

# Offender Rehabilitation Bill [HL]

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[AS AMENDED IN PUBLIC BILL COMMITTEE]

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~~[Note: The words marked in bold type were inserted by the Lords to avoid questions of privilege.]~~

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# B I L L

[AS AMENDED IN PUBLIC BILL COMMITTEE]

TO

Make provision about the release, and supervision after release, of offenders; to make provision about the extension period for extended sentence prisoners; to make provision about community orders and suspended sentence orders; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## *Probation*

### **1 ~~Probation service reform: Parliamentary approval~~**

~~No alteration or reform may be made to the structure of the probation service unless the proposals have been laid before, and approved by resolution of, both Houses of Parliament.~~

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*Release and supervision of offenders sentenced to less than 2 years*

### **2 Reduction of cases in which prisoners released unconditionally**

In section 243A of the Criminal Justice Act 2003 (duty to release prisoners serving less than 12 months unconditionally once one-half of sentence served), for subsection (1) substitute—

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“(1) This section applies to a fixed-term prisoner if—

- (a) the prisoner is serving a sentence which is for a term of 1 day, or
- (b) the prisoner—
  - (i) is serving a sentence which is for a term of less than 12 months, and
  - (ii) is aged under 18 on the last day of the requisite custodial period.

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- (1A) This section also applies to a fixed-term prisoner if—
- (a) the prisoner is serving a sentence which is for a term of less than 12 months, and
  - (b) the sentence was imposed in respect of an offence committed before the day on which section ~~2-1~~ of the Offender Rehabilitation Act 2013 came into force.”

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### 3 Supervision after end of sentence

- (1) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall) is amended as follows.
- (2) After section 256A insert—

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*“Supervision of offenders*

#### **256AA Supervision after end of sentence of prisoners serving less than 2 years**

- (1) This section applies where a person (“the offender”) has served a fixed-term sentence which was for a term of more than 1 day but less than 2 years, except where—
  - (a) the offender was aged under 18 on the last day of the requisite custodial period (as defined in section 243A(3)),
  - (b) the sentence was an extended sentence imposed under section 226A or 226B, or
  - (c) the sentence was imposed in respect of an offence committed before the day on which section ~~32~~(2) of the Offender Rehabilitation Act 2013 came into force.
- (2) The offender must comply with the supervision requirements during the supervision period, except at any time when the offender is—
  - (a) in legal custody,
  - (b) subject to a licence under this Chapter or Chapter 2 of Part 2 of the ~~Crime (Sentences) Act 1997~~ [1997 Act](#), or
  - (c) subject to DTO supervision.
- (3) The supervision requirements are the requirements for the time being specified in a notice given to the offender by the Secretary of State (but see the restrictions in section 256AB).
- (4) “The supervision period” is the period which—
  - (a) begins on the expiry of the sentence, and
  - (b) ends on the expiry of the period of 12 months beginning immediately after the offender has served the requisite custodial period (as defined in section 244(3)).
- (5) The purpose of the supervision period is the rehabilitation of the offender.
- (6) The Secretary of State must have regard to that purpose when specifying requirements under this section.
- (7) The supervisor must have regard to that purpose when carrying out functions in relation to the requirements.

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- (8) In this Chapter, “the supervisor”, in relation to a person subject to supervision requirements under this section, means an officer of a provider of probation services who is for the time being responsible for discharging the functions conferred by this Chapter on the supervisor in accordance with arrangements made by the Secretary of State. 5
- (9) In this section “DTO supervision” means supervision under –
- (a) a detention and training order (including an order under section 211 of the Armed Forces Act 2006), or
  - (b) an order under section 104(3)(aa) of the Powers of Criminal Courts (Sentencing) Act 2002 (breach of supervision requirements of detention and training order). 10
- (10) This section has effect subject to section 264(3C)(b) and (3D).”
- (3) In section 237(1) (meaning of “fixed-term prisoner”), at the end insert –  
 “and “fixed-term sentence” means a sentence falling within paragraph (a) or (b).”
- (4) In Schedule 1 to this Act – 15
- (a) Part 1 inserts section 256AB of the Criminal Justice Act 2003 which makes general provision about supervision requirements, and
  - (b) Part 2 inserts sections 256D and 256E of that Act which make provision about drug testing requirements and drug appointment requirements.
- 4 Breach of supervision requirements 20**
- (1) In Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall), after section 256AB insert –
- “256AC Breach of supervision requirements imposed under section 256AA 25**
- (1) Where it appears on information to a justice of the peace that a person has failed to comply with a supervision requirement imposed under section 256AA, the justice may –
- (a) issue a summons requiring the offender to appear at the place and time specified in the summons, or
  - (b) if the information is in writing and on oath, issue a warrant for the offender’s arrest. 30
- (2) Any summons or warrant issued under this section must direct the person to appear or be brought –
- (a) before a magistrates’ court acting for the local justice area in which the offender resides, or
  - (b) if it is not known where the person resides, before a magistrates’ court acting for the same local justice area as the justice who issued the summons or warrant. 35
- (3) Where the person does not appear in answer to a summons issued under subsection (1)(a), the court may issue a warrant for the person’s arrest. 40
- (4) If it is proved to the satisfaction of the court that the person has failed without reasonable excuse to comply with a supervision requirement imposed under section 256AA, the court may – 45

- (a) order the person to be committed to prison for a period not exceeding 14 days (subject to subsection (7)),
  - (b) order the person to pay a fine not exceeding level 3 on the standard scale, or
  - (c) make an order (a “supervision default order”) imposing on the person—
    - (i) an unpaid work requirement (as defined by section 199), or
    - (ii) a curfew requirement (as defined by section 204).
- (5) Section 177(3) (obligation to impose electronic monitoring requirement) applies in relation to a supervision default order that imposes a curfew requirement as it applies in relation to a community order that imposes such a requirement. 10
- (6) If the court deals with the person under subsection (4), it must revoke any supervision default order which is in force at that time in respect of that person. 15
- (7) Where the person is under the age of 21 —
- (a) an order under subsection (4)(a) in respect of the person must be for committal to a young offender institution instead of to prison, but
  - (b) the Secretary of State may from time to time direct that a person committed to a young offender institution by such an order is to be detained in a prison or remand centre instead. 20
- (8) A person committed to prison or a young offender institution by an order under subsection (4)(a) is to be regarded as being in legal custody. 25
- (9) A fine imposed under subsection (4)(b) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.
- (10) In Schedule 19A (supervision default orders)—
- (a) Part 1 makes provision about requirements of supervision default orders, and
  - (b) Part 2 makes provision about the breach, revocation and amendment of supervision default orders. 30
- (11) A person dealt with under this section may appeal to the Crown Court against the order made by the court.”

- I (2) Schedule 2 to this Act inserts [a](#) new Schedule 19A to the Criminal Justice Act 2003.

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## 5 Supervision of certain young offenders after release from detention

- (1) Section 256B of the Criminal Justice Act 2003 (supervision of young offenders after release) is amended as follows.
- (2) For subsection (1) substitute —
- “(1) This section applies where a person (“the offender”) is released under this Chapter if —

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- (a) the person is, at the time of the release, serving a sentence of detention under section 91 of the Sentencing Act which is for a term of less than 12 months, and
- (b) the person is aged under 18 on the last day of the requisite custodial period (as defined in section 243A(3)). 5
- (1A) This section also applies where a person (“the offender”) is released under this Chapter if –
- (a) the person is, at the time of the release, serving a sentence of detention under section 91 or 96 of the Sentencing Act which is for a term of less than 12 months, and 10
- (b) the sentence was imposed in respect of an offence committed before the day on which section ~~2-1~~ of the Offender Rehabilitation Act 2013 came into force.”
- (3) In subsection (7) –
- (a) for paragraph (c) substitute – 15
- “(c) where the offender is aged 18 or over –
- (i) drug testing requirements (see section 256D);
- (ii) drug appointment requirements (see section 256E).”
- (4) After that subsection insert –
- “(7A) Paragraph (c)(i) and (ii) of subsection (7) have effect subject to the restrictions in sections 256D(2) and 256E(2).” 20
- (5) Omit subsection (8).
- (6) For subsection (9) substitute –
- “(9) The Secretary of State may make rules about the requirements that may be imposed by virtue of subsection (7)(a) or (b).”
- (7) Omit subsection (10). 25
- 6 Consecutive terms**
- (1) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall) is amended as follows.
- (2) In section 264 (consecutive terms), for subsections (3) and (3A) substitute – 30
- “(3B) The offender’s release under this Chapter is to be unconditional if –
- (a) the aggregate length of the terms of imprisonment is less than 12 months, and
- (b) section 243A so requires in respect of each of the sentences, 35
- but in any other case is to be on licence.
- (3C) If the offender is released on licence under this Chapter –
- (a) the offender is to be on licence, on and after the release, until the offender would, but for the release, have served a term equal in length to the aggregate length of the terms of imprisonment (but see section ~~264A~~~~264B~~); 40
- (b) the offender is to be subject to supervision requirements under section 256AA if (and only if) –

