Draft Order laid before Parliament under section 147(5) of the Criminal Justice and Immigration Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No.

CRIMINAL LAW, ENGLAND AND WALES

The Youth Rehabilitation Order (Review by Specified Courts) Order 2010

Made - - - -	***
Coming into force - -	***

The Secretary of State makes the following Order in exercise of the powers conferred by paragraph 35(1) of Schedule 1 to, and section 147(2) of, the Criminal Justice and Immigration Act 2008(**a**).

In accordance with section 147(5) of the Criminal Justice and Immigration Act 2008, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Youth Rehabilitation Order (Review by Specified Courts) Order 2010 and shall come into force on the day after the day on which it is made.

(2) In this Order "the Act" means the Criminal Justice and Immigration Act 2008.

Reviews by specified courts of specified youth rehabilitation orders

2.—(1) Subject to paragraph (3), a court specified in the Schedule to this Order may —

(a) when making a youth rehabilitation order containing any or all of the provisions specified in paragraph (2) provide for that order to be reviewed periodically by that or another court specified in the Schedule;

(b) amend a youth rehabilitation order containing any or all of the provisions specified in paragraph (2) so as to include or remove a provision specified in that paragraph for review by that or another court specified in the Schedule.

(2) This paragraph applies where a court by or before which a person under 18 is convicted makes an order which consists of or includes a youth rehabilitation order with any or all of the following:

(a) a drug treatment requirement;

(b) a drug testing requirement;

(c) an intoxicating substance treatment requirement;

(**a**) 2008 c.4

(d) with intensive supervision and surveillance; and

(e) with a fostering requirement.

(3) Nothing in this article shall enable a youth court to include provision for review by the Crown Court when making a youth rehabilitation order.

3.—(1) A youth rehabilitation order which provides for a review by a court may provide —

(a) for the order to be reviewed periodically at specified intervals;

(b) for each review to be made, subject to article 4(6), at a hearing held for the purpose by the court responsible for the order (a "review hearing");

(c) that the offender must attend each review hearing;

(d) for the responsible officer to make to the court responsible for the order, before each review, a report of the offender's progress in complying with the requirements of the order;

(e) where the youth rehabilitation order includes a drug testing requirement, that the report mentioned in paragraph (d) above, is to include —

(i) the test results communicated to the responsible officer under paragraph 23(5) of Schedule 1 to the Act or otherwise; and

(ii) the views of the treatment provider as to the testing of the offender;

(f) where the youth rehabilitation order includes a drug treatment requirement that the report mentioned in paragraph (d) above is to include the views of the treatment provider as to the treatment of the offender.

(2) In this article references to the court responsible for the order are references to the court specified in the youth rehabilitation order as responsible for reviewing the order.

Powers and conduct of reviews

4.—(1) At a review hearing, within the meaning of article 3(1), the court may, subject to paragraph (3) below, after considering any responsible officer's report prepared in pursuance of that article, amend a youth rehabilitation order which consists of or includes the provisions mentioned in article 2(2).

(2) The court —

(a) may not amend the order so as to impose a requirement of a different kind unless the offender has expressed willingness to comply with that requirement;

(b) may not amend the order so as to make it more onerous unless the offender has expressed his willingness to comply with the order as amended;

(c) may not amend a drug treatment requirement, a drug testing requirement or an intoxicating substance treatment requirement unless the offender has expressed his willingness to comply with the requirement as amended;

(d) may not, in the case of a youth rehabilitation order with intensive supervision and surveillance, amend it such that the date specified for the purposes of paragraph 32(1) of Schedule 1 to the Act is earlier than 6 months after the date on which the order took effect; and

(e) may, subject to paragraph (b), extend the duration of a particular requirement (subject to any limit imposed by Schedules 1 and 2 to the Act) but may not extend the date specified under paragraph 32(1) of Schedule 1 to the Act by which all the requirements in it must have been complied with.

(3) The court may not, except with the consent of the offender, amend a youth rehabilitation order while an appeal against that order is pending.

(4) For the purposes of paragraph (2)(a) —

(a) a requirement falling within any paragraph of Part 2 of Schedule 1 to the Act is of the same kind as any other requirement falling within that paragraph; and

(b) an electronic monitoring requirement is a requirement of the same kind as any requirement falling within Part 2 of Schedule 1 to the Act to which it relates.

