

## SCHEDULES

### SCHEDULE 4

#### YOUTH REHABILITATION ORDERS: CONSEQUENTIAL AND RELATED AMENDMENTS

##### PART 1

##### CONSEQUENTIAL AMENDMENTS

##### *Children and Young Persons Act 1933 (c. 12)*

- 1 The Children and Young Persons Act 1933 has effect subject to the following amendments.
- 2 (1) Section 34 (attendance at court of parent of child or young person charged with an offence, etc.) is amended as follows.
  - (2) In subsection (7), omit “section 163 of the Powers of Criminal Courts (Sentencing) Act 2000 or”.
  - (3) After subsection (7A) insert—

“(7B) If it appears that at the time of his arrest a youth rehabilitation order, as defined in Part 1 of the Criminal Justice and Immigration Act 2008, is in force in respect of him, the responsible officer, as defined in section 4 of that Act, shall also be informed as described in subsection (3) above as soon as it is reasonably practicable to do so.”
- 3 (1) Section 49 (restrictions on reports of proceedings in which children or young persons are concerned) is amended as follows.
  - (2) In subsection (2), for paragraphs (c) and (d) substitute—
    - “(c) proceedings in a magistrates' court under Schedule 2 to the Criminal Justice and Immigration Act 2008 (proceedings for breach, revocation or amendment of youth rehabilitation orders);
    - (d) proceedings on appeal from a magistrates' court arising out of any proceedings mentioned in paragraph (c) (including proceedings by way of case stated).”
  - (3) In subsection (4A), omit paragraph (d) (but not the word “or” immediately following it).
  - (4) In subsection (10), for the words from “Schedule 7” to “supervision orders)” substitute the words “Schedule 2 to the Criminal Justice and Immigration Act 2008 (proceedings for breach, revocation or amendment of youth rehabilitation orders)”.
  - (5) In subsection (13), omit paragraph (c)(i).

*Criminal Appeal Act 1968 (c. 19)*

- 4 In section 10(2) of the Criminal Appeal Act 1968 (appeal against sentence in other cases dealt with at assizes or quarter sessions), for paragraph (b) substitute—
- “(b) having been given a suspended sentence or made the subject of—
- (i) an order for conditional discharge,
- (ii) a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008, or
- (iii) a community order within the meaning of Part 12 of the Criminal Justice Act 2003,
- appears or is brought before the Crown Court to be further dealt with for the offence.”

*Firearms Act 1968 (c. 27)*

- 5 The Firearms Act 1968 has effect subject to the following amendments.
- 6 In section 21(3ZA)(a) (possession of firearms by persons previously convicted of crime), after “2003”, insert “, or a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008;”.
- 7 In section 52(1A)(a) (forfeiture and disposal of firearms; cancellation of certificate by convicting court), after “2003”, insert “, or a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008;”.

*Health Services and Public Health Act 1968 (c. 46)*

- 8 The Health Services and Public Health Act 1968 has effect subject to the following amendments.
- 9 In section 64(3)(a) (financial assistance by the Secretary of State to certain voluntary organisations)—
- (a) in paragraph (xxi) of the definition of “the relevant enactments”, for “sections 63 to 66 and 92 of, and Schedules 6 and 7 to,” substitute “section 92 of”, and
- (b) after that paragraph, insert—
- “(xxii) Part 1 of the Criminal Justice and Immigration Act 2008;”.
- 10 In section 65(3)(b) (financial and other assistance by local authorities to certain voluntary organisations), for paragraph (xxii) of the definition of “relevant enactments” substitute—
- “(xxii) Part 1 of the Criminal Justice and Immigration Act 2008;”.

*Social Work (Scotland) Act 1968 (c. 49)*

- 11 The Social Work (Scotland) Act 1968 has effect subject to the following amendments.
- 12 In section 86(3) (adjustments between authority providing accommodation etc, and authority of area of residence) after “supervision order” insert “, youth rehabilitation order”.
- 13 In section 94(1) (interpretation)—
- (a) for the definition of “probation order” substitute—

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- ““probation order”, in relation to an order imposed by a court in Northern Ireland, has the same meaning as in the Criminal Justice (Northern Ireland) Order 1996,”,
- (b) in the definition of “supervision order”, omit “the Powers of Criminal Courts (Sentencing) Act 2000 or”, and
  - (c) at the end insert—

““youth rehabilitation order” means an order made under section 1 of the Criminal Justice and Immigration Act 2008.”

*Children and Young Persons Act 1969 (c. 54)*

- 14 The Children and Young Persons Act 1969 has effect subject to the following amendments.
- 15 Omit section 25 (transfers between England or Wales and Northern Ireland).
- 16 (1) Section 26 (transfers between England or Wales and the Channel Islands or Isle of Man) is amended as follows.
- (2) In subsection (1)(c), for the words from “supervision order” to “2000” substitute “youth rehabilitation order imposing a local authority residence requirement”.
  - (3) In subsection (2), for the words from “supervision order” to “2000” substitute “youth rehabilitation order imposing a local authority residence requirement”.
- 17 (1) Section 32 (detention of absentees) is amended as follows.
- (2) In subsection (1A)—
    - (a) in paragraph (a), for “paragraph 7(4) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000” substitute “paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008”, and
    - (b) for paragraph (b) substitute—
      - “(b) from local authority accommodation—
        - (i) in which he is required to live by virtue of a youth rehabilitation order imposing a local authority residence requirement (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008); or
        - (ii) to which he has been remanded under paragraph 21 of Schedule 2 to that Act; or
        - (iii) to which he has been remanded or committed under section 23(1) of this Act,”.
  - (3) For subsection (1C) substitute—
    - “(1C) In this section “the responsible person” means, as the case may be—
      - (a) the person who made the arrangements under paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008;
      - (b) the authority specified under paragraph 17(5) of Schedule 1 to that Act;
      - (c) the authority designated under paragraph 21(10) of Schedule 2 to that Act; or
      - (d) the authority designated under section 23 of this Act.”