- (i) section 256AA so requires in respect of one or more of the sentences, and
- (ii) the aggregate length of the terms of imprisonment is less than 2 years.
- (3D) If the offender is subject to supervision requirements under section 256AA, the supervision period for the purposes of that section begins on the expiry of the period during which the offender is on licence by virtue of subsection (3C)(a). 5
- (3E) When the offender is released under this Chapter (whether unconditionally or on licence), the offender is to be subject to supervision requirements under section 256B if that section so requires in respect of one or more of the sentences.” 10
- ~~(3) After that section insert—~~
- (4) Before section 265 (and the italic heading before it) insert— 15
- “264B Consecutive terms: supplementary**
- (1) This section applies in a case in which section 264 applies where—
- (a) the offender is released on licence under this Chapter,
- (b) the aggregate length of the terms of imprisonment mentioned in section 264(1)(a) is less than 12 months, and 20
- (c) those terms include one or more terms of imprisonment (“short transitional terms”) which were imposed in respect of an offence committed before the day on which section ~~2~~1 of the Offender Rehabilitation Act 2013 came into force, as well as one or more terms imposed in respect of an offence committed on or after that day. 25
- (2) The offender is to be on licence until the offender would, but for the release, have served a term equal in length to the aggregate of—
- (a) the custodial period in relation to each of the short transitional terms, and
- (b) the full length of each of the other terms.
- (3) In this section “custodial period” has the same meaning as in section 264.” 30
- (5) In section 249(3) (duration of licence) —
- (a) for “sections” substitute “section”, and
- (b) for “and 264(3)” substitute “and sections 264(3C)(a) and 264B”. 35
- (6) In section 250 (licence conditions), omit subsection (7).
- (7) Schedule 20B (modifications of Chapter 6 of Part 12 in certain transitional cases) is amended as follows.
- (8) In paragraph 22 (consecutive terms including 1991 Act sentence), after sub-paragraph (3) insert— 40
- “(3A) If P is subject to supervision requirements under section 256AA (by virtue of section 264(3C)(b)), section 256AA(4)(b) (end of supervision period) applies in relation to P as if the reference to the requisite custodial period were to the period described in sub-paragraph (3) of this paragraph.”



- (9) In paragraph 33 (consecutive terms including 1967 Act sentence), after sub-paragraph (3) insert –

“(4) If P is subject to supervision requirements under section 256AA (by virtue of section 264(3C)(b)), section 256AA(4)(b) (end of supervision period) applies in relation to P as if the reference to the requisite custodial period were to the period described in sub-paragraph (3) of this paragraph.”

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## 7 Supervision of certain young offenders after detention and training order

- (1) Chapter 2 of Part 5 of the Powers of Criminal Courts (Sentencing) Act 2000 (custodial sentences: detention and custody of young offenders) is amended as follows. 10

- (2) In section 101(13) (term of detention and training order where consecutive or concurrent orders imposed), after “105” insert “and 106B”.

- (3) In section 103 (period of supervision of offender subject to detention and training order) – 15

(a) in subsection (2), at the beginning insert “Subject to subsection (2A),”, and

(b) after subsection (2) insert –

“(2A) An order under subsection (2) may not include provision about cases in which – 20

(a) the offender is aged 18 or over at the half-way point of the term of the detention and training order, and

(b) the order was imposed in respect of an offence committed on or after the day on which section 76(4) of the Offender Rehabilitation Act 2013 came into force.” 25

- (4) After section 106A insert –

### “106B Further supervision after end of term of detention and training order

- (1) This section applies where a detention and training order is made in respect of an offender if – 30

(a) the offender is aged 18 or over at the half-way point of the term of the order,

(b) the term of the order is less than 24 months, and

(c) the order was imposed in respect of an offence committed on or after the day on which section 76(4) of the Offender Rehabilitation Act 2013 came into force. 35

- (2) The following provisions of the Criminal Justice Act 2003 (which relate to supervision after end of sentence) apply as they apply in cases described in section 256AA(1) of that Act –

(a) sections 256AA(2) to (9), 256AB and 256AC, 40

(b) sections 256D and 256E, and

(c) Schedule 19A,

but with the following modifications.

- (3) “The supervision period”, in relation to the offender, is the period which – 45

- (a) begins on the expiry of the term of the detention and training order, and
  - (b) ends on the expiry of the period of 12 months beginning immediately after the half-way point of the term of the order.
- (4) Section 256AA(8) (definition of “the supervisor”) applies as if the reference to an officer of a provider of probation services were to –
- (a) an officer of a provider of probation services, or
  - (b) a member of the youth offending team established by the local authority in whose area the offender resides for the time being.
- (5) The power under section 256AB(4) ~~of the Criminal Justice Act 2003~~ includes power to make provision about the supervision requirements that may be imposed under section 256AA ~~of that Act~~ as applied by this section and to amend this Act.
- (6) Subsection (7) applies where the term of the detention and training order is determined by section 101(13) (consecutive and concurrent orders).
- (7) The offender is subject to supervision under section 256AA (as applied by this section) if that section (as applied) so requires in respect of one or more of the consecutive or concurrent orders.”

## 8 Minor and consequential provision

- (1) Schedule 3 contains minor and consequential provision.
- (2) The Secretary of State may by order made by statutory instrument amend the Powers of Criminal Courts (Sentencing) Act 2000 and the Criminal Justice Act 2003 so as to –
- (a) replace a reference to a date on which a provision of this Act came into force with a reference to the actual date on which it did so, and
  - (b) insert provision explaining the date.

*Other provision about release and supervision of offenders*

## 9 Extended sentences: length of extension period

- (1) Chapter 5 of Part 12 of the Criminal Justice Act 2003 (sentencing: dangerous offenders) is amended as follows.
- (2) In section 226A (extended sentence for certain violent or sexual offences: persons 18 or over) –
- (a) in subsection (7), for “subsections (8) and (9)” substitute “subsections (7A) to (9)”, and
  - (b) after that subsection insert –
- “(7A) The extension period must be at least 1 year.”
- (3) In section 226B (extended sentence for certain violent or sexual offences: persons under 18) –
- (a) in subsection (5), for “subsections (6) and (7)” substitute “subsections (5A) to (7)”, and

(b) after that subsection insert –

“(5A) The extension period must be at least 1 year.”

## 10 Recall and further release of offenders

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- (1) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall) is amended as follows.
- (2) In section 244(1A) (disapplication of that section following recall), after “246” insert “or 248”. 10
- (3) In section 255(1)(a) (recall of prisoners released early under section 246), for “any condition included in his licence” substitute “the curfew condition included in the licence”.
- (4) In section 255A (further release after recall) –
- (a) omit subsection (3),
- (b) in subsection (4), for “that period” substitute “the automatic release period”, 15
- (c) in subsection (5), after paragraph (b) insert –
- “but that is subject, where applicable, to section 243A(2) (unconditional release).”, and
- (d) at the end insert – 20
- “(8) “Automatic release” means release at the end of the automatic release period.
- (9) In the case of a person recalled under section 254 while on licence under a provision of this Chapter other than section 246, “the automatic release period” means – 25
- (a) where the person is serving a sentence of less than 12 months, the period of 14 days beginning with the day on which the person returns to custody;
- (b) where the person is serving a sentence of 12 months or more, the period of 28 days beginning with that day. 30
- (10) In the case of a person recalled under section 254 while on licence under section 246, “the automatic release period” means whichever of the following ends later –
- (a) the period described in subsection (9)(a) or (b) (as appropriate); 35
- (b) the requisite custodial period which the person would have served under section 243A or 244 but for the earlier release.”
- (5) In section 255B(1)(b) (automatic release), for “the 28 day period mentioned in section 255A(3)” substitute “the automatic release period (as defined in section 255A(9) and (10))”. 40
- (6) In section 240ZA(6) (time remanded in custody not to count as time served for purposes of automatic release), for “period of 28 days served by the offender before automatic release” substitute “automatic release period served by the offender”.
- (7) In section 240A(3B) (time remanded on bail not to count as time served for purposes of automatic release), for “period of 28 days served by the offender

before automatic release” substitute “automatic release period served by the offender”.

## 11 Arrangements for supervision and rehabilitation: female offenders

In section 3 of the Offender Management Act 2007 (power to make arrangements for the provision of probation services), after subsection (6) insert—

“(6A) The Secretary of State must ensure that arrangements under subsection (2) or (5) for the supervision or rehabilitation of persons convicted of offences—

- (a) state that the Secretary of State has, in making the arrangements, complied with the duty under section 149 of the Equality Act 2010 (public sector equality duty) as it relates to female offenders, and
- (b) identify anything in the arrangements that is intended to meet the particular needs of female offenders.”

