

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, SCHEDULE 12. (See end of Document for details)

SCHEDULES

SCHEDULE 12

Section 18

GANG-RELATED INJUNCTIONS: FURTHER AMENDMENTS

- 1 Part 4 of the Policing and Crime Act 2009 (injunctions to prevent gang-related violence) is amended as follows.

Commencement Information

II Sch. 12 para. 1 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 2 After section 46A insert—

“Appeals

46B Appeals against decisions of youth courts

- (1) An appeal lies to the Crown Court against a decision of a youth court made under this Part.
- (2) On an appeal under this section the Crown Court may make—
 - (a) whatever orders are necessary to give effect to its determination of the appeal;
 - (b) whatever incidental or consequential orders appear to it to be just.
- (3) An order of the Crown Court made on an appeal under this section (other than one directing that an application be re-heard by a youth court) is to be treated for the purposes of section 42 as an order of a youth court.”

Commencement Information

I2 Sch. 12 para. 2 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 3 In section 48 (rules of court in relation to injunctions under Part 4)—
- (a) in subsection (2) (rules of court may provide for appeal without notice) omit “of the High Court or county court”, and
 - (b) in subsection (3) (decisions to which subsection (2) applies) for “applies to a decision” substitute “applies—
 - (a) to a decision under section 39(4)(a) that an application without notice be dismissed, and
 - (b) to a decision”.

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Commencement Information

I3 Sch. 12 para. 3 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 4 In section 49(1) (interpretation of Part 4) after the definition of “court” insert—
- ““judge”, in relation to a youth court, means a person qualified to sit as a member of that court;”.

Commencement Information

I4 Sch. 12 para. 4 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 5 In paragraph 1(2) of Schedule 5 (courts' powers to remand person suspected of breaching injunction: meaning of “the court”)—
- (a) for “High Court or” substitute “ High Court, ”,
 - (b) before “and includes” insert “ or a youth court ”,
 - (c) omit the “and” following paragraph (a), and
 - (d) at the end of paragraph (b) insert “, and
- (c) in relation to a youth court, a judge of that court.”

Commencement Information

I5 Sch. 12 para. 5 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 6 Schedule 5A (breach of injunction: powers of court in respect of under-18s) is amended as follows.

Commencement Information

I6 Sch. 12 para. 6 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 7 (1) Paragraph 1 (power to make supervision order or detention order) is amended as follows.
- (2) In sub-paragraph (1) (pre-conditions for making of supervision order or detention order)—
- (a) in paragraph (a) for “is” substitute “ has been ”,
 - (b) before the “and” after paragraph (a) insert—
 - “(aa) the person is still under the age of 18,”,
 - (c) in paragraph (b) for “the court” substitute “ a youth court ”, and
 - (d) in the words following paragraph (b) for “the court” substitute “ that court ”.
- (3) Omit sub-paragraph (3) (power to grant supervision order or detention order is in addition to any other power of the court in relation to breach of injunction).
- (4) In sub-paragraph (9) (interpretation of Schedule 5A) omit the definition of “appropriate court”.

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Commencement Information

I7 Sch. 12 para. 7 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 8 In paragraph 4(11) (appropriate court may amend activity requirement in supervision order) for “the appropriate” substitute “ a youth ”.

Commencement Information

I8 Sch. 12 para. 8 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 9 In paragraph 5(5) (appropriate court may amend curfew requirement in supervision order) for “the appropriate” substitute “ a youth ”.

Commencement Information

I9 Sch. 12 para. 9 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 10 In paragraph 6(7) (appropriate court may amend electronic monitoring requirement in supervision order) for “the appropriate” substitute “ a youth ”.

Commencement Information

I10 Sch. 12 para. 10 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 11 In paragraph 8 (amendment of operative period of supervision order)—
(a) in sub-paragraph (1) (appropriate court may amend operative period) for “The appropriate” substitute “ A youth ”, and
(b) in sub-paragraph (2) (court may make other amendments when amending operative period) for “The court may,” substitute “ A youth court may, ”.

Commencement Information

I11 Sch. 12 para. 11 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 12 In paragraph 9(1) (change of area of residence of person subject to supervision order) for “the appropriate” substitute “ a youth ”.

Commencement Information

I12 Sch. 12 para. 12 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 13 In paragraph 10(1) and (4) (application for revocation of supervision order to be made to appropriate court, and any further such application requires that court’s consent) for “the appropriate” substitute “ a youth ”.

Commencement Information

I13 Sch. 12 para. 13 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

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- 14 In paragraph 12 (non-compliance with supervision order)—
- (a) in sub-paragraph (2) (injunction applicant may apply to appropriate court on being informed of non-compliance) for “the appropriate” substitute “ a youth ”,
 - (b) omit sub-paragraph (5) (no power to make further order if defaulter is aged 18 or over), and
 - (c) omit sub-paragraph (6) (powers to revoke supervision order etc are in addition to any other powers of court in relation to breach of supervision order).

Commencement Information

I14 Sch. 12 para. 14 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

- 15 In paragraph 15(1) and (4) (application for revocation of detention order to be made to appropriate court, and any further such application requires that court's consent) for “the appropriate” substitute “ a youth ”.

Commencement Information

I15 Sch. 12 para. 15 in force at 1.6.2015 by S.I. 2015/813, art. 3(c)

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