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- (4) After subsection (1C) insert—
- “(1D) If a child or young person—
- (a) is required to reside with a local authority foster parent by virtue of a youth rehabilitation order with fostering, and
- (b) is absent, without the consent of the responsible officer (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008), from the place in which he is required to reside,
- he may be arrested by a constable anywhere in the United Kingdom without a warrant.
- (1E) A person so arrested shall be conducted to—
- (a) the place where he is required to reside, or
- (b) such other place as the local authority specified under paragraph 18(3) of Schedule 1 to the Criminal Justice and Immigration Act 2008 may direct,
- at that local authority’s expense.”
- (5) In subsection (2), for “or (1A)” substitute “, (1A) or (1D)”.
- (6) In subsection (2A), for the words from “mentioned in subsection” to “this section is in premises” substitute “mentioned in subsection (1), (1A)(a) or (b)(i) or (ii) or (1D) of this section is in premises”.
- (7) In subsection (2B)—
- (a) after “subsection (1A)” insert “or (1D)”, and
- (b) at the end insert “or the responsible officer, as the case may be.”
- (8) In subsection (3), for “or (1A)” substitute “, (1A) or (1D)”.
- (9) In subsection (4), after “(1A)” insert “, (1D)”.
- 18 In section 70(1) (interpretation)—
- (a) omit the definition of “supervision order”,
- (b) after the definition of “local authority accommodation” insert—
- ““local authority residence requirement” has the same meaning as in Part 1 of the Criminal Justice and Immigration Act 2008;”, and
- (c) after the definition of “youth offending team” insert—
- ““youth rehabilitation order” and “youth rehabilitation order with fostering” have the same meanings as in Part 1 of the Criminal Justice and Immigration Act 2008 (see section 1 of that Act);”.
- 19 In section 73(4)(a) (provisions of section 32 extending to Scotland) for “to (1C)” substitute “to (1E)”.

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 20 The Rehabilitation of Offenders Act 1974 has effect subject to the following amendments.
- 21 In section 5(5) (rehabilitation periods for particular sentences) after paragraph (d) insert—

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“(da) a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008;”.

22 In section 7(2) (limitations on rehabilitation under Act, etc.) for paragraph (d) substitute—

“(d) in any proceedings relating to the variation or discharge of a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008, or on appeal from any such proceedings;”.

#### *Bail Act 1976 (c. 63)*

23 In section 4(3) of the Bail Act 1976 (general right to bail of accused persons and others)—

- (a) omit the words “to be dealt with”, and
- (b) for paragraph (a), substitute—

“(a) Schedule 2 to the Criminal Justice and Immigration Act 2008 (breach, revocation or amendment of youth rehabilitation orders), or”.

#### *Magistrates' Courts Act 1980 (c. 43)*

24 In Schedule 6A to the Magistrates' Courts Act 1980 (fines that may be altered under section 143), omit the entries relating to Schedules 3, 5 and 7 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

#### *Contempt of Court Act 1981 (c. 49)*

25 In section 14 of the Contempt of Court Act 1981 (proceedings in England and Wales), omit the subsection (2A) inserted by the Criminal Justice Act 1982 (c. 48).

#### *Criminal Justice Act 1982*

26 Part 3 of Schedule 13 to the Criminal Justice Act 1982 (reciprocal arrangements for transfer of community service orders from Northern Ireland) has effect subject to the following amendments.

27 (1) Paragraph 7 (transfer to England and Wales) is amended as follows.

(2) In sub-paragraph (1), in Article 13(4)(b) inserted by that provision, for “such orders” substitute “an unpaid work requirement of a community order under section 177 of the Criminal Justice Act 2003 or youth rehabilitation order under section 1 of the Criminal Justice and Immigration Act 2008”.

(3) In sub-paragraph (2)(b)—

- (a) after “a community order” insert “or a youth rehabilitation order”, and
- (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”.

(4) In sub-paragraph (3)—

- (a) for “A community service order” substitute “An adult community service order”, and
- (b) in paragraph (b)—

(i) omit “within the meaning of Part 12 of the Criminal Justice Act 2003”, and

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(ii) for “by that Part of that Act” substitute “by Part 12 of the Criminal Justice Act 2003”.

(5) After sub-paragraph (3) insert—

“(4) A youth community service order made or amended in accordance with this paragraph shall—

- (a) specify the local justice area in England or Wales in which the offender resides or will be residing when the order or the amendment comes into force; and
- (b) require—
  - (i) the local probation board for that area established under section 4 of the Criminal Justice and Court Services Act 2000 or (as the case may be) a provider of probation services operating in that area, or
  - (ii) a youth offending team established under section 39 of the Crime and Disorder Act 1998 by a local authority for the area in which the offender resides or will be residing when the order or amendment comes into force,

to appoint a person who will discharge in respect of the order the functions in respect of youth rehabilitation orders conferred on responsible officers by Part 1 of the Criminal Justice and Immigration Act 2008.