*Drugs and offenders released during custodial sentence*

## 12 Drug testing

(1) The Criminal Justice and Court Services Act 2000 is amended as follows.

(2) In section 64 (release on licence: drug testing requirements)—

(a) in subsection (1)(a), omit “for a trigger offence, and”,

(b) in that subsection, at the end insert “, and

(c) the Secretary of State is satisfied of the matters in subsection (1A).”,

(c) after that subsection insert—

“(1A) Those matters are—

(a) that the misuse by the person of a specified class A drug or a specified class B drug caused or contributed to an offence of which the person has been convicted or is likely to cause or contribute to the commission of further offences by the person, and

(b) that the person is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug.”,

(d) in subsection (2), after “conditions” insert “mentioned in subsection (1)(b)”, and

(e) ~~In section 64~~ in subsection (3) ~~(release on licence: drug testing requirements)~~, after “specified Class A drug” insert “or specified Class B drug”.

(3) In section 70(1) (interpretation)—

(a) for ““Class A drug” has” substitute ““Class A drug” and “Class B drug” have”, and

(b) in the definition of ““specified””, after “Class A drug” insert “or Class B drug”.

(4) ~~In paragraph 2 of Schedule 6 (offences under the Misuse of Drugs Act 1971 that are trigger offences), after “specified Class A drug” insert “or a specified Class B drug”.~~

(5) ~~In section 63C(6) of the Police and Criminal Evidence Act 1984 (testing persons in police detention for presence of Class A drugs: supplementary)—~~

(a) ~~for “and “trigger offence” have the same meanings” substitute “has the same meaning”, and~~

(b) ~~at the end insert—~~

~~““trigger offence” has the same meaning as in that Part, except that an offence under the Misuse of Drugs Act 1971 is a trigger offence only if committed in respect of a specified Class A drug.”~~

### 13 Drug appointments

(1) In Chapter 2 of Part 3 of the Criminal Justice and Court Services Act 2000 (dealing with offenders), after section 64 insert—

#### “64A Release on licence etc: drug appointments

(1) This section applies where—

(a) the Secretary of State releases a person serving a sentence of imprisonment (“the offender”) who is aged 18 or over,

(b) the release is subject to conditions (whether conditions of a licence or any other conditions, however expressed),

(c) an officer of a provider of probation services has recommended to the Secretary of State that a condition authorised by this section be imposed on the offender, and

(d) the Secretary of State is satisfied of the matters in subsection (2).

(2) Those matters are—

(a) that the misuse by the offender of a controlled drug caused or contributed to an offence of which the offender has been convicted or is likely to cause or contribute to the commission of further offences by the offender,

(b) that the offender is dependent on, or has a propensity to misuse, a controlled drug,

(c) that the dependency or propensity requires, and may be susceptible to, treatment, and

(d) that arrangements have been made, or can be made, for the offender to have treatment.

(3) The conditions ~~imposed on the offender’s release~~ mentioned in subsection (1)(b) may include a condition which requires the offender, in accordance with instructions given by an officer of a provider of probation services, to attend appointments with a view to addressing the offender’s dependency on, or propensity to misuse, a controlled drug.

(4) The condition must specify—

(a) the person with whom the offender is to meet or under whose direction the appointments are to take place, and

(b) where the appointments are to take place.

- (5) The person specified under subsection (4)(a) must be a person who has the necessary qualifications or experience.
- (6) The only instructions that an officer of a provider of probation services may give for the purposes of the requirement are instructions as to – 5  
 (a) the duration of each appointment, and  
 (b) when each appointment is to take place.
- (7) For the purposes of this section, references to a requirement to attend an appointment do not include a requirement to submit to treatment. 10
- (8) In this section –  
 “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971;  
 “sentence of imprisonment” does not include a detention and training order or an order under section 211 of the Armed Forces Act 2006 but does include – 15  
 (a) a sentence of detention in a young offender institution,  
 (b) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty’s pleasure),  
 (c) a sentence of detention under section 91 of that Act (detention of offenders under 18 convicted of certain serious offences), 20  
 (d) a sentence of custody for life under section 93 or 94 of that Act,  
 (e) a sentence of detention under section 226, 226B or 228 of the Criminal Justice Act 2003 (including one passed as a result of section 221, 221A or 222 of the Armed Forces Act 2006), 25  
 (f) a sentence of detention under section 209 of the Armed Forces Act 2006 (detention of offenders under 18 convicted of certain serious offences), and  
 (g) a sentence of detention under section 218 of that Act (detention at Her Majesty’s pleasure).” 30

(2) In section 250 of the Criminal Justice Act 2003 (licence conditions), in subsection (4)(b)(i), for “or 64” substitute “, 64 or 64A”.

#### **14 Drug testing and appointments: transfer within the British Islands** 35

(1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.

(2) In paragraph 8 (restricted transfers from England and Wales to Scotland) –  
(a) in sub-paragraphs (2)(aa) and (4)(aa), for “and 64” substitute “, 64 and 64A”, and 40  
(b) at the end insert –

“(7) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if any reference to an officer of a provider of probation services were a reference to a relevant officer as defined by section

27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993.”

(3) In paragraph 9 (restricted transfers from England and Wales to Northern Ireland) –

(a) ~~In section 250 of the Criminal Justice Act 2003 in sub-paragraphs (licence conditions 2), in subsection (aa) and (4)(baa)(i), for “or and 64”~~ substitute “, 64 ~~or and~~ 64A”, and

(b) after sub-paragraph (5) insert –

“(5A) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if any reference to an officer of a provider of probation services were a reference to a probation officer.”

#### *Community orders and suspended sentence orders*

### **15 Officers responsible for implementing orders**

(1) For section 197 of the Criminal Justice Act 2003 substitute –

#### **“197 Meaning of “the responsible officer”**

(1) For the purposes of this Part, “the responsible officer”, in relation to an offender to whom a relevant order relates, means the person who is for the time being responsible for discharging the functions conferred by this Part on the responsible officer in accordance with arrangements made by the Secretary of State.

(2) The responsible officer must be –

- (a) an officer of a provider of probation services, or
- (b) a person responsible for monitoring the offender in accordance with an electronic monitoring requirement imposed by the relevant order.”

(2) In Schedule 4 to this Act –

- (a) Part 1 contains amendments which confine certain functions of responsible officers to the public sector, and
- (b) Part 2 contains consequential provision.

### **16 Rehabilitation activity requirement**

(1) The Criminal Justice Act 2003 is amended as follows.

(2) In sections 177(1) and 190(1) (requirements that may be imposed as part of a community order or suspended sentence order) after paragraph (a) insert –

“(aa) a rehabilitation activity requirement (as defined by section 200A),”.

(3) After section 200 insert –

#### **“200A Rehabilitation activity requirement**

(1) In this Part “rehabilitation activity requirement”, in relation to a relevant order, means a requirement that, during the relevant period,

- the offender must comply with any instructions given by the responsible officer to attend appointments or participate in activities or both.
- (2) A relevant order imposing a rehabilitation activity requirement must specify the maximum number of days for which the offender may be instructed to participate in activities. 5
- (3) Any instructions given by the responsible officer must be given with a view to promoting the offender’s rehabilitation; but this does not prevent the responsible officer giving instructions with a view to other purposes in addition to rehabilitation. 10
- (4) The responsible officer may instruct the offender to attend appointments with the responsible officer or with someone else.
- (5) The responsible officer, when instructing the offender to participate in activities, may require the offender to – 15
- (a) participate in specified activities and, while doing so, comply with instructions given by the person in charge of the activities, or
- (b) go to a specified place and, while there, comply with any instructions given by the person in charge of the place.
- (6) The references in subsection (5)(a) and (b) to instructions given by a person include instructions given by anyone acting under the person’s authority. 20
- (7) The activities that responsible officers may instruct offenders to participate in include –
- (a) activities forming an accredited programme (see section 202(2));
- (b) activities whose purpose is reparative. 25
- (8) Where compliance with an instruction would require the co-operation of a person other than the offender, the responsible officer may give the instruction only if that person agrees.
- (9) In this section “the relevant period” means – 30
- (a) in relation to a community order, the period for which the community order remains in force, and
- (b) in relation to a suspended sentence order, the supervision period as defined by section 189(1A).”
- (4) Sections 201 and 213 (activity requirements and supervision requirements) are repealed.
- (5) Schedule 5 to this Act contains consequential provision. 35

## 17 Programme requirement

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 202 (programme requirement) omit subsection (7) (person may be required to participate in accredited programmes only at approved places).
- (3) In Schedule 9 (transfer of community orders to Scotland or Northern Ireland) – 40
- (a) in paragraph 2(3), omit paragraph (b);



