as at 06/04/2022.*

*Changes to legislation: Sentencing Act 2020, PART 9 is up to date with all changes known to be in force on or before 06 October 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

**I27** S. 199 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

## CHAPTER 2 **E+W**

### COMMUNITY ORDERS

*What a community order is*

#### **200** Community order **E+W**

- (1) In this Code “community order” means an order imposing one or more community order requirements.
- (2) The community order requirements are listed in column 1 of the community order requirements table (see section 201).
- (3) Provision about each requirement is made by the Part of Schedule 9 mentioned in the corresponding entry in column 2 of that table.

### Commencement Information

**I28** S. 200 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

#### **201** Community order requirements table **E+W**

The community order requirements table referred to in sections 200, 206 and 208 is—

<i>Requirement</i>	<i>Part of Schedule 9 relating to requirement</i>	<i>Restrictions on availability</i>
unpaid work requirement	Part 1	
rehabilitation activity requirement	Part 2	
programme requirement	Part 3	
prohibited activity requirement	Part 4	
curfew requirement	Part 5	
exclusion requirement	Part 6	
residence requirement	Part 7	
foreign travel prohibition requirement	Part 8	
mental health treatment requirement	Part 9	
drug rehabilitation requirement	Part 10	
alcohol treatment requirement	Part 11	

*Status: Point in time view as at 06/04/2022.*

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alcohol abstinence and monitoring requirement	Part 12	section 207(1) or (2)
attendance centre requirement	Part 13	section 207(3)
electronic compliance monitoring requirement	Part 14	section 207(4)
electronic whereabouts monitoring requirement	Part 14	

#### Commencement Information

**I29** S. 201 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

#### *Availability*

### 202 Community order: availability **E+W**

- (1) A community order is available to a court by or before which an offender is convicted of an offence if—
- (a) the offender is aged 18 or over when convicted, and
  - (b) the offence is punishable with imprisonment by that court.
- (2) Subsection (1) is subject to—
- (a) subsection (3),
  - (b) section 203 (restriction on making both community order and suspended sentence order), and
  - (c) section 37(8) of the Mental Health Act 1983 (community order not to be made in combination with hospital order or guardianship order in respect of same offence).
- (3) A community order is not available in respect of an offence in relation to which a mandatory sentence requirement applies (see section 399).

But this is subject to section 74 and Chapter 4 of Part 12 (reduction of sentence for assistance to prosecution).

#### Commencement Information

**I30** S. 202 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 203 Restriction on making both community order and suspended sentence order **E+W**

A court may not make a community order in respect of an offence if it makes a suspended sentence order in respect of—

- (a) the offence,
- (b) any other offence of which the offender is convicted by or before it, or
- (c) any other offence for which it deals with the offender.

*Status: Point in time view as at 06/04/2022.*

*Changes to legislation: Sentencing Act 2020, PART 9 is up to date with all changes known to be in force on or before 06 October 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)

- C6** S. 203 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 7\(5\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C7** S. 203 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C8** S. 203 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 8](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

#### Commencement Information

- I31** S. 203 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

### *Exercise of power to make community order*

#### **204 Exercise of power to impose community order: general considerations** E+W

- (1) This section applies where a community order is available.
- (2) The court must not make a community order unless it is of the opinion that—
  - (a) the offence, or
  - (b) the combination of the offence and one or more offences associated with it, was serious enough to warrant the making of such an order.
- (3) In forming its opinion for the purposes of subsection (2), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.
- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.
- (5) The fact that, by virtue of subsection (2), the court may make a community order does not require it to do so.

#### Commencement Information

- I32** S. 204 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

#### **205 Community order: effect of remand in custody** E+W

- (1) In determining the restrictions on liberty to be imposed by a community order in respect of an offence, the court may have regard to any period for which the offender has been remanded in custody in connection with—
  - (a) the offence, or
  - (b) any other offence the charge for which was founded on the same facts or evidence.
- (2) For this purpose, a person is remanded in custody if—

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- (a) remanded in or committed to custody by order of a court,
  - (b) remanded to youth detention accommodation (see subsection (3)), or
  - (c) remanded, admitted or removed to hospital under section 35, 36, 38 or 48 of the Mental Health Act 1983.
- (3) The reference in subsection (2)(b) to being remanded to youth detention accommodation—
- (a) has the same meaning as in Chapter 3 of Part 3 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (remands of children otherwise than on bail): see, in particular, section 91 of that Act, but
  - (b) also includes a reference to being remanded or committed before 3 December 2012 to local authority accommodation under section 23 of the Children and Young Persons Act 1969 and—
    - (i) kept in secure accommodation (within the meaning of that section), or
    - (ii) detained in a secure training centre pursuant to arrangements under subsection (7A) of that section.