(5) The person appointed under sub-paragraph (4)(b) must be—

- (a) where the appointment is made by a local probation board, an officer of that board;
- (b) where the appointment is made by a provider of probation services, an officer of that provider;
- (c) where the appointment is made by a youth offending team, a member of that team.”

28 (1) Paragraph 9 (general provision) is amended as follows.

(2) In sub-paragraph (3)—

- (a) in paragraph (a)—
  - (i) for “a community service order” substitute “an adult community service order”;
  - (ii) omit “under section 177 of the Criminal Justice Act 2003”;
  - (iii) for “of that Act” substitute “of the Criminal Justice Act 2003”, and
- (b) before “and” at the end of that paragraph insert—
  - “(aa) a youth community service order made or amended in the circumstances specified in paragraph 7 above shall be treated as if it were a youth rehabilitation order made in England and Wales and the provisions of Part 1 of the Criminal Justice and Immigration Act 2008 shall apply accordingly;”.

(3) In sub-paragraph (4)(a)—

- (a) after “community orders” insert “or youth rehabilitation orders”, and
- (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”.

- (4) In sub-paragraph (5)—
- (a) after “community order” insert “or youth rehabilitation order”, and
  - (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”.
- (5) In sub-paragraph (6)—
- (a) after “community orders” insert “or youth rehabilitation orders”,
  - (b) omit “(within the meaning of Part 12 of the Criminal Justice Act 2003)”, and
  - (c) in paragraph (b)(i), after “2003” insert “or, as the case may be, Part 1 of the Criminal Justice and Immigration Act 2008”.

29 After that paragraph insert—

*“Community service orders relating to persons residing in England and Wales: interpretation*

10 In paragraphs 7 and 9 above—

“adult community service order” means a community service order made in respect of an offender who was aged at least 18 when convicted of the offence in respect of which the order is made;

“community order” means an order made under section 177 of the Criminal Justice Act 2003;

“youth community service order” means a community service order made in respect of an offender who was aged under 18 when convicted of the offence in respect of which the order is made;

“youth rehabilitation order” means an order made under section 1 of the Criminal Justice and Immigration Act 2008.”

*Mental Health Act 1983 (c. 20)*

- 30 In section 37(8) of the Mental Health Act 1983 (powers of courts to order hospital admission or guardianship)—
- (a) in paragraph (a), after “Criminal Justice Act 2003)” insert “or a youth rehabilitation order (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008)”, and
  - (b) in paragraph (c), omit the words “a supervision order (within the meaning of that Act) or”.

*Child Abduction Act 1984 (c. 37)*

- 31 In paragraph 2(1) of the Schedule to the Child Abduction Act 1984 (modifications of section 1 for children in certain cases)—
- (a) in paragraph (a), for “paragraph 7(4) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000” substitute “paragraph 21(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008”, and
  - (b) in paragraph (b), after “1969” insert “or paragraph 21 of Schedule 2 to the Criminal Justice and Immigration Act 2008”.

*Prosecution of Offences Act 1985 (c. 23)*

- 32 (1) Section 19 of the Prosecution of Offences Act 1985 (provision for orders as to costs in other circumstances) is amended as follows.
- (2) In subsection (3B)(b)(i), for the words from “in a community order” to “that Act” substitute “a mental health treatment requirement in a community order or youth rehabilitation order”.
- (3) After subsection (3B) insert—
- “(3C) For the purposes of subsection (3B)(b)(i)—
- “community order” has the same meaning as in Part 12 of the Criminal Justice Act 2003;
- “mental health treatment requirement” means—
- (a) in relation to a community order, a mental health treatment requirement under section 207 of the Criminal Justice Act 2003, and
- (b) in relation to a youth rehabilitation order, a mental health treatment requirement under paragraph 20 of Schedule 1 to the Criminal Justice and Immigration Act 2008;
- “youth rehabilitation order” has the same meaning as in Part 1 of the Criminal Justice and Immigration Act 2008.”

*Children Act 1989 (c. 41)*

- 33 The Children Act 1989 has effect subject to the following amendments.
- 34 (1) Section 21 (provision of accommodation for children in police protection or detention or on remand, etc.) is amended as follows.
- (2) In subsection (2)(c)—
- (a) in sub-paragraph (i), omit “paragraph 7(5) of Schedule 7 to the Powers of Criminal Courts (Sentencing) Act 2000 or” and “or” at the end of that sub-paragraph, and
- (b) for sub-paragraph (ii), substitute—
- “(ii) remanded to accommodation provided by or on behalf of a local authority by virtue of paragraph 21 of Schedule 2 to the Criminal Justice and Immigration Act 2008 (breach etc. of youth rehabilitation orders); or
- (iii) the subject of a youth rehabilitation order imposing a local authority residence requirement or a youth rehabilitation order with fostering.”.
- (3) After subsection (2) insert—
- “(2A) In subsection (2)(c)(iii), the following terms have the same meanings as in Part 1 of the Criminal Justice and Immigration Act 2008 (see section 7 of that Act)—
- “local authority residence requirement”;
- “youth rehabilitation order”;
- “youth rehabilitation order with fostering”.”