- (b) in paragraph 4(3), omit paragraph (b).
- (4) In Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland) –
- (a) in paragraph 4(3), omit paragraph (b);
- (b) in paragraph 9(3), omit paragraph (b). 5
- 18 Attendance centre requirement**
- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) Section 214 (attendance centre requirement) is amended as follows. 10
- (3) In subsection (1) –
- (a) omit “specified in the relevant order”, and
- (b) for “so specified” substitute “specified in the relevant order”.
- (4) In subsection (3), for “the attendance centre to be specified in it” substitute “an attendance centre which is available for persons of the offender’s description”. 15
- (5) After subsection (3) insert –
- “(3A) The attendance centre at which the offender is required to attend is to be notified to the offender by the responsible officer from time to time.
- (3B) When choosing an attendance centre, the responsible officer must consider –
- (a) the accessibility of the attendance centre to the offender, having regard to the means of access available to the offender and any other circumstances, and
- (b) the description of persons for whom it is available.”
- (6) Section 218 (availability of arrangements in local area) is amended as follows.
- (7) In subsection (4)(a), for “the relevant areas mentioned in subsections (5) to (7)” substitute “the relevant area (see subsections (5) to (7))”. 25
- (8) In subsection (6), for “the area in which the attendance centre proposed to be specified in the order is situated” substitute “an area in which there is an attendance centre which is available for persons of the offender’s description and which the court is satisfied is reasonably accessible to the offender”. 30
- (9) In Schedule 14 (persons to whom copies of requirements to be provided in particular cases), in the table, omit the entry relating to an attendance centre requirement.
- 19 Duty to obtain permission before changing residence**
- (1) The Criminal Justice Act 2003 is amended as follows. 35
- (2) After section 220 insert –
- “220A Duty to obtain permission before changing residence**
- (1) An offender in respect of whom a relevant order is in force must not change residence without permission given in accordance with this section by –
- (a) the responsible officer, or
- 40

- (b) a court.
- (2) The appropriate court may, on an application by the offender, give permission in a case in which the responsible officer has refused.
- (3) A court may also give permission in any proceedings before it under Schedule 8 or 12 (breach or amendment of orders etc). 5
- (4) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence –
- (a) is likely to prevent the offender complying with a requirement imposed by the relevant order, or 10
- (b) would hinder the offender’s rehabilitation.
- (5) The obligation imposed by subsection (1) is enforceable as if it were a requirement imposed by the relevant order.
- (6) This section does not apply if the relevant order includes a residence requirement imposed under section 206. 15
- (7) For cases in which a relevant order has to be amended because of permission given under this section, see paragraph 16 of Schedule 8 and paragraph 14 of Schedule 12 (amendment to reflect change in local justice area).
- (8) In this section “the appropriate court” has the same meaning as in paragraph 16 of Schedule 8 or paragraph 14 of Schedule 12.” 20
- (3) In section 220(1), omit paragraph (b) and the “and” before it (duty to notify responsible officer of change of address).
- (4) In Schedule 8 (breach, revocation or amendment of community order), in paragraph 9, omit sub-paragraph (5A). 25
- (5) For paragraph 16 of Schedule 8 substitute –
- “16 (1) This paragraph applies where at any time while a community order is in force in respect of an offender –
- (a) the offender is given permission under section 220A to change residence, and 30
- (b) the local justice area in which the new residence is situated (“the new local justice area”) is different from the local justice area specified in the order.
- (2) If the permission is given by a court, the court must amend the order to specify the new local justice area. 35
- (3) If the permission is given by the responsible officer –
- (a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and 40
- (b) the court must make that amendment.
- (4) In this paragraph “the appropriate court” means –
- (a) in relation to a community order imposing a drug rehabilitation requirement which is subject to review, the court responsible for the order, 45

- (b) in relation to a community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, the Crown Court, and
  - (c) in relation to any other community order, a magistrates' court acting in the local justice area specified in the order. 5
- 16A (1) This paragraph applies where at any time while a community order is in force in respect of an offender –
  - (a) a court amends the order,
  - (b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and 10
  - (c) the local justice area in which that place is situated (“the new local justice area”) is different from the local justice area specified in the order.
- (2) The court must amend the order to specify the new local justice area.” 15
- (6) In Schedule 8, in paragraph 24, omit “No order may be made under paragraph 16, and”.
- (7) In Schedule 12 (breach, revocation or amendment of suspended sentence order, and effect of further conviction), in paragraph 8, omit subparagraph (4A). 20
- (8) For paragraph 14 of Schedule 12 substitute –
  - “14 (1) This paragraph applies where at any time while a suspended sentence order is in force in respect of an offender –
    - (a) the offender is given permission under section 220A to change residence, and 25
    - (b) the local justice area in which the new residence is situated (“the new local justice area”) is different from the local justice area specified in the order.
  - (2) If the permission is given by a court, the court must amend the order to specify the new local justice area. 30
  - (3) If the permission is given by the responsible officer –
    - (a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and
    - (b) the court must make that amendment.
  - (4) In this paragraph “the appropriate court” has the same meaning as in paragraph 13. 35
- 14A (1) This paragraph applies where at any time while a suspended sentence order is in force in respect of an offender –
  - (a) a court amends the order,
  - (b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and
  - (c) the local justice area in which that place is situated (“the new local justice area”) is different from the local justice area specified in the order. 40

- (2) The court must amend the order to specify the new local justice area.”
- (9) In Schedule 12, in paragraph 19(1), omit “, and no order may be made under paragraph 14,”.
- (10) In Schedule 31 (fine default orders), after paragraph 3A insert – 5  
*“Change of residence*
- 3B (3) In its application to a default order, section 220(1) (duty of offender to keep in touch with responsible officer) is modified as follows.
- (4) At the end of paragraph (a) there is inserted “and 10  
 (b) must notify the responsible officer of any change of address.”
- 3C Section 220A (duty to obtain permission before changing residence) does not apply in relation to a default order.”
- (11) In Schedule 31, in paragraph 4, after sub-paragraph (4) insert – 15  
 “(4A) For paragraphs 16 and 16A there is substituted –
- “16 (1) This paragraph applies where, at any time while a default order is in force in respect of a person, the appropriate court is satisfied that the person proposes to change, or has changed, residence from the local justice area concerned to another local justice area (“the new local justice area”).
- (2) The appropriate court may amend the default order to specify the new local justice area. 20
- (3) In this paragraph “the appropriate court” means a magistrates’ court acting in the local justice area specified in the order.””
- (12) In Schedule A1 to the Children Act 1989 (enforcement orders), in paragraph 3, after sub-paragraph (7) insert –
- “(7A) In section 220(1) (duty of offender to keep in touch with responsible officer), at the end of paragraph (a) insert “and 25  
 (b) must notify the responsible officer of any change of address.”
- (7B) Section 220A (duty to obtain permission before changing residence) is omitted.”

*Offenders sentenced by service courts* 30

**20 Amendments of Armed Forces Act 2006**

Schedule 6 contains amendments of the Armed Forces Act 2006 relating to the release and supervision of offenders, service community orders, overseas community orders and suspended sentence orders.

35

*General*

## 21 Consequential and supplementary provision etc

- (1) The Secretary of State may by order make consequential, supplementary or incidental provision in relation to any provision of this Act. 5
- (2) An order under this section may –
- (a) make different provision for different purposes, and
  - (b) amend, repeal or revoke legislation.
- (3) An order under this section making provision in relation to any of sections [2-1](#) to [87](#), Schedules 1, 2 and 3 and paragraph [22](#) of Schedule 6 may make different provision for different areas. 10
- (4) An order under this section is to be made by statutory instrument.
- (5) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament, subject to subsection (6). 15
- (6) A statutory instrument containing an order under this section that amends or repeals an Act (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) In this section – 20
- “Act” includes an Act or Measure of the National Assembly for Wales;
- “legislation”, in relation to an order made in relation to a provision of this Act, means –
- (a) an Act passed before or in the same Session as this Act, or
  - (b) an instrument made under an Act before the provision comes into force.

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## 22 Transitional provision etc

- (1) Schedule 7 makes provision about the cases to which the amendments made by this Act apply.
- (2) The Secretary of State may by order make other transitional, transitory or saving provision in connection with the coming into force of any provision of this Act. 30
- (3) An order under this section –
- (a) may make different provision for different purposes, and
  - (b) in connection with sections [2-1](#) to [87](#), Schedules 1, 2 and 3 and paragraph [22](#) of Schedule 6 may make different provision for different areas.
- (4) An order under this section is to be made by statutory instrument. 35

## 23 Commencement

- (1) This Act comes into force on such day or days as the Secretary of State may appoint by order, subject to subsection (2). 40

- (2) This section and sections 20, 21(2) to (4), 23 and 24 come into force on the day on which this Act is passed.
- (3) An order under this section –
- (a) may appoint different days for different purposes, and
  - (b) in relation to sections [21](#) to [87](#), Schedules 1, 2 and 3 and paragraph [22](#) of Schedule 6, may appoint different days for different areas.
- (4) An order under this section is to be made by statutory instrument.