#### Commencement Information

**I33** S. 205 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

#### *Available requirements*

### 206 Community order: available requirements **E+W**

- (1) A court may not make a community order which imposes a community order requirement that is not an available requirement.
- (2) A community order requirement is an available requirement unless a provision mentioned in column 3 of the entry for that requirement in the community order requirements table (see section 201) provides otherwise.

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

- C9** S. 206 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C10** S. 206 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 7\(5\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C11** S. 206 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 8](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

#### Commencement Information

**I34** S. 206 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 207 Community order: availability of particular requirements **E+W**

#### *Alcohol abstinence and monitoring requirement*

*Status: Point in time view as at 06/04/2022.*

*Changes to legislation: Sentencing Act 2020, PART 9 is up to date with all changes known to be in force on or before 06 October 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)*

- (1) An alcohol abstinence and monitoring requirement is not an available requirement unless regulations are in force under paragraph 25(7)(c) of Schedule 9 (prescribed arrangements for monitoring).
- (2) An alcohol abstinence and monitoring requirement imposing a requirement within paragraph 25(1)(a)(ii) of Schedule 9 (alcohol level to be kept below specified level) is not an available requirement unless regulations are in force under 25(7)(b) of that Schedule (prescribed alcohol level).

*Attendance centre requirement*

- (3) An attendance centre requirement is not an available requirement unless the offender is aged under 25 when convicted of the offence.

*Electronic compliance monitoring requirement*

- (4) An electronic compliance monitoring requirement is not an available requirement in relation to a community order unless the community order imposes at least one other available requirement, other than—
  - (a) an alcohol abstinence and monitoring requirement;
  - (b) an electronic whereabouts monitoring requirement.

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

- C12** S. 207 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C13** S. 207(3) applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C14** S. 207(3) applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

- I35** S. 207 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

*Exercise of power to impose requirements*

**208 Community order: exercise of power to impose particular requirements** **E+W**

- (1) This section applies where a court makes a community order in respect of an offence.

*Restrictions and obligations relating to imposing particular requirements*

- (2) The power to impose a particular community order requirement is subject to the provisions of the Part of Schedule 9 relating to requirements of that kind (see column 2 of the table in section 201).

*Suitability of requirements*

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*Status: Point in time view as at 06/04/2022.*

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- (3) The particular community order requirement or community order requirements imposed by the order must, in the opinion of the court, be the most suitable for the offender.

This is subject to subsection (10).

- (4) The pre-sentence report requirements (see section 30) apply to the court in relation to forming any opinion on whether a particular requirement or combination of requirements is suitable for the offender.
- (5) In forming its opinion for the purposes of subsection (3) on which requirement or combination of requirements is most suitable for the offender, the court may take into account any information about the offender which is before it.

*Considerations of seriousness and punishment etc*

- (6) The restrictions on liberty imposed by the order must be such as are in the opinion of the court commensurate with the seriousness of—
- (a) the offence, or
  - (b) the combination of the offence and one or more offences associated with it.

This is subject to subsection (10).

- (7) In forming its opinion for the purposes of subsection (6), the court must take into account all the information that is available to it about the circumstances of the offence, or of it and the associated offence or offences, including any aggravating or mitigating factors.
- (8) The pre-sentence report requirements (see section 30) apply to the court in relation to forming that opinion.
- (9) The fact that, by virtue of subsection (6), particular restrictions on liberty may be imposed by a community order does not require the court to impose those restrictions.
- (10) The order must include at least one community order requirement imposed for the purpose of punishment.
- (11) Subsection (10) does not apply where—
- (a) the court also imposes a fine, or
  - (b) there are exceptional circumstances relating to the offence or to the offender which—
    - (i) would make it unjust in all the circumstances for the court to impose a requirement for the purpose of punishment in the particular case, and
    - (ii) would make it unjust in all the circumstances for the court to impose a fine for the offence concerned.