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- 35 In section 31(7)(b) (care and supervision orders), for sub-paragraph (ii) substitute—  
“(ii) a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008; or”.
- 36 In section 105(6) (interpretation)—  
(a) in paragraph (b), omit from the words “or an” to the end of the paragraph, and  
(b) after that paragraph insert—  
“(ba) in accordance with the requirements of a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008; or”.
- 37 (1) Part 3 of Schedule 3 (education supervision orders) is amended as follows.  
(2) In paragraph 13(2), for paragraph (c) substitute—  
“(c) a youth rehabilitation order made under Part 1 of the Criminal Justice and Immigration Act 2008 with respect to the child, while the education supervision order is in force, may not include an education requirement (within the meaning of that Part);”.
- (3) In paragraph 14—  
(a) in sub-paragraph (1), for “order under section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000” substitute “youth rehabilitation order (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008)”, and  
(b) in sub-paragraph (2), after “direction” (in the second place it occurs) insert “or instruction”.
- 38 In paragraph 3 of Schedule 8 (privately fostered children) for paragraph (a) substitute—  
“(a) a youth rehabilitation order made under section 1 of the Criminal Justice and Immigration Act 2008;”.

*Criminal Justice Act 1991 (c. 53)*

- 39 Part 3 of Schedule 3 to the Criminal Justice Act 1991 (transfer of probation orders from Northern Ireland to England and Wales) has effect subject to the following amendments.
- 40 (1) Paragraph 10 is amended as follows.  
(2) In sub-paragraph (2)(b), for the words from “the local probation board” to the end substitute “—  
(i) the local probation board for the area which contains the local justice area in which he resides or will reside or (as the case may be) a provider of probation services operating in the local justice area in which he resides or will reside, or  
(ii) a youth offending team established by a local authority for the area in which he resides or will reside,” and  
(3) In sub-paragraph (3)(a), for the words from “an officer of a local probation board” to the end substitute “—  
(i) an officer of a local probation board assigned to the local justice area in England and Wales in which the offender

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- resides or will be residing when the order or amendment comes into force or (as the case may be) an officer of a provider of probation services acting in the local justice area in which the offender resides or will then be residing, or
- (ii) a member of a youth offending team established by a local authority for the area in England and Wales in which the offender resides or will then be residing;”.
- 41 (1) Paragraph 11 is amended as follows.
- (2) In sub-paragraph (2)—
- (a) for “a probation order” substitute “an adult probation order”,
- (b) in paragraph (a), omit “under section 177 of the Criminal Justice Act 2003”, and
- (c) in paragraph (b), for “of that Act” substitute “of the Criminal Justice Act 2003”.
- (3) After that sub-paragraph insert—
- “(2A) Where a youth probation order is made or amended in any of the circumstances specified in paragraph 10 above then, subject to the following provisions of this paragraph—
- (a) the order shall be treated as if it were a youth rehabilitation order made in England and Wales, and
- (b) the provisions of Part 1 of the Criminal Justice and Immigration Act 2008 shall apply accordingly.”
- (4) In sub-paragraph (3)—
- (a) for paragraph (a) substitute—
- “(a) the requirements of the legislation relating to community orders or, as the case may be, youth rehabilitation orders;”;
- (b) in paragraph (b), for “Schedule 8 to that Act” substitute “that legislation”.
- (5) In sub-paragraph (4)—
- (a) after “a community order” insert “or, as the case may be, a youth rehabilitation order”,
- (b) omit “under section 177 of the Criminal Justice Act 2003”, and
- (c) for “to that Act” substitute “to the Criminal Justice Act 2003 or by paragraph 6(2)(c) or 11(2) of Schedule 2 to the Criminal Justice and Immigration Act 2008”.
- (6) In sub-paragraph (5)—
- (a) after “2003” insert “or, as the case may be, Part 1 of the Criminal Justice and Immigration Act 2008”,
- (b) for “(2) above” substitute “(2) or (2A) (as the case may be)”, and
- (c) in paragraph (b) for the words from “of the” to “board” substitute “of—
- (i) the offender, or
- (ii) the officer of a local probation board, officer of a provider of probation services or member of a youth offending team (as the case may be),”.
- (7) In sub-paragraph (8)—
- (a) after “In this paragraph” insert—

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““adult probation order” means a probation order made in respect of an offender who was aged at least 18 when convicted of the offence in respect of which the order is made;

“community order” means an order made under section 177 of the Criminal Justice Act 2003;”;

(b) at the end insert—

““youth probation order” means a probation order made in respect of an offender who was aged under 18 when convicted of the offence in respect of which the order is made;

“youth rehabilitation order” means an order made under section 1 of the Criminal Justice and Immigration Act 2008.”

*Criminal Justice and Public Order Act 1994 (c. 33)*

42 In section 136 of the Criminal Justice and Public Order Act 1994 (cross-border enforcement: execution of warrants), in subsection (7A), after “youth offender panel)” insert “or under Schedule 2 to the Criminal Justice and Immigration Act 2008 (youth rehabilitation orders: breach etc.)”.

*Criminal Procedure (Scotland) Act 1995 (c. 46)*

43 The Criminal Procedure (Scotland) Act 1995 has effect subject to the following amendments.

44 (1) Section 234 (probation orders: persons residing in England and Wales) is amended as follows.

(2) In subsection (2), at the end insert “(in any case where the offender has attained the age of 18 years) or under section 1 of the Criminal Justice and Immigration Act 2008 (in any other case)”.