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## 24 Extent

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- (1) An amendment or repeal made by this Act, other than an armed forces amendment or repeal, has the same extent as the provision amended or repealed (ignoring extent by virtue of an Order in Council).
- (2) Subject to subsection (1), this Act extends to England and Wales, Scotland and Northern Ireland.
- (3) [So far as sections 20, 21 and 22 confer power to make provision amending or otherwise relating to Schedule 1 to the Crime \(Sentences\) Act 1997, they also extend to the Channel Islands.](#)
- (4) Section 385 of the Armed Forces Act 2006 (extent of enactments applied by that Act) does not apply in relation to an armed forces amendment or repeal.
- (5) Her Majesty may by Order in Council provide for an armed forces amendment or repeal to extend, with or without modifications, to –
- (a) any of the Channel Islands,
  - (b) the Isle of Man, or
  - (c) any of the British overseas territories.
- (6) The power conferred by [section 338 paragraph 19 of Schedule 1 to the Criminal Justice-Crime \(Sentences\) Act 2003-1997](#) (power to extend to [Channel Islands etc Isle of Man](#)) is exercisable in relation to any amendment of that Act that is made by this Act.
- (7) [The power conferred by section 338 of the Criminal Justice Act 2003 \(power to extend to Channel Islands etc\) is exercisable in relation to any amendment of that Act that is made by this Act.](#)
- (8) “Armed forces amendment or repeal” means –
- (a) an amendment or repeal made by Schedule 6 (amendments of the Armed Forces Act 2006), and
  - (b) where a provision amended or repealed by this Act is applied by or under the Armed Forces Act 2006, the amendment or repeal of the provision as so applied.

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## 25 Short title

This Act may be cited as the Offender Rehabilitation Act 2013.

- ~~(1) Nothing in this Act shall impose any charge on the people or on public funds, or vary the amount or incidence of or otherwise alter any such charge in any manner, or affect the assessment, levying, administration or application of any money raised by any such charge.~~

I

## SCHEDULES

### SCHEDULE 1

Section 32

#### SUPERVISION REQUIREMENTS

##### PART 1

##### GENERAL

5

- 1 In Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall), after section 256AA insert –

**“256AB Supervision requirements under section 256AA**

- (1) The only requirements that the Secretary of State may specify in a notice under section 256AA are – 10
- (a) a requirement to be of good behaviour and not to behave in a way which undermines the purpose of the supervision period;
  - (b) a requirement not to commit any offence;
  - (c) a requirement to keep in touch with the supervisor in accordance with instructions given by the supervisor; 15
  - (d) a requirement to receive visits from the supervisor in accordance with instructions given by the supervisor;
  - (e) a requirement to reside permanently at an address approved by the supervisor and to obtain the prior permission of the supervisor for any stay of one or more nights at a different address; 20
  - (f) a requirement not to undertake work, or a particular type of work, unless it is approved by the supervisor and to notify the supervisor in advance of any proposal to undertake work or a particular type of work; 25
  - (g) a requirement not to travel outside the British Islands, except with the prior permission of the supervisor or in order to comply with a legal obligation (whether or not arising under the law of any part of the British Islands); 30
  - (h) a requirement to participate in activities in accordance with any instructions given by the supervisor;
  - (i) a drug testing requirement (see section 256D);
  - (j) a drug appointment requirement (see section 256E).
- (2) Where a requirement is imposed under subsection (1)(h), section 200A(5) to (8) apply in relation to the requirement (reading references to the responsible officer as references to the supervisor). 35



- (3) Paragraphs (i) and (j) of subsection (1) have effect subject to the restrictions in sections 256D(2) and 256E(2).
- (4) The Secretary of State may by order –
- (a) add requirements that may be specified in a notice under section 256AA, 5
  - (b) remove or amend such requirements,
  - (c) make provision about such requirements, including about the circumstances in which they may be imposed, and
  - (d) make provision about instructions given for the purposes of such requirements. 10
- (5) An order under subsection (4) may amend this Act.
- (6) In this section “work” includes paid and unpaid work.”

## PART 2

### DRUGS

- 2 In Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall), after section 256C insert – 15

#### “256D Drug testing requirements

- (1) “Drug testing requirement”, in relation to an offender subject to supervision under this Chapter, means a requirement that, when instructed to do so by the supervisor, the offender provide a sample mentioned in the instruction for the purpose of ascertaining whether the offender has a specified Class A drug or a specified Class B drug in his or her body. 20
- (2) A drug testing requirement may be imposed on an offender subject to supervision under this Chapter only if – 25
- ~~(a) the offender’s sentence was imposed for a trigger offence, and~~
  - (a) the Secretary of State is satisfied of the matters in subsection (3), and
  - (b) the requirement is being imposed for the purpose of determining whether the offender is complying with any other supervision requirement. 30
- (3) Those matters are –
- (a) that the misuse by the offender of a specified class A drug or a specified class B drug caused or contributed to an offence of which the offender has been convicted or is likely to cause or contribute to the commission of further offences by the offender, and 35
  - (b) that the offender is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug. 40
- (4) An instruction given for the purpose of a drug testing requirement must be given in accordance with guidance given from time to time by the Secretary of State.
- (5) The Secretary of State may make rules regulating the provision of samples in accordance with such an instruction.

- (6) In this section –
- “specified Class A drug” and “specified Class B drug” have the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000;
  - “trigger offence” means –
    - (a) a trigger offence within the meaning of that Part, or
    - (b) an offence under section 42 of the Armed Forces Act 2006 (criminal conduct) as respects which the corresponding offence under the law of England and Wales is a trigger offence within the meaning of that Part.

### 256E Drug appointment requirements

- (1) “Drug appointment requirement”, in relation to an offender subject to supervision under this Chapter, means a requirement that the offender, in accordance with instructions given by the supervisor, attend appointments with a view to addressing the offender’s dependency on, or propensity to misuse, a controlled drug.
- (2) A drug appointment requirement may be imposed on an offender subject to supervision under this Chapter only if –
- (a) the supervisor has recommended to the Secretary of State that such a requirement be imposed on the offender, and
  - (b) the Secretary of State is satisfied of the matters in subsection (3).
- (3) Those matters are –
- (a) that the misuse by the offender of a controlled drug caused or contributed to an offence of which the offender has been convicted or is likely to cause or contribute to the commission of further offences by the offender,
  - (b) that the offender is dependent on, or has a propensity to misuse, a controlled drug,
  - (c) that the dependency or propensity requires, and may be susceptible to, treatment, and
  - (d) that arrangements have been made, or can be made, for the offender to have treatment.
- (4) The requirement must specify –
- (a) the person with whom the offender is to meet or under whose direction the appointments are to take place, and
  - (b) where the appointments are to take place.
- (5) The person specified under subsection (4)(a) must be a person who has the necessary qualifications or experience.
- (6) The only instructions that the supervisor may give for the purposes of the requirement are instructions as to –
- (a) the duration of each appointment, and
  - (b) when each appointment is to take place.
- (7) For the purposes of this section, references to a requirement to attend an appointment do not include a requirement to submit to treatment.

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- (8) In this section, “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.”

## SCHEDULE 2

Section 43

## SUPERVISION DEFAULT ORDERS: NEW SCHEDULE 19A TO CRIMINAL JUSTICE ACT 2003

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In Chapter 6 of Part 12 of the Criminal Justice Act 2003, after Schedule 19 insert the following Schedule.