*Compatibility with other matters*

- (12) If the order imposes two or more different community order requirements, the court must, before making the order, consider whether, in the circumstances of the case, the requirements are compatible with each other.
- (13) The court must ensure, so far as practicable, that any community order requirement imposed by the order is such as to avoid—
- (a) any conflict with the offender's religious beliefs,

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- (b) any conflict with the requirements of any other court order to which the offender may be subject, and
- (c) any interference with the times, if any, at which the offender normally—
  - (i) works, or
  - (ii) attends any educational establishment,and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(14) Regulations under subsection (13) are subject to the negative resolution procedure.

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

- C15** S. 208(2) (10)-(14) applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 8](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#); S.I. 2020/1236, [reg. 2](#))
- C16** S. 208(2) (10)-(14) applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 7\(5\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#); S.I. 2020/1236, [reg. 2](#))
- C17** S. 208(2) (10)-(14) applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#); S.I. 2020/1236, [reg. 2](#))
- C18** S. 208(13) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 248\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))
- C19** S. 208(13) applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 241\(5\)](#), [249](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, [reg. 2](#))

#### **Commencement Information**

- I36** S. 208 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### *Making a community order*

#### **209 Community order to specify end date etc** E+W

- (1) A community order must specify a date (the “end date”) by which all the requirements in it must have been complied with.
- (2) The end date must not be more than 3 years after the date of the order.
- (3) If a community order imposes two or more different community order requirements—
  - (a) the order may also specify, for each of the requirements, a date by which the requirement must have been complied with;
  - (b) if it does so, the last of those dates must be the same as the end date.
- (4) Section 220 sets out the effect of the end date.

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

- C20** S. 209 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C21** S. 209 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 8](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C22** S. 209 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 7\(5\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

**Commencement Information**

- I37** S. 209 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

**210 Community order to specify offender's home local justice area** **E+W**

- (1) A community order must specify which local justice area is the offender's home local justice area.
- (2) The area specified must be the local justice area in which the offender resides or will reside.

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

- C23** S. 210 applied (with modifications) by 2003 c. 44, s. 300(6), [Sch. 31](#) (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 paras. 241\(5\), 249](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C24** S. 210 applied (with modifications) by 2003 c. 44, [Sch. 19A paras. 1-3](#) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 248\(2\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C25** S. 210 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)

**Commencement Information**

- I38** S. 210 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

**211 Power for Crown Court to direct magistrates' court supervision** **E+W**

Where the Crown Court makes a community order, it may include a direction that the order is to be subject to magistrates' court supervision.

**Commencement Information**

- I39** S. 211 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

**212 Provision of copies of community order and related documents** **E+W**

- (1) This section applies when a court makes a community order.



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- (2) The court must forthwith provide copies of the order—
- (a) to the offender,
  - (b) to the responsible officer,
  - (c) to an officer of a provider of probation services that is a public sector provider who is acting at the court, and
  - (d) if the court does not act in the offender's home local justice area, to a provider of probation services that is a public sector provider and is operating in that area.
- (3) If the order imposes any requirement specified in column 1 of the following table, the court must also forthwith provide the person specified in the corresponding entry in column 2 with a copy of so much of the order as relates to the requirement.

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<i>The requirement</i>	<i>The person to whom a copy must be provided</i>
An exclusion requirement imposed for the purpose (or partly for the purpose) of protecting a person from being approached by the offender	The person intended to be protected
A residence requirement relating to residence in an institution	The person in charge of the institution
A mental health treatment requirement	The person specified under paragraph 16(3)(b)(iii) of Schedule 9 or the person in charge of the institution or place specified under paragraph 16(3)(b)(i) or (ii) of that Schedule
A drug rehabilitation requirement	The person in charge of the institution or place specified under paragraph 19(5)(b) or (c) of Schedule 9
An alcohol treatment requirement	The person in charge of the institution or place specified under paragraph 23(5)(c) or (d) of Schedule 9 or, in the case of practitioner-based treatment, the person specified under paragraph 23(5)(a) of that Schedule
An electronic monitoring requirement	Any person who by virtue of paragraph 31(1) of Schedule 9 will be responsible for the electronic monitoring  Any person without whose consent the requirement could not be included in the order.