(3) In subsection (4)—

(a) in paragraph (a), for “and section 207(2) of the Criminal Justice Act 2003” substitute “, section 207(2) of the Criminal Justice Act 2003 and paragraph 20(2) of Schedule 1 to the Criminal Justice and Immigration Act 2008”,

(b) in paragraph (a), for “or, as the case may be, community orders under Part 12 of that Act” substitute “, community orders under Part 12 of the Criminal Justice Act 2003 or, as the case may be, youth rehabilitation orders under Part 1 of the Criminal Justice and Immigration Act 2008”,

(c) in paragraph (a), for “and section 207 of the Criminal Justice Act 2003” substitute “, section 207 of the Criminal Justice Act 2003 and paragraph 20 of Schedule 1 to the Criminal Justice and Immigration Act 2008”,

(d) in paragraph (b), after “2003” insert “or (as the case may be) paragraphs 20(4) and 21(1) to (3) of Schedule 1 to the Criminal Justice and Immigration Act 2008”, and

(e) in paragraph (b), at the end insert “or that paragraph”.

(4) In subsection (4A) at the end insert “(in any case where the offender has attained the age of 18 years) or in a youth rehabilitation order made under section 1 of the Criminal Justice and Immigration Act 2008 (in any other case)”.

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- (5) In subsection (5) for the words from “subject to subsection (6)” to the end substitute “subject to subsections (6) and (6A) below—
- (a) Schedule 8 to the Criminal Justice Act 2003 shall apply as if it were a community order made by a magistrates' court under section 177 of that Act and imposing the requirements specified under subsection (4A) above (in any case where the offender has attained the age of 18 years); and
  - (b) Schedule 2 to the Criminal Justice and Immigration Act 2008 shall apply as if it were a youth rehabilitation order made by a magistrates' court under section 1 of that Act and imposing the requirements specified under that subsection (in any other case).”
- (6) After subsection (6) insert—
- “(6A) In its application to a probation order made or amended under this section, Schedule 2 to the Criminal Justice and Immigration Act 2008 has effect subject to the following modifications—
- (a) any reference to the responsible officer has effect as a reference to the person appointed or assigned under subsection (1)(a) above,
  - (b) in paragraph 6, sub-paragraph (2)(c) is omitted and, in sub-paragraph (16), the reference to the Crown Court has effect as a reference to a court in Scotland, and
  - (c) Parts 3 and 5 are omitted.”
- 45 (1) Section 242 (community service orders: persons residing in England and Wales) is amended as follows.
- (2) In subsection (1)(a)—
- (a) in sub-paragraph (ii), after “Part 12 of the Criminal Justice Act 2003)” insert “, in any case where the offender has attained the age of 18 years, or an unpaid work requirement imposed by a youth rehabilitation order (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008), in any other case”, and
  - (b) in sub-paragraph (iii), after “section 177 of the Criminal Justice Act 2003” insert “or, as the case may be, imposed by youth rehabilitation orders made under section 1 of the Criminal Justice and Immigration Act 2008”.
- (3) In subsection (2)(b)—
- (a) after “that court” insert “, in any case where the offender has attained the age of 18 years,” and
  - (b) after “2003” insert “or it appears to that court, in any other case, that provision can be made for the offender to perform work under the order under the arrangements which exist in that area for persons to perform work under unpaid work requirements imposed by youth rehabilitation orders made under section 1 of the Criminal Justice and Immigration Act 2008”.
- (4) In subsection (3)(b)—
- (a) after “the board” insert “or (as the case may be) require a provider of probation services to appoint an officer of the provider,”,
  - (b) after “the order” insert “—
    - (a)”,
    - and

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- (c) at the end insert “; or
    - (b) the functions conferred on responsible officers by Part 1 of the Criminal Justice and Immigration Act 2008 in respect of unpaid work requirements imposed by youth rehabilitation orders (within the meaning of that Part) as the case may be.”
- 46 (1) Section 244 (community service orders: general provisions relating to persons residing in England and Wales or Northern Ireland) is amended as follows.
- (2) In subsection (3)(a)—
    - (a) after “2003” insert “or, as the case may be, a youth rehabilitation order (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008)”, and
    - (b) after “such community orders” insert “or youth rehabilitation orders”.
  - (3) In subsection (4)(a)—
    - (a) for “or, as the case may be, community orders” substitute “, community orders”, and
    - (b) after “2003” insert “or, as the case may be, youth rehabilitation orders (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008)”.
  - (4) In subsection (5)—
    - (a) for “or, as the case may be, a community order” substitute “, a community order”, and
    - (b) after “2003” insert “or, as the case may be, a youth rehabilitation order (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008)”.
  - (5) In subsection (6)—
    - (a) for “or, as the case may be, community orders” substitute “, community orders”,
    - (b) after “within the meaning of Part 12 of the Criminal Justice Act 2003)” insert “or, as the case may be, youth rehabilitation orders (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008)”, and
    - (c) after “the responsible officer under Part 12 of the Criminal Justice Act 2003” insert “or, as the case may be, under Part 1 of the Criminal Justice and Immigration Act 2008”.

*Education Act 1996 (c. 56)*

- 47 In section 562(2)(b) of the Education Act 1996 (Act not to apply to persons detained under order of a court), for “community order under section 177 of the Criminal Justice Act 2003” substitute “youth rehabilitation order under section 1 of the Criminal Justice and Immigration Act 2008”.