(5) Where —

(a) a youth rehabilitation order imposes a fostering requirement ("the original requirement"), and

(b) at a review hearing, within the meaning of article 3(1), the court proposes to substitute a new fostering requirement ("the substitute requirement") for the original requirement,

paragraph 18(2) of Schedule 1 to the Act applies in relation to the substitute requirement as if the reference to the period of 12 months beginning with the date on which the original requirement had first had effect were a reference to the period of 18 months beginning with that date.

(6) If, before a review hearing is held at any review, the court, after considering any responsible officer's report pursuant to article 3(1), is of the opinion that the offender's progress in complying with the requirements of the order is satisfactory, they may order that no review hearing is to be held at that review; and if before a review hearing is held at any review, or at a review hearing, the court, after considering any such report, is of that opinion, they may amend the youth rehabilitation order so as to provide for each subsequent review to be held without a hearing.

(7) If, at a review held without a hearing, the court after considering any responsible officer's report pursuant to article 3(1), is of the opinion that the offender's progress under the order is no longer satisfactory, they may require the offender to attend a hearing of the court at a specified time and place.

(8) If, at a review hearing, the court is of the opinion that the offender may have failed without reasonable excuse to comply with a youth rehabilitation order, the court may adjourn the hearing to enable the responsible officer to consider whether to take any action under paragraph 3 or 4 of Schedule 2 to the Act.

(9) At a review hearing the court may amend the youth rehabilitation order so as to vary the intervals specified under article 3(1)(a).

(10) In this article, any reference to the court, in relation to a review without a hearing, is to be read —

(a) in the case of the Crown Court, as a reference to the judge of the court; and

(b) in the case of a youth court, as a reference to a justice of the peace.

Signed by the authority of the Secretary of State

Minister of State
Ministry of Justice

Date

SCHEDULE

Article 2(2)

Specified courts

The courts specified for the purposes of article 2(2)

The courts sitting at the following addresses:
a youth court sitting at Accrington Law Courts, Manchester Road, Accrington, Lancashire BB5 2BH;
a youth court sitting at Balham Youth Court, 217 Balham High Road, Balham, London SW17 7BS;
a youth court sitting at Barnstaple Magistrates' Court, The Law Courts, The Civic Centre, Barnstaple, Devon EX31 1DX;

a youth court sitting at Batley and Dewsbury Magistrates' Court, The Court House, Grove Street, Dewsbury, West Yorkshire WF13 1JP;

a youth court sitting at Beverley Magistrates' Court, Champney Road, Beverley, East Yorkshire HU17 9EJ;

a youth court sitting at Bishop Auckland Magistrates' Court, Woodhouse Close, Bishop Auckland, County Durham DL14 6LD;

a youth court sitting at Blackburn Magistrates' Court, The Court House, Northgate, Blackburn, Lancashire BB2 1AA;

a youth court sitting at Bodmin Magistrates' Court, The Law Courts, Launceston Road, Bodmin, Cornwall, PL31 1XQ;

a youth court sitting at Bridlington Magistrates' Court, Quay Road, Bridlington, East Yorkshire YO16 4EJ;

a youth court sitting at Bradford Magistrates' Court, The Tryls, Bradford, West Yorkshire BD1 1JL;

a youth court sitting at Burnley Magistrates' Court, The Court House, Parker Lane, Burnley Lancashire BB11 2BS;

a youth court sitting at Consett Magistrates' Court, Ashdale Road, Consett, County Durham DH8 6LY;

a youth court sitting at Chorley Magistrates' Court, The Court House, St Thomas's Square, Chorley, Lancashire PR7 1DY;

a youth court sitting at Darlington Magistrates' Court, Parkgate, Darlington, County Durham DL1 1ZD;

a youth court sitting at Exeter Magistrates' Court, The Court House, Heavitree Road, Exeter, Devon EX1 2LS;

a youth court sitting at Goole Magistrates' Court, The Court House, Estcourt Terrace, Goole, East Yorkshire DN14 5AE;

a youth court sitting at Halifax Magistrates' Court, Harrison Road, Halifax, West Yorkshire HX1 2AN;

a youth court sitting at Hartlepool Magistrates' Court, The Law Courts, Victoria Road, Hartlepool, Cleveland TS24 8AG;

a youth court sitting at Lancaster Magistrates' Court, George Street, Lancaster, Lancashire LA1 1XZ;

a youth court sitting at Lincoln Magistrates' Court, The Court House, 358 High Street, Lincoln, Lincolnshire LN5 7QA;