## “SCHEDULE 19A

## SUPERVISION DEFAULT ORDERS

## PART 1

## REQUIREMENTS ETC

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*Application of provisions of Chapter 4 of Part 12*

- 1 The provisions of Chapter 4 of Part 12 listed in paragraph 2 apply in relation to a supervision default order as they apply in relation to a community order but with the modifications listed in paragraph 3. 15
- 2 Those provisions are –
- (a) section 199(1) to (3) (unpaid work requirement);
  - (b) section 200(1) and (3) (obligations of person subject to unpaid work requirement);
  - (c) section 204(1), (2) and (6) (curfew requirement);
  - (d) section 215(1) to (3) and (4A) (electronic monitoring requirement);
  - (e) section 215A (data from electronic monitoring: code of practice);
  - (f) section 216(1) (local justice area to be specified in order);
  - (g) section 217(1) and (2) (requirement to avoid conflict with religious beliefs);
  - (h) section 218(1), (4) and (5) (availability of arrangements in local area);
  - (i) section 219(1)(a) and (b) and (2) and Schedule 14 (provision of copies). 25
- 3 (1) The modifications mentioned in paragraph 1 are as follows. 35
- (2) Section 199 applies as if for paragraphs (a) and (b) of subsection (2) (limit on number of hours of unpaid work) there were substituted –
- “(a) not less than 20 hours, and
  - (b) not more than 60 hours.”
- (3) Section 200(1) applies – 40
- (a) as if the reference to the responsible officer were to the supervisor, and

- (b) as if at the end there were inserted “and the work must be performed before the end of the supervision period.”
- (4) Section 204(2) applies as if for the words after “but” there were substituted – 5
- “(a) may not specify periods which amount to less than 2 hours or more than 16 hours in any day,
- (b) may not specify periods which fall outside the supervision period, and
- (c) must require the person to remain at the specified place or places on at least 20 days.” 10
- (5) Section 215(1)(a) applies as if the words “or determined by the responsible officer in accordance with the relevant order” were omitted.
- (6) Section 215(4A) applies as if the references to the responsible officer were to the supervisor. 15
- (7) Section 217(2) applies as if the reference to the responsible officer were to the supervisor.
- (8) Section 219(1)(b) applies as if the reference to the responsible officer were to the supervisor.
- Powers of Secretary of State in relation to provisions of Chapter 4 of Part 12* 20
- 4 The Secretary of State’s power to make orders under section 217(3) (requirement to avoid conflict with religious beliefs etc) includes power to provide that section 217(1) and (2), as applied by this Schedule, have effect with additional restrictions specified in the order. 25
- 5 (1) The Secretary of State’s power to make rules under section 222 (rules regulating the supervision of persons subject to community orders etc) may be exercised in relation to persons subject to supervision default orders.
- (2) For the purpose of sub-paragraph (1), section 222(1)(b) has effect as if the reference to the responsible officer were to the supervisor. 30
- 6 The Secretary of State may by order amend paragraph 3(2) or (4) by changing the number of hours or days for the time being specified there.

## PART 2

BREACH, REVOCATION OR ~~AMENDMENT OF SUPERVISION DEFAULT ORDER~~ AMENDMENT 35

*Proceedings for breach*

- 7 (1) If the supervisor in relation to a person subject to supervision requirements under section 256AA – 40
- (a) is satisfied that the person has failed without reasonable excuse to comply with a requirement imposed by a supervision default order, and

- (b) considers that the failure should be dealt with by a court, the supervisor must refer the matter to an enforcement officer.
- (2) Where a matter is referred to an enforcement officer under this paragraph, it is the duty of the enforcement officer –
- (a) to consider the case, and 5
- (b) where appropriate, to cause an information to be laid before a justice of the peace in respect of the person’s failure to comply with the requirement.
- (3) In this paragraph “enforcement officer” means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State. 10
- (4) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.
- (5) In sub-paragraph (4) “public sector provider” means –
- (a) a probation trust or other public body, or 15
- (b) the Secretary of State.

*Issue of summons or warrant by justice of the peace*

- 8 (1) If at any time while a supervision default order is in force it appears on information to a justice of the peace that the person subject to the order has failed to comply with a requirement imposed by the order, the justice may –
- (a) issue a summons requiring the person to appear at the place and time specified in it, or
- (b) if the information is in writing and on oath, issue a warrant for the person’s arrest. 20 25
- (2) A summons or warrant issued under this paragraph must direct the person to appear or be brought before –
- (a) a magistrates’ court acting for the local justice area in which the person resides, or 30
- (b) if it is not known where the person resides, before a magistrates’ court acting for the local justice area specified in the supervision default order.

*Powers of magistrates’ court to deal with breach*

- 9 (1) This paragraph applies if it is proved to the satisfaction of a magistrates’ court before which a person appears or is brought under paragraph 8 that the person has failed without reasonable excuse to comply with a requirement imposed by the supervision default order. 35
- (2) The court may revoke the order and deal with the person for the failure in any of the ways listed in section 256AC(4)(a) to (c) (and section 256AC(5) and (7) to (9) apply accordingly). 40
- (3) In dealing with a person under this paragraph, a magistrates’ court must take into account the extent to which the person has complied with the supervision default order.

- (4) A person dealt with under this paragraph may appeal to the Crown Court against the order made by the court.

*Amendment or revocation of order by magistrates' court*

- 10 (1) Where a person is subject to a supervision default order, the appropriate magistrates' court may on the application of the person or an officer of a provider of probation services – 5
- (a) revoke the order,
  - (b) amend the order, or
  - (c) revoke the order and deal with the person under section 256AC(4) in any way in which it could deal with the person if the order had never been made. 10
- (2) A magistrates' court acting under sub-paragraph (1)(b) –
- (a) may not increase the number of hours or days specified in the order; 15
  - (b) may reduce the number of hours or days so specified, but not so as to reduce them below the minimum specified in section 199(2) or 204(2) (as modified by paragraph 3).
- (3) In exercising its powers under sub-paragraph (1), a magistrates' court must take into account the extent to which the person has complied with the supervision default order. 20
- (4) Where a court exercises its powers under sub-paragraph (1)(b) or (c), the person may appeal to the Crown Court against the order made by the court.
- (5) Where a magistrates' court proposes to exercise its powers under this paragraph on an application of an officer of a provider of probation services, the court – 25
- (a) must summon the person subject to the supervision default order to appear before the court, and
  - (b) if the person does not appear in answer to the summons, may issue a warrant for the person's arrest. 30
- (6) Sub-paragraph (5) does not apply where the court proposes only to amend the order to reduce the number of hours or days specified in it.
- (7) Where an application under this paragraph is made by a person subject to a supervision default order, the magistrates' court may not hear the application unless satisfied that adequate notice has been given to any officer of a provider of probation services who the court thinks has an interest in the application. 35
- (8) No application may be made under this paragraph while an appeal against the supervision default order is pending. 40
- (9) In this paragraph "the appropriate magistrates' court" means a magistrates' court acting in the local justice area specified in the supervision default order.

*Amendment of local justice area specified in order*

- 11 (1) This paragraph applies where, at any time while a supervision default order is in force in respect of a person, the appropriate magistrates' court is satisfied that the person proposes to change, or has changed, residence from the local justice area specified in the order to another local justice area ("the new local justice area").
- (2) The appropriate magistrates' court may amend the order to specify the new local justice area.
- (3) In this paragraph "the appropriate magistrates' court" has the same meaning as in paragraph 10.

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*Revocation of order on imposition of further sentence*

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- 12 (1) This paragraph applies where –
- (a) the Crown Court or a magistrates' court is sentencing a person for an offence, and
- (b) a supervision default order is in force in respect of the person.
- (2) If the court imposes a sentence of imprisonment or detention (other than a suspended sentence) it must revoke the supervision default order.
- (3) If the court makes a community order or suspended sentence order it may revoke the supervision default order and deal with the person under section 256AC(4) in any way in which the person could be dealt with under section 256AC(4) if the supervision default order had never been made.

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- 13 Where –
- (a) the Crown Court or a magistrates' court orders that a suspended sentence or any part of it is to take effect in relation to a person, and
- (b) a supervision default order is in force in respect of the person,
- the court must revoke the supervision default order."

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## SCHEDULE 3

Section 8Z

## RELEASE AND SUPERVISION: MINOR AND CONSEQUENTIAL PROVISION

*Crime and Disorder (Sentences) Act 1998-1997 (c. 3743)*

- 1 Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.
- 2 (1) ~~Section 38~~Paragraph 6 (4) effect of ~~the Crime and Disorder Act 1998~~ ~~(meaning of "youth justice services" transfers: preliminary)~~ is amended as follows.