*Crime and Disorder Act 1998 (c. 37)*

- 48 The Crime and Disorder Act 1998 has effect subject to the following amendments.
- 49 In section 38(4) (local provision of youth justice services)—
  - (a) in paragraph (f), for “, reparation orders and action plan orders” substitute “and reparation orders”,

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- (b) after paragraph (f) insert—
    - “(fa) the provision of persons to act as responsible officers in relation to youth rehabilitation orders (within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008);
    - (fb) the supervision of children and young persons sentenced to a youth rehabilitation order under that Part which includes a supervision requirement (within the meaning of that Part);”,
  - (c) omit paragraph (g), and
  - (d) in paragraph (h), omit “or a supervision order”.
- 50 In Schedule 8 (minor and consequential amendments), in paragraph 13(2), for “that section” substitute “section 10 of that Act”.

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 51 The Powers of Criminal Courts (Sentencing) Act 2000 has effect subject to the following amendments.
- 52 In section 19(4)(a) (making of referral orders: effect on court’s other sentencing powers), for “community sentence” substitute “sentence which consists of or includes a youth rehabilitation order”.
- 53 In section 73 (reparation orders)—
- (a) for subsection (4)(b) substitute—
    - “(b) to make in respect of him a youth rehabilitation order or a referral order.”
  - (b) after subsection (4) insert—
    - “(4A) The court shall not make a reparation order in respect of the offender at a time when a youth rehabilitation order is in force in respect of him unless when it makes the reparation order it revokes the youth rehabilitation order.
    - (4B) Where a youth rehabilitation order is revoked under subsection (4A), paragraph 24 of Schedule 2 to the Criminal Justice and Immigration Act 2008 (breach, revocation or amendment of youth rehabilitation order) applies to the revocation.”
- 54 In section 74(3)(a) (requirements and provisions of reparation order, and obligations of person subject to it), omit “or with the requirements of any community order or any youth community order to which he may be subject”.
- 55 In section 75 (breach, revocation and amendment of reparation orders) omit “action plan orders and” and “so far as relating to reparation orders”.
- 56 In section 91(3) (offenders under 18 convicted of certain serious offences: power to detain for specified period), for “a community sentence” substitute “a youth rehabilitation order”.
- 57 In section 137(2) (power to order parent or guardian to pay fine, costs, compensation or surcharge)—
- (a) after “under—” insert—

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- “(za) paragraph 6(2)(a) or 8(2)(a) of Schedule 2 to the Criminal Justice and Immigration Act 2008 (breach of youth rehabilitation order),”, and
- (b) omit paragraphs (a) to (c), and
- (c) in paragraph (d) omit “action plan order”.
- 58 In section 150(2) (binding over of parent or guardian), for “a community sentence on the offender” substitute “on the offender a sentence which consists of or includes a youth rehabilitation order”.
- 59 In section 159 (execution of process between England and Wales and Scotland)—
- (a) after “Schedule 1 to this Act,” insert “or”,
- (b) omit “paragraph 3(1), 10(6) or 18(1) of Schedule 3 to this Act”,
- (c) omit “paragraph 1(1) of Schedule 5 to this Act”, and
- (d) omit “paragraph 7(2) of Schedule 7 to this Act, or”.
- 60 (1) Section 160 (rules and orders) is amended as follows.
- (2) Omit subsection (2).
- (3) In subsection (3)(a)—
- (a) omit “40(2)(a),” and
- (b) for “103(2) or paragraph 1(1A) of Schedule 3,” substitute “or 103(2)”.
- (4) Omit subsection (5).
- 61 In section 163 (general definitions)—
- (a) omit the definitions of “action plan order”, “affected person”, “attendance centre”, “attendance centre order”, “community sentence”, “curfew order”, “exclusion order”, “supervision order”, “supervisor” and “youth community order”,
- (b) in the definition of “responsible officer”, omit paragraphs (a), (aa) and (f), and
- (c) at the end add—
- ““youth rehabilitation order” has the meaning given by section 1(1) of the Criminal Justice and Immigration Act 2008.”
- 62 (1) Schedule 8 (breach, revocation and amendment of action plan orders and reparation orders) is amended as follows.
- (2) In the heading to the Schedule omit “action plan orders and”.
- (3) In the cross-heading before paragraph 2, omit “action plan order or”.
- (4) In paragraph 2—
- (a) in sub-paragraph (1), for “an action plan order or” substitute “a”,
- (b) in sub-paragraph (2)—
- (i) in paragraph (a), omit sub-paragraphs (ii) and (iii), and
- (ii) in each of paragraphs (b) and (c), omit “action plan order or”,
- (c) in each of sub-paragraphs (5) and (7), omit “action plan order or”, and
- (d) in sub-paragraph (8), omit “or action plan order” in both places where it occurs.
- (5) Omit paragraphs 3 and 4.

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- (6) In the cross-heading before paragraph 5, omit “action plan order or”.
- (7) In paragraph 5—
  - (a) in sub-paragraph (1), for “an action plan order or” substitute “a” and, in paragraph (a), omit “action plan order or”, and
  - (b) in sub-paragraph (3), for “an action plan order or” substitute “a”.
- (8) In paragraph 6(9), in each of paragraphs (a), (b) and (c), omit “action plan order or”.
- (9) In paragraph 7(b), for “an action plan order or” substitute “a”.
- 63 In Schedule 10 (transitory modifications), omit paragraphs 4 to 6 and 12 to 15.
- 64 In Schedule 11 (transitional provisions)—
  - (a) in paragraph 4, omit—
    - (i) paragraph (a) of sub-paragraph (1),
    - (ii) sub-paragraph (2), and
    - (iii) sub-paragraph (3), and
  - (b) omit paragraph 5.

