

Status: Point in time view as at 30/04/2021.

Changes to legislation: Sentencing Act 2020, PART 2 is up to date with all changes known to be in force on or before 18 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 11 **U.K.**

TRANSFER OF COMMUNITY ORDERS TO SCOTLAND OR NORTHERN IRELAND

Modifications etc. (not altering text)

- C1** Sch. 11 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)
- C1** Sch. 11 modified by 2006 c. 52, s. 180 (as substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 25 para. 5** (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2)
- C1** Sch. 11 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)

PART 2 **U.K.**

NORTHERN IRELAND

Making of community order where offender will reside in Northern Ireland

- 7 (1) This paragraph applies where—
- (a) a community order is available to a court dealing with an offender, and
 - (b) the court is satisfied that the offender—
 - (i) resides in Northern Ireland, or
 - (ii) if a community order is made, will reside there when the order comes into force.
- (2) The court may make a community order only if—
- (a) it appears to the court that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland, and
 - (b) paragraphs 10 to 12 will be satisfied in relation to the order.

Commencement Information

- II** Sch. 11 para. 7 in force at 1.12.2020 by [S.I. 2020/1236](#), reg. 2

Amendment of community order where offender will reside in Northern Ireland

- 8 (1) This paragraph applies where—
- (a) a community order is in force,
 - (b) the appropriate court (within the meaning of Schedule 10) is satisfied that the offender—

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- (i) resides in Northern Ireland, or
 - (ii) proposes to reside there, and
 - (c) it appears to the court that suitable arrangements for the offender's supervision can be made by the Probation Board for Northern Ireland.
- (2) The power of the appropriate court to amend the order under Part 4 of Schedule 10 (“the amendment power”) includes power to amend the order by requiring—
- (a) the order to be complied with in Northern Ireland, and
 - (b) the offender to be supervised in accordance with the arrangements referred to in sub-paragraph (1)(c).
- (3) But the appropriate court may exercise the amendment power in that way only if the order (as amended) will satisfy paragraphs 10 to 12.

Commencement Information

I2 Sch. 11 para. 8 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

Requirements: availability and restrictions

- 9 Paragraphs 10 to 12 apply where a court makes or amends a community order in accordance with this Part of this Schedule.

Commencement Information

I3 Sch. 11 para. 9 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

- 10 The order must not impose an alcohol abstinence and monitoring requirement.

Commencement Information

I4 Sch. 11 para. 10 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

- 11 The order must not impose an electronic whereabouts monitoring requirement unless it appears to the court that—
- (a) any necessary provision can be made in the offender's case under arrangements that exist for persons resident in Northern Ireland, and
 - (b) arrangements are generally operational throughout Northern Ireland (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.

Commencement Information

I5 Sch. 11 para. 11 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

- 12 (1) The order must not impose a locally based requirement unless it appears to the court that—
- (a) arrangements exist for persons to comply with such a requirement in Northern Ireland, and

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- (b) provision can be made for the offender to comply with the requirement under those arrangements.
- (2) For the purposes of this paragraph, “locally based requirement” means any of the following—
- (a) an unpaid work requirement;
 - (b) a rehabilitation activity requirement;
 - (c) a programme requirement;
 - (d) a mental health treatment requirement;
 - (e) a drug rehabilitation requirement;
 - (f) an alcohol treatment requirement;
 - (g) an attendance centre requirement;
 - (h) an electronic compliance monitoring requirement.

Commencement Information

I6 Sch. 11 para. 12 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Further provision where offender resides or will reside in Northern Ireland

- 13 Where a court makes or amends a community order in accordance with this Part of this Schedule, Schedule 9 (requirements) has effect as if—
- (a) any reference to the responsible officer were a reference to the probation officer concerned;
 - (b) the following provisions were omitted—
 - (i) paragraph 13(3) (residence requirement: hostel or institution not to be specified except on recommendation);
 - (ii) paragraph 31(2) (responsible person to be of prescribed description);
 - (iii) paragraphs 34 and 35 (electronic requirements not to be imposed unless Secretary of State has notified arrangements etc);
 - (c) in paragraph 16 (mental health treatment requirement), in subparagraph (2), for the definition of “in-patient treatment” there were substituted—

““in-patient treatment” means treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972, approved by the Department of Health for the purposes of paragraph 4(3) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24));”;
 - (d) in Part 13 of that Schedule (attendance centre requirement), any reference to an attendance centre were to a day centre, as defined by paragraph 3(6) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)).

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I7 Sch. 11 para. 13 in force at 1.12.2020 by [S.I. 2020/1236](#), **reg. 2**

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