Draft Order laid before Parliament under section 330(5) of the Criminal Justice Act 2003, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2006 No.

CRIMINAL LAW, ENGLAND AND WALES

The Community Order (Review by Specified Courts in Liverpool and Salford) Order 2006

Made - - - -

Coming into force - -

The Secretary of State makes the following Order in exercise of the powers conferred by sections 178(1)(**1**) and 330(3)(a) of the Criminal Justice Act 2003(**2**);

In accordance with section 330(5) of that Act, a draft of this instrument 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 Community Order (Review by Specified Courts in Liverpool and Salford) Order 2006 and shall come into force on the day after the day on which it is made.

(2) In this Order "the 2003 Act" means the Criminal Justice Act 2003.

Power to provide for court review

2.—(1) Subject to paragraph (3) a court specified in paragraph (2) may—

(a) when making a community order provide for that order to be reviewed periodically by that or another court specified in paragraph (2);

(b) amend a community order so as to include or remove a provision for review by that or another court specified in paragraph (2).

(2) The courts referred to in paragraph (1) are—

(a) a magistrates' court sitting at North Liverpool Community Justice Centre, Boundary Street, Liverpool, L5 2QD, or the Crown Court sitting at that address, or

(**1**) The power in section 178(1) is extended by section 178(2).
(**2**) 2003 c.44.

(b) a magistrates' court sitting at the City of Salford Magistrates' Court, Bexley Square, Salford, M3 6DJ.

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

3.—(1) Subject to paragraph (2) a community order providing for review by a court may—

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

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

(c) require the offender to attend each review hearing; and

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

(2) Where a community order imposes a drug rehabilitation requirement under section 177(1)(i) of the 2003 Act, provision for review of that requirement shall be made in accordance with section 210 of the 2003 Act.

(3) In this article references to the court responsible for the order are references to the court specified in the community order as responsible for reviewing the order.

Power to amend community order at review hearing

4.—(1) At a review hearing (within the meaning of article 3(1)) the court may, after considering the responsible officer's report referred to in that paragraph, amend the requirements of the community order, or any provision of the order which relates to those requirements.

(2) The court—

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

(b) may not amend the order so as to make a requirement more onerous unless the offender expresses his willingness to comply with the requirement as amended;

(c) may not amend a mental health treatment requirement or an alcohol treatment requirement unless the offender expresses his willingness to comply with the requirement as amended;

(d) may, subject to sub-paragraph (b), extend the duration of a particular requirement (subject to any limit imposed by Chapter 4 of Part 12 of the 2003 Act) but may not extend the date specified under section 177(5) of the 2003 Act by which all the requirements in the order must have been complied with; and

(e) except with the consent of the offender, may not amend the order while an appeal against that order is pending.

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

(a) a requirement falling within any paragraph of section 177(1) of the 2003 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 section 177(1) to which it relates.

(4) If before a review hearing is held at any review the court, after considering the responsible officer's report, is of the opinion that the offender's progress in complying with the requirements of the order is satisfactory, it 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 that