*Child Support, Pensions and Social Security Act 2000 (c. 19)*

- 65 The Child Support, Pensions and Social Security Act 2000 has effect subject to the following amendments.
- 66 (1) Section 62 (loss of benefit for breach of community order) is amended as follows.
  - (2) In the definition of “relevant community order” in subsection (8)—
    - (a) after “2003;” in paragraph (a) insert—
      - “(aa) a youth rehabilitation order made under section 1 of the Criminal Justice and Immigration Act 2008;”, and
    - (b) in paragraph (b) for “such an order” substitute “an order specified in paragraph (a) or (aa)”.
  - (3) In subsection (11)(c)(ii) for “and (b)” substitute “to (b)”.
- 67 (1) Section 64 (information provision) is amended as follows.
  - (2) In subsection (6)(a) after “2003)” insert “, youth rehabilitation orders (as defined by section 1 of the Criminal Justice and Immigration Act 2008)”.
  - (3) In subsection (7) after paragraph (b) insert—
    - “(ba) a responsible officer within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008;”.

*Criminal Justice and Court Services Act 2000 (c. 43)*

- 68 The Criminal Justice and Court Services Act 2000 has effect subject to the following amendments.
- 69 In section 1(2)(a) (purposes of Chapter), after “2003)” insert “, youth rehabilitation orders (as defined by section 1 of the Criminal Justice and Immigration Act 2008)”.
- 70 In section 70 (interpretation, etc.) omit subsection (5).



*Criminal Justice Act 2003 (c. 44)*

- 71 Part 12 of the Criminal Justice Act 2003 (sentencing) has effect subject to the following amendments.
- 72 (1) Section 147 (meaning of “community sentence” etc.) is amended as follows.
- (2) In subsection (1)—
- (a) omit paragraph (b), and
- (b) after that paragraph insert—
- “(c) a youth rehabilitation order.”
- (3) Omit subsection (2).
- 73 (1) Section 148 (restrictions on imposing community sentences) is amended as follows.
- (2) In subsection (2)—
- (a) omit “which consists of or includes a community order”, and
- (b) in paragraph (a), after “community order” insert “, or, as the case may be, youth rehabilitation order, comprised in the sentence”.
- (3) After that subsection insert—
- “(2A) Subsection (2) is subject to paragraph 3(4) of Schedule 1 to the Criminal Justice and Immigration Act 2008 (youth rehabilitation order with intensive supervision and surveillance).”
- (4) Omit subsection (3).
- 74 In section 149(1) (passing of community sentence on offender remanded in custody) for “youth community order” substitute “youth rehabilitation order”.
- 75 In section 150 (community sentence not available where sentence fixed by law etc.) for “youth community order” substitute “youth rehabilitation order”.
- 76 (1) Section 151 (community order for persistent offender previously fined) is amended as follows.
- (2) In the title, after “community order” insert “or youth rehabilitation order”.
- (3) In subsections (1)(a) and (1A)(b), for “16” substitute “18”.
- (4) After subsection (2) insert—
- “(2A) Subsection (2B) applies where—
- (a) a person aged 16 or 17 is convicted of an offence (“the current offence”);
- (b) on three or more previous occasions the offender has, on conviction by a court in the United Kingdom of any offence committed by him after attaining the age of 16, had passed on him a sentence consisting only of a fine; and
- (c) despite the effect of section 143(2), the court would not (apart from this section) regard the current offence, or the combination of the current offence and one or more offences associated with it, as being serious enough to warrant a youth rehabilitation order.
- (2B) The court may make a youth rehabilitation order in respect of the current offence instead of imposing a fine if it considers that, having regard to all the

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circumstances including the matters mentioned in subsection (3), it would be in the interests of justice to make such an order.”

- (5) In subsection (3)—
- (a) after “(2)” insert “and (2B)”; and
  - (b) in paragraph (a) for “or (1A)(b)” substitute “(1A)(b) or (2A)(b)”.
- (6) In subsections (4), (5) and (6), for “and (1A)(b)” substitute “(1A)(b) and (2A)(b)”.
- (7) In section 166 (savings for powers to mitigate etc.), in subsection (1)(a) after “151(2)” insert “or (2B)”.
- 77 (1) Section 156 (pre-sentence reports and other requirements) is amended as follows.
- (2) In subsection (1)—
- (a) for “, (2)(b) or (3)(b)” substitute “or (2)(b),” and
  - (b) after “153(2),” insert “or in section 1(4)(b) or (c) of the Criminal Justice and Immigration Act 2008 (youth rehabilitation orders with intensive supervision and surveillance or fostering),”.
- (3) In subsection (2) omit “or (3)(a)”.
- (4) In subsection (3)(b)—
- (a) for “, (2)(b) or (3)(b)” substitute “or (2)(b), or in section 1(4)(b) or (c) of the Criminal Justice and Immigration Act 2008,” and
  - (b) after “community order” insert “or youth rehabilitation order”.
- 78 In section 161 (pre-sentence drug testing)—
- (a) in subsection (1), omit “aged 14 or over”, and
  - (b) omit subsection (7).
- 79 (1) Section 166 (savings for powers to mitigate sentences and deal appropriately with mentally disordered offenders) is amended as follows.
- (2) In subsection (1), after paragraph (d) add—
- “(e) paragraph 3 of Schedule 1 to the Criminal Justice and Immigration Act 2008 (youth rehabilitation order with intensive supervision and surveillance), or
  - (f) paragraph 4 of Schedule 1 to that Act (youth rehabilitation order with fostering),”.
- (3) In subsections (3) and (5), for “(d)” substitute “(f)”.
- 80 (1) Section 174 (duty to give reasons for, and explain effect of, sentence) is amended as follows.
- (2) In subsection (2)—
- (a) in paragraph (b), after “that section” insert “or any other statutory provision”,
  - (b) in paragraph (c), after “community sentence” insert “, other than one consisting of or including a youth rehabilitation order with intensive supervision and surveillance or fostering,” and
  - (c) after paragraph (c) insert—
    - “(ca) where the sentence consists of or includes a youth rehabilitation order with intensive supervision and surveillance and the case does not fall within paragraph 5(2)