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- (2) In sub-paragraph (2)(b), for “and possible recall following his release” substitute “, possible recall following release and any supervision default order”.
- (3) In sub-paragraph (2)(c), for “and possible recall” substitute “, possible recall and any supervision default order”. 5
- (4) In sub-paragraph (3), at the end insert –  
“(c) in relation to a person who is supervised under section 256AA of the 2003 Act, being ordered to be committed to prison or detention for failure to comply with a requirement imposed under that section or by a supervision default order; 10  
(d) in relation to a person who is supervised under section 256B of the 2003 Act, being ordered to be detained for failure to comply with a supervision requirement imposed under that section.” 15
- (5) In sub-paragraph (4), at the appropriate place insert –  
““supervision default order” has the meaning given in section 268(1) of the 2003 Act;”.
- 3 (1) Paragraph 8 (restricted transfers from England and Wales to Scotland) is amended as follows. 20
- (2) In sub-paragraph (2)(a) –  
(a) for “264A” substitute “264B”,  
(b) after “267B of” insert “, and Schedules 19A, 20A and 20B to,” and  
(c) after “104” insert “and 106B”.
- (3) In sub-paragraph (4)(a) – 25  
(a) for “264A” substitute “264B”,  
(b) after “267B of” insert “, and Schedules 19A, 20A and 20B to,” and  
(c) after “104” insert “and 106B”.
- (4) In sub-paragraph (6)(f), for “paragraphs (b) and (c)” substitute “paragraph (c)”. 30
- (5) At the end (after the sub-paragraph (7) inserted by section 13 of this Act) insert –  
“(8) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect – 35  
(a) as if any reference to something listed in the first column of the Table in sub-paragraph (10) were a reference to whatever is opposite it in the second column of that Table,  
(b) with the modifications in sub-paragraph (11), and  
(c) in a case falling within section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, with the further modifications in sub-paragraph (12), 40  
(and see also paragraphs 8A, 19A and 19B).
- (9) In this paragraph “the supervision provisions” means –  
(a) sections 256AA to 256E of, and Schedule 19A to, the 2003 Act, 45



- (b) [the provisions of the 2003 Act mentioned in section 256AC of, and Schedule 19A to, that Act, as applied by that section and that Schedule, and](#)
- (c) [section 106B of the Powers of Criminal Courts \(Sentencing\) Act 2000.](#)

(10) [The references mentioned in sub-paragraph \(8\)\(a\) are –](#)

TABLE

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<i>Reference</i>	<i>Substituted reference</i>	
Crown Court	High Court of Justiciary	
Justice of the peace	Sheriff court	10
Local justice area	Local government area within the meaning of the Local Government etc (Scotland) Act 1994	
Magistrates' court	Sheriff court	15
Officer of a provider of probation services	Relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993	
Summons	Citation	20
Young offender institution	Young offenders institution provided under section 19(1)(b) of the Prisons (Scotland) Act 1989	25

(11) [The modifications mentioned in sub-paragraph \(8\)\(b\) are –](#)

- (a) [section 256AA\(2\)\(b\) of the 2003 Act has effect as if it also referred to a licence under the Prisons \(Scotland\) Act 1989 or the Prisoners and Criminal Proceedings \(Scotland\) Act 1993,](#)
- (b) [section 256AC\(7\)\(b\) of the 2003 Act has effect as if for “the Secretary of State” there were substituted “the Scottish Ministers”,](#)
- (c) [paragraph 2 of Schedule 19A to the 2003 Act has effect as if –](#)
- (i) [sub-paragraph \(d\) referred only to section 215\(1\) and \(2\) of the 2003 Act, and](#)
- (ii) [sub-paragraph \(e\) were omitted,](#)
- (d) [paragraph 3 of Schedule 19A to the 2003 Act has effect as if, after sub-paragraph \(7\), there were inserted –](#)
- “(7A) [Section 218\(4\)\(a\) applies as if for the words “has been notified by the Secretary of State” there were substituted “is satisfied”,](#)

(e) paragraph 7 of Schedule 19A to the 2003 Act has effect as if—

(i) in sub-paragraph (1), for “the supervisor must refer the matter to the enforcement officer” there were substituted “the supervisor may cause an information to be laid before a sheriff court in respect of the person’s failure to comply with the requirement”, and

(ii) sub-paragraphs (2) to (5) were omitted, and

(f) paragraph 12(3) of Schedule 19A to the 2003 Act has effect as if for “makes a community order or suspended sentence order” there were substituted “imposes any other sentence”.

(12) The further modifications mentioned in sub-paragraph (8)(c) are that section 106B of the Powers of Criminal Courts (Sentencing) Act 2000 has effect as if—

(a) in subsection (4), for paragraph (b) there were substituted a reference to an officer of a local authority constituted under the Local Government etc (Scotland) Act 1994 for the local government area in which the offender resides for the time being, and

(b) after subsection (3) there were inserted—

“(3A) Sections 256AA(3) and (6), 256AB(1) and 256E(2) have effect as if the references to the Secretary of State were references to the Scottish Ministers.”

4 After paragraph 8 insert—

“Restricted transfers between England and Wales and Scotland: further provision about supervision default orders

“8A (1) This paragraph applies if—

(a) a person’s supervision is transferred to Scotland under paragraph 4 of this Schedule by means of a restricted transfer or transferred back to England and Wales under paragraph 7 of this Schedule, and

(b) at the time of the transfer, or transfer back, a supervision default order is in force in respect of the person.

(2) The supervision default order has effect as if, at the time of the transfer or transfer back, it specified the relevant area in which the person resides or proposes to reside in the new jurisdiction (rather than a relevant area in the jurisdiction from which the person is transferring).

(3) The court acting for that relevant area in the new jurisdiction may amend the supervision default order to specify that area.

(4) In this paragraph—

“relevant area” means—

(a) in England and Wales, a local justice area, and

- (b) in Scotland, a local government area within the meaning of the Local Government etc (Scotland) Act 1994;  
“supervision default order” has the meaning given in section 268(1) of the 2003 Act.”
- 5 (1) Paragraph 9 (restricted transfers from England and Wales to Northern Ireland) is amended as follows.
- (2) In sub-paragraph (2)(a)–  
 (a) for “264A” substitute “264B”,  
 (b) after “267B of” insert “, and Schedules 20A and 20B to,” and  
 (c) after “104” insert “and 106B”.
- 10 (3) In sub-paragraph (4)(a)–  
 (a) for “264A” substitute “264B”,  
 (b) after “267B of” insert “, and Schedules 20A and 20B to,” and  
 (c) after “104” insert “and 106B”.
- 15 (4) Omit sub-paragraph (8).
- (5) At the end insert –  
 — “(9) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect –  
 (a) as if any reference to something listed in the first column of the Table in sub-paragraph (11) were a reference to whatever is opposite it in the second column of that Table, and  
 (b) with the other modifications in sub-paragraph (12).
- 20 (10) In this paragraph “the supervision provisions” means –  
 (a) sections 256AA to 256AC, 256D and 256E of the 2003 Act, and  
 (b) section 106B of the Powers of Criminal Courts (Sentencing) Act 2000.
- 25 (11) The references mentioned in sub-paragraph (9)(a) are –

TABLE

<i>Reference</i>	<i>Substituted reference</i>
Crown Court	County court
Justice of the peace	Lay magistrate
Information	Complaint
Local justice area	Petty sessions district
Magistrates’ court	Court of summary jurisdiction
Officer of a provider of probation services	Probation officer

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TABLE

Reference	Substituted reference
Young offender institution	Young offender centre

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(12) The other modifications mentioned in sub-paragraph (9)(b) are –

(a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to –

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(i) a custody probation order or licence under Part 2 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (N.I. 24), and

(ii) a licence under the Northern Ireland (Sentences) Act 1998, Part 3 of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)),

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(b) section 256AC of the 2003 Act has effect as if subsections (4)(c), (5) and (10) (provision for supervision default orders) were omitted, and

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(c) subsection (7)(b) of that section has effect as if for “the Secretary of State” there were substituted “the Department of Justice in Northern Ireland”.

6 (1) Paragraph 15 (unrestricted transfers: general) is amended as follows.

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(2) In sub-paragraph (4A), for “This paragraph has” substitute “Sub-paragraphs (3) and (4) have”.

(3) After sub-paragraph (h) (~~supervision as part of detention and training order~~4A) insert –

“(4B) A person who is subject to a period of supervision of a type or length which could not have been imposed on an offender in the place to which the person has been transferred is to be treated for the relevant purposes as the receiving authority may direct.

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(4C) In sub-paragraph (4B), “the receiving authority” means –

(a) in relation to a person transferred to Scotland, the Scottish Ministers,

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(b) in relation to a person transferred to Northern Ireland, the Department of Justice in Northern Ireland, and

(c) in relation to any other person, the Secretary of State.”

7 After paragraph 19 insert –

“Service of process issued in Scotland

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19A (1) Section 4 of the Summary Jurisdiction (Process) Act 1881 (service in England and Wales of Scottish process etc) applies to any process issued by a court in Scotland under the supervision provisions.

- (2) “The supervision provisions” means the provisions listed in paragraph 8(9), as they are applied by paragraph 8(2) or (4).

Electronic monitoring in Scotland

19B (1) Section 245C of the Criminal Procedure (Scotland) Act 1995 (remote monitoring), and regulations under that section, apply in relation to the electronic monitoring of compliance with a curfew requirement in a supervision default order imposed under the supervision provisions as they apply in relation to the remote monitoring of compliance with a restriction of liberty order.

- (2) “The supervision provisions” means the provisions listed in paragraph 8(9), as they are applied by paragraph 8(2) or (4).”

8 In paragraph 20(1) (interpretation), for the definition of “supervision” substitute –

““supervision” means –

- (a) supervision under an order made for the purpose,
- (b) supervision under a detention and training order,
- (c) in the case of a person released from prison on licence, supervision under a condition contained in the licence,
- (d) supervision under section 256AA of the Criminal Justice Act 2003 (supervision after end of sentence), including supervision under that section as applied by section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, or
- (e) supervision under section 256B of the Criminal Justice Act 2003 (supervision after release of certain young offenders serving less than 12 months).”

