

SCHEDULES

SCHEDULE 14

COMMUNITY AND SUSPENDED SENTENCE ORDERS: SPECIAL PROCEDURES RELATING TO REVIEW AND BREACH

PART 1

AMENDMENTS TO THE SENTENCING CODE

Review of community orders

5 After section 217 insert—

“217A Review of community order qualifying for special procedures

- (1) A community order that—
 - (a) imposes one or more community order requirements, and
 - (b) qualifies for special procedures for the purposes of this section, may make provision for the order to be reviewed periodically (“provision for review”).
- (2) Where a community order contains provision for review under this section, it must—
 - (a) specify the intervals at which the order is to be reviewed,
 - (b) provide for each review to be made, subject to section 217B, at a hearing held for the purpose by the responsible court (a “review hearing”),
 - (c) require the offender to attend each review hearing, and
 - (d) provide for a report by an officer of a provider of probation services on the offender’s progress in complying with the community order requirements of the order (a “progress report”) to be made to the responsible court before each review.
- (3) In this section “the responsible court”, in relation to a community order, means the court by which the order is made.
- (4) For more about community orders that qualify for special procedures, see section 395A.

217B Powers on review

- (1) This section applies where a review hearing is held on a review of a community order by virtue of section 217A.
- (2) The court may, after considering the progress report, amend—

Status: This is the original version (as it was originally enacted).

- (a) the community order requirements of the order, or
 - (b) any provision of the order which relates to those requirements.
- (3) But the court—
- (a) may not amend the community order requirements of the order so as to impose a requirement of a different kind unless the offender expresses willingness to comply with that requirement,
 - (b) may not amend—
 - (i) a mental health treatment requirement,
 - (ii) a drug rehabilitation requirement, or
 - (iii) an alcohol treatment requirement,
unless the offender expresses willingness to comply with the requirement as amended, and
 - (c) except with the consent of the offender, may not amend the order while an appeal against the order is pending.
- (4) For the purposes of subsection (3)(a)—
- (a) a community order requirement of a kind within any entry in the table in section 201 is of the same kind as any other community requirement within that entry, and
 - (b) an electronic compliance monitoring requirement is a requirement of the same kind as any requirement within that table to which it relates.
- (5) If the court is of the opinion that the offender has without reasonable excuse breached a community order requirement of the order, the court may adjourn the hearing so that the court can deal with the case forthwith under paragraph 10 or 11 of Schedule 10 (powers of court to deal with offender on breach of requirement).
- (6) For some powers available where the court is of the opinion referred to in subsection (5) but does not deal with the case forthwith, see paragraph 9A of Schedule 10.
- (7) In this section—
- “review hearing”, and
 - “progress report”,
- have the same meanings as in section 217A.

217C Alteration of review arrangements

- (1) Subsections (2) and (3) apply where a court—
- (a) considers the progress report relating to a review under section 217A (the “current review”), and
 - (b) forms the opinion that the offender’s progress in complying with the community order requirements of the community order is satisfactory.
- (2) If the court forms that opinion before a review hearing is held at the current review—
- (a) it may order that no review hearing is to be held at the current review, and

- (b) it may amend the community order so as to provide for each subsequent review to be held without a review hearing.
- (3) If a review hearing is held at the current review, the court may at the hearing amend the community order so as to provide for each subsequent review to be held without a review hearing.
- (4) If at a review held without a review hearing the court—
 - (a) considers the progress report, and
 - (b) forms the opinion that the offender’s progress under the order is no longer satisfactory,it may require the offender to attend a hearing of the court at a specified time and place.
- (5) At a review hearing the court may amend the community order so as to vary the intervals specified under section 217A(2)(a).
- (6) The functions of a court under this section that are exercisable in relation to a review without a hearing are to be exercised—
 - (a) where the court is the Crown Court, by a judge of the court, and
 - (b) where the court is a magistrates’ court, by a justice of the peace.
- (7) In this section—
 - “review hearing”, and
 - “progress report”,have the same meanings as in section 217A.”