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of Schedule 1 to the Criminal Justice and Immigration Act 2008, state that it is of the opinion that section 1(4)(a) to (c) of that Act and section 148(1) of this Act apply and why it is of that opinion,

- (cb) where the sentence consists of or includes a youth rehabilitation order with fostering, state that it is of the opinion that section 1(4)(a) to (c) of the Criminal Justice and Immigration Act 2008 and section 148(1) of this Act apply and why it is of that opinion.”.

(3) After subsection (4) insert—

“(4A) Subsection (4B) applies where—

- (a) a court passes a custodial sentence in respect of an offence on an offender who is aged under 18, and  
(b) the circumstances are such that the court must, in complying with subsection (1)(a), make the statement referred to in subsection (2)(b).

(4B) That statement must include—

- (a) a statement by the court that it is of the opinion that a sentence consisting of or including a youth rehabilitation order with intensive supervision and surveillance or fostering cannot be justified for the offence, and  
(b) a statement by the court why it is of that opinion.”

81 In section 176 (interpretation of Chapter 1)—

- (a) omit the definition of “youth community order”, and  
(b) at the end add—

““youth rehabilitation order” has the meaning given by section 1(1) of the Criminal Justice and Immigration Act 2008;

“youth rehabilitation order with fostering” has the meaning given by paragraph 4 of Schedule 1 to that Act;

“youth rehabilitation order with intensive supervision and surveillance” has the meaning given by paragraph 3 of Schedule 1 to that Act.”

82 In section 177(1) (community orders) for “16” substitute “18”.

83 In section 197(1)(b) (meaning of “the responsible officer”), omit “the offender is aged 18 or over and”.

84 In section 199 (unpaid work requirement)—

- (a) in subsection (3), for “appropriate officer” substitute “officer of a local probation board or an officer of a provider of probation services”, and  
(b) omit subsection (4).

85 In section 201 (activity requirement), in subsection (3)(a), for sub-paragraphs (i) and (ii) (but not the “and” immediately following sub-paragraph (ii)) substitute “an officer of a local probation board or an officer of a provider of probation services”.

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- 86 In section 202 (programme requirement), in subsection (4)(a), for sub-paragraphs (i) and (ii) (but not the “and” immediately following sub-paragraph (ii)) substitute “by an officer of a local probation board or an officer of a provider of probation services”.
- 87 In section 203(2), for paragraphs (a) and (b) substitute “an officer of a local probation board or an officer of a provider of probation services”.
- 88 In section 209(2)(c) (drug rehabilitation requirement), for sub-paragraphs (i) and (ii) substitute “by an officer of a local probation board or an officer of a provider of probation services, and”.
- 89 In section 211 (periodic review of drug rehabilitation requirement), omit subsection (5).
- 90 In section 214 (attendance centre requirement), after subsection (6) add—
- “(7) A requirement to attend at an attendance centre for any period on any occasion operates as a requirement, during that period, to engage in occupation, or receive instruction, under the supervision of and in accordance with instructions given by, or under the authority of, the officer in charge of the centre, whether at the centre or elsewhere.”
- 91 In section 217(1)(b) (requirement to avoid conflict with religious beliefs etc.), for “school or any other” substitute “any”.
- 92 In section 221(2) (provision of attendance centres)—
- (a) omit “or” at the end of paragraph (a),
- (b) after that paragraph insert—
- “(aa) attendance centre requirements of youth rehabilitation orders, within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008,” and
- (c) omit paragraph (b).
- 93 In section 222(1)(e) (rules), after “attendance centre requirements” insert “, or to attendance centre requirements imposed by youth rehabilitation orders under Part 1 of the Criminal Justice and Immigration Act 2008,”.
- 94 Omit section 279 (drug treatment and testing requirement in action plan order or supervision order).
- 95 In section 330(5)(a) (orders subject to the affirmative resolution procedure), omit the entry relating to section 161(7).
- 96 In Schedule 8 (breach, revocation or amendment of community order), omit paragraphs 12, 15 and 17(5) (powers of magistrates' court in case of offender reaching 18).
- 97 Omit Schedule 24 (drug treatment and testing requirement in action plan order or supervision order).

*Violent Crime Reduction Act 2006 (c. 38)*

- 98 In section 47 of the Violent Crime Reduction Act 2006 (power to search persons in attendance centres for weapons), in the definition of “relevant person” in subsection (11), for paragraph (b) substitute—
- “(b) a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008;”.

*Offender Management Act 2007 (c. 21)*

99 In section 1(4) of the Offender Management Act 2007 (meaning of “the probation purposes”), in the definition of “community order”—

(a) after paragraph (a) insert—

“(aa) a youth rehabilitation order within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008 (see section 1 of that Act);” and

(b) after paragraph (b) insert—

“(c) a youth community order within the meaning of that Act (as it applies to offences committed before section 1 of the Criminal Justice and Immigration Act 2008 comes into force)”.