

Status: Point in time view as at 28/06/2022.

Changes to legislation: Sentencing Act 2020, Cross Heading: Offender before magistrates' court: breach of community requirement is up to date with all changes known to be in force on or before 20 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 16

BREACH OR AMENDMENT OF SUSPENDED SENTENCE ORDER, AND EFFECT OF FURTHER CONVICTION

Modifications etc. (not altering text)

- C1** Sch. 16 applied (with modifications) by 2006 c. 52, s. 200, Sch. 7 (as amended (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), Sch. 25 paras. 19, 26 (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2)

PART 2

BREACH OF COMMUNITY REQUIREMENT OR CONVICTION OF FURTHER OFFENCE

Offender before magistrates' court: breach of community requirement

- 10 (1) This paragraph applies where—
- (a) the offender is before a magistrates' court (“the present court”) in relation to a suspended sentence order by virtue of—
 - (i) paragraph 8 [F¹ or 9A] (breach of community requirement), or
 - (ii) section 294(5) (review), and
 - (b) it is proved to the satisfaction of the court that the offender has breached a community requirement of the order without reasonable excuse.
- (2) If the suspended sentence order was made by a magistrates' court, the present court must deal with the case under paragraph 13.
- (3) If the suspended sentence order was made by the Crown Court, the present court must—
- (a) deal with the case under paragraph 13, or
 - (b) commit the offender to custody or release the offender on bail until the offender can be brought or appear before the Crown Court.
- (4) If the present court deals with the case under sub-paragraph (3)(b), it must send the Crown Court—
- (a) a certificate signed by a justice of the peace certifying that the offender has breached the community requirements of the suspended sentence 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 breach before the Crown Court.

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Textual Amendments

- F1** Words in [Sch. 16 para. 10\(1\)\(a\)\(i\)](#) inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), s. 208(5)(r), [Sch. 14 para. 13\(4\)](#)
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Commencement Information

- I1** Sch. 16 para. 10 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

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