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- (4) If the court does not act in the offender's home local justice area, it must provide the magistrates' court acting in that area with—
- (a) a copy of the order, and
  - (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting in that area in the exercise of its functions in relation to the order.
- (5) In subsection (2) “public sector provider” means—
- (a) a probation trust or other public body, or
  - (b) the Secretary of State.

*Status: Point in time view as at 06/04/2022.*

*Changes to legislation: Sentencing Act 2020, PART 9 is up to date with all changes known to be in force on or before 06 October 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)

- C26** Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C27** S. 212(1)-(3) (5) applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)
- C28** S. 212(1)-(3) (5) applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)
- C29** S. 212(1)-(3) (5) applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2; S.I. 2020/1236, reg. 2)
- C30** S. 212(2)(a)(b)(3) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)

#### Commencement Information

- I40** S. 212 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

### *Obligations of responsible officer and offender*

#### 213 The responsible officer **E+W**

- (1) For the purposes of this Chapter, “the responsible officer”, in relation to an offender to whom a community order relates, means the person who is for the time being responsible for discharging the functions conferred by this Code on the responsible officer in accordance with arrangements made by the Secretary of State.
- (2) The responsible officer must be—
- (a) an officer of a provider of probation services, or
  - (b) a person responsible for monitoring the offender in accordance with an electronic monitoring requirement imposed by the community order.

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

- C26** Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C31** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C32** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C33** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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### Commencement Information

**I41** S. 213 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

## 214 Obligations of responsible officer **E+W**

(1) This section applies where a community order is in force.

### *Functions of the responsible officer*

(2) The responsible officer must—

- (a) make any arrangements that are necessary in connection with the requirements imposed by the order, and
- (b) promote the offender's compliance with those requirements.

(3) This is subject to paragraph 16(6) of Schedule 9 (in-patient treatment under mental health treatment requirement).

### *Exercise of functions by responsible officer*

(4) The responsible officer must ensure, as far as practicable, that any instruction given by the responsible officer is such as to avoid—

- (a) any conflict with the offender's religious beliefs,
- (b) any conflict with the requirements of any other court order to which the offender may be subject, and
- (c) any interference with the times, if any, at which the offender normally—
  - (i) works, or
  - (ii) attends any educational establishment,

and satisfies any additional restrictions that the Secretary of State may specify in regulations.

(5) Regulations under subsection (4) are subject to the negative resolution procedure.

### Modifications etc. (not altering text)

**C26** Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); [S.I. 2020/1236, reg. 2](#))

**C31** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); [S.I. 2020/1236, reg. 2](#))

**C32** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); [S.I. 2020/1236, reg. 2](#))

**C33** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); [S.I. 2020/1236, reg. 2](#))

**C34** S. 214(4) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); [S.I. 2020/1236, reg. 2](#))

**C35** S. 214(4) extended by 2003 c. 44, Sch. 19A para. 4 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 248(2)** (with Sch. 24 para. 447, Sch. 27); [S.I. 2020/1236, reg. 2](#))

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#### Commencement Information

**I42** S. 214 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 215 Duty of offender to keep in touch with responsible officer **E+W**

- (1) This section applies where a community order is in force.
- (2) The offender must keep in touch with the responsible officer in accordance with any instructions the responsible officer may give the offender from time to time.
- (3) This obligation is enforceable as if it were a community order requirement of the community order.

