
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 32

**BREACH, REVOCATION AND AMENDMENT
OF COMMUNITY AND OTHER ORDERS**

Contents of this Part

When this Part applies	rule 32.1
Application by responsible officer or supervisor	rule 32.2
Application by defendant or person affected	rule 32.3
Procedure on application by responsible officer or supervisor	rule 32.4

When this Part applies

32.1. This Part applies where—

- [^{F1}(a) the person responsible for a defendant's compliance with an order to which applies—
- (i) Schedule 5, 7, 10 or 16 to the Sentencing Act 2020, or
 - (ii) the Schedule to the Street Offences Act 1959 (1)
wants the court to deal with that defendant for failure to comply;]
- (b) one of the following wants the court to exercise any power it has to revoke or amend such an order—
- (i) the responsible officer or supervisor,
 - (ii) the defendant, or
 - (iii) where the legislation allows, a person affected by the order; or
- (c) the court considers exercising on its own initiative any power it has to revoke or amend such an order.

[^{F2}Note. In the Sentencing Act 2020—

- (a) *Schedule 5 deals with the breach, revocation and amendment of reparation orders;*
- (b) *Schedule 7 deals with the breach, revocation and amendment of youth rehabilitation orders;*
- (c) *Schedule 10 deals with the breach, revocation and amendment of community orders; and*

(1) 1959 c. 57; Schedule: Orders under section 1(2A) was inserted by section 17(1) and (4) of the Policing and Crime Act 2009 (c. 26).

Status: Point in time view as at 04/10/2021.

*Changes to legislation: There are currently no known outstanding effects for the
The Criminal Procedure Rules 2020, PART 32. (See end of Document for details)*

- (d) *Schedule 16 deals with the breach or amendment of suspended sentence orders, and the effect of a further conviction.]*

Textual Amendments

- F1** Rule 32.1(a) substituted (8.2.2021) by [The Criminal Procedure \(Amendment\) Rules 2021 \(S.I. 2021/40\)](#), rules 2, **18(a)**
- F2** Words in rule 32.1 substituted (8.2.2021) by [The Criminal Procedure \(Amendment\) Rules 2021 \(S.I. 2021/40\)](#), rules 2, **18(b)**

Commencement Information

- I1** Rule 32.1 in force at 5.10.2020, see Preamble

Application by responsible officer or supervisor

32.2.—(1) This rule applies where—

- (a) the responsible officer or supervisor wants the court to—
- (i) deal with a defendant for failure to comply with an order to which this Part applies, or
 - (ii) revoke or amend such an order; or
- (b) the court considers exercising on its own initiative any power it has to—
- (i) revoke or amend such an order, and
 - (ii) summon the defendant to attend for that purpose.

(2) Rules 7.2 to 7.4, which deal, among other things, with starting a prosecution in a magistrates' court, apply—

- (a) as if—
- (i) a reference in those rules to an allegation of an offence included a reference to an allegation of failure to comply with an order to which this Part applies, and
 - (ii) a reference to the prosecutor included a reference to the responsible officer or supervisor; and
- (b) with the necessary consequential modifications.

Commencement Information

- I2** Rule 32.2 in force at 5.10.2020, see Preamble

Application by defendant or person affected

32.3.—(1) This rule applies where—

- (a) the defendant wants the court to exercise any power it has to revoke or amend an order to which this Part applies; or
- (b) where the legislation allows, a person affected by such an order wants the court to exercise any such power.

(2) That defendant, or person affected, must—

- (a) apply in writing, explaining why the order should be revoked or amended; and
- (b) serve the application on—
- (i) the court officer,

- (ii) the responsible officer or supervisor, and
- (iii) as appropriate, the defendant or the person affected.

Commencement Information

I3 Rule 32.3 in force at 5.10.2020, see Preamble

Procedure on application by responsible officer or supervisor

32.4.—(1) Except for rules 24.8 (Written guilty plea: special rules) and 24.9 (Single justice procedure: special rules), the rules in Part 24, which deal with the procedure at a trial in a magistrates' court, apply—

(a) as if—

- (i) a reference in those rules to an allegation of an offence included a reference to an allegation of failure to comply with an order to which this Part applies,
- (ii) a reference to the court's verdict included a reference to the court's decision to revoke or amend such an order, or to exercise any other power it has to deal with the defendant, and
- (iii) a reference to the court's sentence included a reference to the exercise of any such power; and

(b) with the necessary consequential modifications.

(2) The court officer must serve on each party any order revoking or amending an order to which this Part applies.

Commencement Information

I4 Rule 32.4 in force at 5.10.2020, see Preamble

Status:

Point in time view as at 04/10/2021.

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, PART 32.