

Status: Point in time view as at 01/12/2020.

Changes to legislation: Sentencing Act 2020, Paragraph 248 is up to date with all changes known to be in force on or before 05 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)

SCHEDULES

SCHEDULE 24 **E+W**

CONSEQUENTIAL AMENDMENTS

PART 1 **E+W**

ACTS OF PARLIAMENT

Criminal Justice Act 2003 (c. 44)

- 248 (1) Schedule 19A to the CJA 2003 is amended as follows.
(2) For Part 1 substitute—

“PART 1 **E+W**

REQUIREMENTS ETC

Application of provisions of the Sentencing Code

- 1 The provisions of the Sentencing Code listed in paragraph 2 apply in relation to a supervision default order as they apply in relation to a community order but with the modifications listed in paragraph 3.
- 2 Those provisions are—
 - (a) sections 208(13) and 214(4) (requirement to avoid conflict with religious beliefs);
 - (b) section 210 (local justice area to be specified in order);
 - (c) section 212(2)(a) and (b) and (3) (provision of copies);
 - (d) section 220(1)(b), (2) and (3) (completion of unpaid work requirement);
 - (e) section 395 (data from electronic monitoring: code of practice);
 - (f) paragraphs 1(1), 2(1) and 3 of Schedule 9 (unpaid work requirement);
 - (g) paragraph 34(1) and (2) of that Schedule (availability of arrangements in local area);
 - (h) paragraphs 9(1) to (4) and 10(1) and (2) of that Schedule (curfew requirement);
 - (i) paragraphs 29(1) and 31 to 33 of that Schedule (electronic monitoring requirement).
- 3 (1) The modifications mentioned in paragraph 1 are as follows.

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- (2) Section 212(2)(b) applies as if the reference to the responsible officer were to the supervisor.
- (3) Section 214(4) applies as if the reference to the responsible officer were to the supervisor.
- (4) Paragraph 1(1) of Schedule 9 applies—
 - (a) as if the reference to the responsible officer were to the supervisor, and
 - (b) as if, in paragraph (b), for “during a period of 12 months” there were substituted “ before the end of the supervision period. ”
- (5) Paragraph 2(1) of that Schedule applies as if for sub-paragraphs (i) and (ii) of paragraph (b) (limit on number of hours of unpaid work) there were substituted—
 - “(i) not less than 20 hours, and
 - (ii) not more than 60 hours.”
- (6) Paragraph 9 of that Schedule applies as if for sub-paragraph (4) there were substituted—
 - “(4) The order—
 - (a) may not specify periods which amount to less than 2 hours or more than 16 hours in any day,
 - (b) may not specify periods which fall outside the supervision period, and
 - (c) must require the person to remain at the specified place or places on at least 20 days.”
- (7) Paragraph 29(1) of that Schedule applies as if paragraph (b) were omitted.
- (8) Paragraph 32 of that Schedule applies as if the references to the responsible officer were to the supervisor.

Powers of Secretary of State in relation to provisions of the Sentencing Code

- 4 The Secretary of State's power to make regulations under subsection (4) of section 214 of the Sentencing Code (requirement to avoid conflict with religious beliefs etc) includes power to provide for that subsection, as applied by this Schedule, to have effect with additional restrictions specified in the regulations.
- 5 (1) The Secretary of State's power to make rules under section 394 of the Sentencing Code (rules regulating the supervision of persons subject to community orders etc) may be exercised in relation to persons subject to supervision default orders.
 - (2) For the purpose of sub-paragraph (1), section 394(1)(b) of the Sentencing Code has effect as if the reference to responsible officers were to supervisors.
- 6 The Secretary of State may by regulations amend paragraph 3(5) or (6) by changing the number of hours or days for the time being specified there.”
- (3) In paragraph 10(2)(b), for “section 199(2) or 204(2)” substitute “ paragraph 2(1) or 9(4) of Schedule 9 to the Sentencing Code ”.

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Commencement Information

II Sch. 24 para. 248 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

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