

SCHEDULES

SCHEDULE 7

BREACH, REVOCATION OR AMENDMENT OF YOUTH REHABILITATION ORDER

PART 6

SUPPLEMENTARY

Warrants

- 24 (1) Sub-paragraph (2) applies where an offender—
- (a) is arrested under a warrant issued by virtue of this Schedule, 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 or, if the offender is aged 18 or over, a magistrates’ court other than a youth court.
- (3) In the case of a warrant issued by the Crown Court, section 81(5) of the Senior Courts Act 1981 (duty to bring person before magistrates’ court) does not apply.
- (4) A person detained in accordance with arrangements under sub-paragraph (2)(a) is deemed to be lawfully detained.
- 25 (1) This paragraph applies where the court before which the offender is brought under paragraph 24(2) (“the alternative court”) is not the relevant court.
- (2) If the relevant court is a magistrates’ court—
- (a) the alternative court may—
 - (i) direct that the offender be released forthwith, or
 - (ii) remand the offender, and
 - (b) section 128 of the Magistrates’ Courts Act 1980 (remand in custody or on bail) applies as if the court referred to in subsections (1)(a), (3), (4)(a) and (5) were the relevant court.
- (3) If the relevant court is the Crown Court, section 43A of the Magistrates’ Courts Act 1980 (functions of magistrates’ court where a person in custody is brought before it with a view to appearance before the Crown Court) applies as if, in subsection (1)—
- (a) the words “issued by the Crown Court” were omitted, and
 - (b) the reference to section 81(5) of the Senior Courts Act 1981 were a reference to paragraph 24(2)(b).

Status: This is the original version (as it was originally enacted).

- (4) If the offender is aged under 18, any power conferred by section 43A or 128 of the Magistrates' Courts Act 1980 to remand the offender in custody is to be taken to be a power to remand the offender to accommodation provided by or on behalf of a local authority.
- (5) If the court remands the offender to accommodation provided by or on behalf of a local authority, it must designate, as the authority which is to receive the offender, the local authority for the area in which it appears to the court that the offender resides.
- (6) In this paragraph "relevant court" has the same meaning as in paragraph 24.

Adjournment of proceedings

- 26 (1) This paragraph applies to any hearing relating to an offender held by a youth court or other magistrates' court in any proceedings under this Schedule.
- (2) The court may adjourn the hearing.
 - (3) Where the court 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) the remand must require the offender to be brought before the court at that time and place.
 - (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, must not resume the hearing unless it is satisfied that the following persons have had adequate notice of the time and place of 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 magistrates' 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.

Provision of copies of orders etc

- 27 (1) This paragraph applies on the making of an order by a court under this Schedule revoking or amending a youth rehabilitation order.

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

- (2) The court must forthwith provide copies of the revoking or amending order to—
- (a) the offender,
 - (b) if the offender is aged under 14, to the offender’s parent or guardian, and
 - (c) the responsible officer.
- (3) In the case of an amending order which substitutes a new local justice area as the offender’s home local justice area, the court must also forthwith provide a copy of the amending order to—
- (a) a provider of probation services operating in that area, and
 - (b) the magistrates’ court acting in that area.
- (4) If the court amends the youth rehabilitation order by imposing or cancelling a requirement specified in column 1 of the table in sub-paragraph (6), it must also forthwith provide the person specified for that requirement in column 2 with a copy of so much of the amending order as relates to that requirement.
- (5) If the court revokes the youth rehabilitation order, for each requirement specified in column 1 of that table that the order imposed, the court must forthwith provide the person specified for that requirement in column 2 of that table with a copy of the revoking order.
- (6) That table is—

<i>Requirement</i>	<i>Person to whom copy of requirement is to be given</i>
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
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

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

<i>Requirement</i>	<i>Person to whom copy of requirement is to be given</i>
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 31(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.

- (7) If the youth rehabilitation order is revoked by a magistrates' court acting in a local justice area other than the offender's home local justice area, the court must forthwith provide a copy of the revoking order to a magistrates' court acting in the offender's home local justice area.
- (8) Where under sub-paragraph (3) the court provides a copy of an amending order to a magistrates' court acting in a different area, it must also provide that court with 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.