a youth court sitting at Liverpool Youth Court, The Queen Elizabeth II Law Courts, Derby Square, Liverpool, Merseyside L2 1XA;

a youth court sitting at Neath Magistrates' Court, Fairfield Way, Neath, West Glamorgan SA11 1RF;

a youth court sitting at Newton Aycliffe Magistrates' Court, Central Avenue, Newton Aycliffe, County Durham DL5 5RT;

the Crown Court sitting at Northampton Combined Court, 85/87 Lady's Lane, Northampton, Northamptonshire NN1 3HQ;

a youth court sitting at North Liverpool Community Justice Centre, Boundary Street, Liverpool, Merseyside L5 2QD;

a youth court sitting at North Tyneside Magistrates' Court, The Court House, Tynemouth Road, North Shields, Tyne and Wear NE30 1AG;

a youth court sitting at Nottingham Magistrates' Court, Carrington Street, Nottingham, Nottinghamshire NG2 1EE;

a youth court sitting at Nuneaton Magistrates' Court, Warwickshire Justice Centre, Vicarage Street, Nuneaton, Warwickshire CV11 4JU;

a youth court sitting at Ormskirk Magistrates' Court, Derby Street, Orsmkirk, Lancashire L39 2BJ;

a youth court sitting at Peterlee Magistrates' Court, St Aidan's Way, Peterlee, County Durham SR8 1QR;

a youth court sitting at Plymouth Magistrates' Court, St Andrews Street, Plymouth, Devon PL1 2DP;

a youth court sitting at Pontefract Magistrate's Court, The Court House, 2 Front Street, Pontefract, West Yorkshire WF8 1BW;

a youth court sitting at Port Talbot Magistrates' Court, Cramic Way, Port Talbot, South Wales SA13 1RU;

a youth court sitting at Preston Magistrates' Court, Lawson Street, Preston, Lancashire PR1 2QD;

a youth court sitting at Rugby Magistrates' Court, Newbold Road, Rugby, Warwickshire CV21 2DH;

a youth court sitting at Salford Magistrates' Court, Bexley Square, Salford, Greater Manchester M3 6DJ;

a youth court sitting at Sedgemoor Magistrates' Court, The Court House, Northgate, Bridgewater, Somerset TA6 3YL;

a youth court sitting at South Ribble Magistrates' Court, Lancaster Gate, Leyland, Lancashire PR25 2EX;

a youth court sitting at Stratford Magistrates' Court, The Court House, 389-397 High Street, London E15 4SB;

a youth court sitting at Stratford upon Avon Magistrates' Court, The Court House, Rother Street, Stratford, Warwickshire CV37 6JJ;

a youth court sitting at Swansea Magistrates' Court, Grove Place, Swansea, South Wales SA1 5DB;

a youth court sitting at Taunton Deane Magistrates' Court, St John's Road, Taunton, Somerset TA1 4AX;

a youth court sitting at Teeside Magistrates' Court, Victoria Square, Middlesborough, Cleveland TS1 2AS;

a youth court sitting at Thames Magistrates' Court, 58 Bow Road, London E3 4DJ;

a youth court sitting at Torquay Magistrates' Court, The Court House, Union Street, Torquay, Devon TQ1 4BP;

a youth court sitting at Trafford Magistrates' Court, Ashton Lane, Sale, Cheshire M33 7NR;

a youth court sitting at Wakefield Magistrates' Court, The Court House, Cliff Parade, Wakefield, West Yorkshire WF1 2TW;

a youth court sitting at Warwick Combined Court Centre, North Gate, South Side, Warwickshire CV34 4RB; and

a youth court sitting at Workington Magistrates' Court, Hall Park, Ramsey Brow, Workington, Cumbria CA14 AS.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for court reviews of youth rehabilitation orders as provided for by paragraph 35(1) of Schedule 1 to, and section 147(2), of the Criminal Justice and Immigration Act 2008.

Article 2 specifies the types of youth rehabilitation orders which may be subject to periodic reviews by specified courts.

Article 3 makes provision for the timing of reviews and includes, among other things, a power for the court to provide that the responsible officer must provide a report on the offender's progress in complying with the requirements of the order and makes particular provision where the offender is subject to a drug treatment requirement or a drug treatment and drug testing requirement.

Article 4 sets out the powers of the court on review and the conduct of reviews. It provides, in particular, for a review to be held without a hearing.

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