

SCHEDULES

SCHEDULE 5

BREACH, REVOCATION AND AMENDMENT OF REPARATION ORDER

PART 3

SUPPLEMENTARY

Issue of summons or warrant

- 6 (1) This paragraph applies where an application is made under paragraph 1 or 5.
- (2) For the purpose of securing the attendance of the offender before it, the court to which the application is made may issue a summons.
- (3) If—
- (a) the offender fails to appear in court in answer to the summons, and
 - (b) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed by rules of court, that the summons—
 - (i) could not be served, or
 - (ii) was served on the offender within what appears to the court to be a reasonable time before the hearing,
- the court may issue a warrant.
- (4) This paragraph does not affect any other power to issue a summons or warrant.

Warrants

- 7 (1) This paragraph applies where an offender—
- (a) is arrested under a warrant issued under paragraph 6, and
 - (b) cannot immediately be brought before the court before which the warrant directs the offender to be brought (“the relevant court”).
- (2) The person in whose custody the offender is—
- (a) may arrange for the offender to be detained in a place of safety for a period of not more than 72 hours from the time of the arrest, and
 - (b) must, within that period, bring the offender before a youth court.
- (3) A person detained in accordance with arrangements under sub-paragraph (2)(a) is deemed to be lawfully detained.
- 8 (1) Where the court before which the offender is brought under paragraph 7(2) (“the alternative court”) is not the relevant court, the alternative court may—
- (a) direct that the offender be released forthwith, or
 - (b) remand the offender.

Status: This is the original version (as it was originally enacted).

- (2) If the offender is aged under 18, the power in sub-paragraph (1)(b) is a power to remand the offender to accommodation provided by or on behalf of a local authority.
- (3) Where a court remands an offender under this paragraph to accommodation provided by or on behalf of a local authority, it must designate the local authority which is to receive the offender.
- (4) The designated authority must be—
 - (a) the local authority for the area in which the offender resides, or
 - (b) if it appears to the court that the offender does not reside in the area of a local authority, must be a local authority in whose area the offence or an associated offence was committed.

Power to adjourn hearing and remand offender

- 9
- (1) This paragraph applies to any hearing relating to an offender held by a youth court in any proceedings under this Schedule.
 - (2) The court may adjourn the hearing.
 - (3) Where it adjourns the hearing under sub-paragraph (2), it may—
 - (a) direct that the offender be released forthwith, or
 - (b) remand the offender.
 - (4) Where the court remands the offender under sub-paragraph (3)—
 - (a) it must fix the time and place at which the hearing is to be resumed, and
 - (b) that time and place must be the time and place at which the offender is required to appear or be brought before the court by virtue of the remand.
 - (5) Where the court adjourns the hearing under sub-paragraph (2) but does not remand the offender—
 - (a) it may fix the time and place at which the hearing is to be resumed, but
 - (b) if it does not do so, it must not resume the hearing unless it is satisfied that the following persons have had adequate notice of the time and place for the resumed hearing—
 - (i) the offender,
 - (ii) if the offender is aged under 14, a parent or guardian of the offender, and
 - (iii) the responsible officer.
 - (6) The powers of a youth court under this paragraph may be exercised by a single justice of the peace, notwithstanding anything in the Magistrates' Courts Act 1980.
 - (7) This paragraph—
 - (a) applies to any hearing in any proceedings under this Schedule in place of section 10 of the Magistrates' Courts Act 1980 (adjournment of trial) where that section would otherwise apply, but
 - (b) is not to be taken to affect the application of that section to hearings of any other description.

Appeals

- 10 The offender may appeal to the Crown Court against—

- (a) any order made under paragraph 2(1) (order made by appropriate court on breach of reparation order),
- (b) any order made under paragraph 5(4)(b) (amendment of order), other than an order which only does one or more of the following—
 - (i) cancels a requirement included in the order,
 - (ii) substitutes a new local justice area for the offender’s home local justice area specified in the order, or
 - (iii) changes the responsible officer, or
- (c) the dismissal of an application under paragraph 5 to revoke a reparation order.