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

- C26** Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 paras. 241\(5\), 249](#) (with [Sch. 24 para. 447, Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C31** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 7\(5\)](#) (with [s. 416\(7\), Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C32** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 3\(3\)](#) (with [s. 416\(7\), Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C33** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 8](#) (with [s. 416\(7\), Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

#### Commencement Information

**I43** S. 215 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### 216 Duty of offender to obtain permission before changing residence **E+W**

- (1) This section applies where a community order—
  - (a) is in force, and
  - (b) does not include a residence requirement imposed under paragraph 13 of Schedule 9.
- (2) The offender must not change residence except with permission given in accordance with this section by—
  - (a) the responsible officer, or
  - (b) a court.
- (3) This obligation has effect as if it were a community order requirement of the community order.
- (4) The appropriate court may, on an application made by the offender, give permission in a case in which the responsible officer has refused.

For this purpose, “appropriate court” has the same meaning as in Schedule 10 (see paragraph 1 of that Schedule).

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- (5) A court may also give permission in any proceedings before it under Schedule 10 (breach or amendment of order etc).
- (6) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—
  - (a) is likely to prevent the offender complying with a requirement imposed by the community order, or
  - (b) would hinder the offender's rehabilitation.
- (7) The responsible officer must refuse an application for permission if—
  - (a) the offender's present residence is in England or Wales, and
  - (b) the offender's proposed residence is outside England and Wales.
- (8) For cases in which a community order has to be amended because of permission given under this section, see paragraph 16 of Schedule 10 (amendment to reflect change in local justice area).

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

- C26** Ss. 212-216 applied (with modifications) by 2003 c. 44, s. 300(6), Sch. 31 (as amended (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 paras. 241(5), **249** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2)
- C31** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C32** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)
- C33** Ss. 213-216 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

#### **Commencement Information**

- I44** S. 216 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

### *Review*

## **217 Power to provide for court review of community orders** **E+W**

- (1) The Secretary of State may by regulations—
  - (a) enable or require a court making a community order to provide for the community order to be reviewed periodically by that or another court,
  - (b) enable a court to amend a community order so as to include or remove a provision for review by a court, and
  - (c) make provision as to the timing and conduct of reviews and as to the powers of the court on a review.
- (2) Regulations under this section may, in particular, make provision in relation to community orders corresponding to any provision made by sections 293 to 295 in relation to suspended sentence orders.

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- (3) Regulations under this section may repeal or amend any provision of this Chapter.
- (4) Regulations under this section are subject to the affirmative resolution procedure.

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

**C36** S. 217 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

**I45** S. 217 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

*Breach, revocation or amendment of community order*

**218 Breach, revocation or amendment of community order** **E+W**

Schedule 10 makes provision about—

- (a) failures to comply with the requirements of community orders;
- (b) revocation of community orders;
- (c) amendment of community orders.

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

**C37** S. 218 applied by 2006 c. 52, s. 178(2) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

**C38** S. 218 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 7(5)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

**C39** S. 218 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 8** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

**Commencement Information**

**I46** S. 218 in force at 1.12.2020 by S.I. 2020/1236, **reg. 2**

*Transferring order to Scotland or Northern Ireland*

**219 Transfer of community orders to Scotland or Northern Ireland** **U.K.**

Schedule 11 makes provision about transfers of community orders to Scotland or Northern Ireland.

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

**C40** S. 219 applied (with modifications) by 2006 c. 52, s. 178(2)(3) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 3(3)** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

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#### Commencement Information

**I47** S. 219 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

### *Community orders: supplementary*

#### **220 When a community order ceases to be in force** **E+W**

- (1) A community order ceases to be in force—
  - (a) at the end of the end date (see section 209), or
  - (b) if later, when the offender has completed any unpaid work requirement imposed by the order.
- (2) But a community order ceases to be in force when it is revoked.
- (3) An unpaid work requirement is completed when the offender has worked under it for the number of hours specified in the order.

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

- C41** S. 220 applied (with modifications) by 2006 c. 52, s. 182(3)-(5) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 7\(5\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C42** S. 220 applied (with modifications) by 2006 c. 52, s. 183 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 8](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C43** S. 220 applied (with modifications) by 2006 c. 52, s. 178(2)-(4) (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 25 para. 3\(3\)](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))
- C44** S. 220(1)(b)(2)(3) applied (with modifications) by 2003 c. 44, Sch. 19A paras. 1-3 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 248\(2\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

#### Commencement Information

**I48** S. 220 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

**Status:**

Point in time view as at 06/04/2022.

**Changes to legislation:**

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