Crime and Disorder Act 1998 (c. 37)

9 (1) Section 38(4) of the Crime and Disorder Act 1998 (meaning of “youth justice services”) is amended as follows.

(2) After paragraph (h) (supervision as part of detention and training order) insert –

“(ha) supervision after the end of the term of such an order under section 256AA of the Criminal Justice Act 2003 (as applied by section 106B of the Powers of Criminal Courts (Sentencing) Act 2000);”.

(3) After paragraph (i) insert –

“(ia) post-release supervision under section 256B of the Criminal Justice Act 2003;”.

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

10 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

11 (1) Section 103 (period of supervision for detention and training order) is amended as follows.

(2) In subsection (3), omit paragraph (b) (but not the “or” at the end).

- (3) In subsection (5) –
- (a) omit paragraph (a) (and the “or” at the end), and
  - (b) in the words following paragraph (b), omit the words “social worker or” and “a social worker of, or”.
- 12 In section 107 (detention and training orders: interpretation) –
- (a) in subsection (2), after “105” insert “and 106B”, and
  - (b) after that subsection insert –
- “(3) For the purposes of sections 103(2A) and 106B(1), where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken to have been committed on the last of those days.”
- Criminal Justice and Court Services Act 2000 (c. 43)*
- 13 In section 64(4) of the Criminal Justice and Court Services Act 2000 (release on licence: regulation of provision of samples given pursuant to drug testing condition), for “regulations” substitute “rules”.
- Criminal Justice Act 2003 (c. 44)*
- 14 The Criminal Justice Act 2003 is amended as follows.
- 15 In the heading of Chapter 6 of Part 12, after “licences” insert “, supervision”.
- 16 In the heading of section 243A, after “release” insert “certain”.
- 17 In section 243A(3)(a) (duty to release prisoners serving less than 12 months unconditionally: definition of requisite custodial period), for the words from “in relation to” to “such a term” substitute “in relation to a person serving one sentence”.
- 18 In section 244(3)(a) (duty to release prisoners on licence: definition of requisite custodial period), for the words from “in relation to” to “such a term” substitute “in relation to a prisoner serving one sentence”.
- 19 Omit the italic heading before section 256B.
- 20 For the heading of that section substitute “Supervision after release of certain young offenders serving less than 12 months”.
- 21 In section 256C(4)(b) (breach of supervision requirements), for “impose on the offender” substitute “order the offender to pay”.
- 22 In the heading of that section, at the end insert “imposed under section 256B”.
- 23 (1) Section 268 (interpretation of Chapter 6) is amended as follows.
- (2) The existing text is re-numbered as subsection (1).
  - (3) In subsection (1), in the definition of “fixed-term prisoner”, for ““fixed-term prisoner” has” substitute ““fixed-term prisoner” and “fixed-term sentence” have”.

- (4) In subsection (1), at the appropriate places insert –
- ““offender subject to supervision under this Chapter” means a person who is subject to supervision requirements under section 256AA or 256B;”;
- ““supervision default order” means an order described in section 256AC(4)(c), whether made under that provision or under paragraph 9 of Schedule 19A;”;
- ““the supervision period”, in relation to an offender subject to supervision under this Chapter, has the meaning given in section 256AA or 256B (as appropriate);”;
- ““the supervisor” –
- (a) in relation to an offender subject to supervision requirements under section 256AA, has the meaning given in that section, and
- (b) in relation to an offender subject to supervision requirements under section 256B, means the person who provides supervision under that section;”.
- (5) At the end insert –
- “(2) For the purposes of sections 243A(1A), 256AA(1), 256B(1A) and ~~264A~~264B(1), where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken to have been committed on the last of those days.”
- 24 (1) [Section 302 \(execution of process between England and Wales and Scotland\) is amended as follows.](#)
- (2) [After “under –” insert –](#)  
“[section 256AC\(1\) or \(3\),](#)  
[section 256C\(1\) or \(3\).](#)”.
- (3) [Omit the “or” before “paragraph 6\(2\) or \(4\)”.](#)
- (4) [After “Schedule 12” insert “or](#)  
[“paragraph 8\(1\) or 10\(5\) of Schedule 19A.”.](#)
- 25 In section 330(5)(a) (orders subject to affirmative procedure) at the appropriate place insert –  
“section 256AB(4),”;  
“paragraph 6 of Schedule 19A,”.

## SCHEDULE 4

Section 14

## OFFICERS RESPONSIBLE FOR IMPLEMENTING ORDERS

## PART 1

## FUNCTIONS CONFINED TO THE PUBLIC SECTOR

*Criminal Justice Act 2003 (c. 44)*

- 1 The Criminal Justice Act 2003 is amended as follows.

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- 2 In section 191 (power to provide for review of suspended sentence order), in subsection (1)(d), for “the responsible officer” substitute “an officer of a provider of probation services”.
- 3 (1) Section 192 (periodic review of suspended sentence order) is amended as follows. 5
- (2) In subsection (1) –
- (a) omit “responsible”, and
- (b) after “subsection” insert “(“the review officer’s report”)”.
- (3) In each of subsections (4) and (5), for “responsible” substitute “review”.
- 4 In section 210 (drug rehabilitation requirement: provision for review by court), in subsection (1)(d), for “the responsible officer” substitute “an officer of a provider of probation services”. 10
- 5 (1) Section 211 (periodic review of drug rehabilitation requirement) is amended as follows.
- (2) In subsection (1) – 15
- (a) omit “responsible”, and
- (b) after “subsection” insert “(“the review officer’s report”)”.
- (3) In each of subsections (6) and (7), for “responsible” substitute “review”.
- 6 (1) Schedule 8 (breach, revocation or amendment of community order) is amended as follows. 20
- (2) After paragraph 1 insert –
- “1A (1) In this Schedule “enforcement officer” means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State. 25
- (2) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.
- (3) In sub-paragraph (2) “public sector provider” means –
- (a) a probation trust or other public body, or
- (b) the Secretary of State.” 30
- (3) In paragraph 5(1), for paragraph (b) substitute –
- “(b) the officer refers the matter to an enforcement officer (see paragraph 6A).” 30
- (4) In paragraph 6(1), for the words from “must cause an information” to the end substitute “must refer the matter to an enforcement officer (see paragraph 6A).” 35
- (5) After paragraph 6 insert –
- “*Role of enforcement officer* 40
- 6A (1) Where a matter is referred to an enforcement officer under paragraph 5(1)(b) or 6(1), it is the duty of the enforcement officer to consider the case and, where appropriate, to cause an



- 
- information to be laid before a justice of the peace in respect of the offender’s failure to comply with the requirement.
- (2) In relation to any community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates’ court, the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to the Crown Court.” 5
- (6) In each of paragraphs 13(1), 14(1)(b), 17(1), 19, 19A(1), 20(1)(b) and 24(2)(b) for “the responsible officer” substitute “an officer of a provider of probation services”.
- (7) In paragraph 18(1) for “apply” substitute “cause an application to be made”. 10
- 7 (1) Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction) is amended as follows.
- (2) After paragraph 1 insert –
- “1A (1) In this Schedule “enforcement officer” means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State. 15
- (2) An enforcement officer must be an officer of a provider of probation services that is a public sector provider. 20
- (3) In sub-paragraph (2) “public sector provider” means –
- (a) a probation trust or other public body, or
- (b) the Secretary of State.”
- (3) In paragraph 4(1), for paragraph (b) substitute –
- “(b) the officer refers the matter to an enforcement officer (see paragraph 5A).” 25
- (4) In paragraph 5(1), for the words from “must cause an information” to the end substitute “must refer the matter to an enforcement officer (see paragraph 5A).”
- (5) After paragraph 5 insert – 30
- “Role of enforcement officer*
- 5A (1) Where a matter is referred to an enforcement officer under paragraph 4(1)(b) or 5(1), it is the duty of the enforcement officer to consider the case and, where appropriate, to cause an information to be laid before a justice of the peace in respect of the offender’s failure to comply with the requirement. 35
- (2) In relation to any suspended sentence order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates’ court, the reference in sub-paragraph (1) to a justice of the peace is to be read as a reference to the Crown Court.”
- (6) In each of paragraphs 13(1), 15(1), 17, 18(1)(b) and 19(2)(b) for “the responsible officer” substitute “an officer of a provider of probation services”. 40

(7) In paragraph 16(1) for “apply” substitute “cause an application to be made”.

*Offender Management Act 2007 (c. 21)*

- 8 In section 4 of the Offender Management Act 2007 (probation provision that may only be made with a probation trust or other public body), after subsection (2) insert – 5
- “(3) The provision described in subsection (2)(b) includes provision which relates to the making of an application by an officer to a court under –
- (a) paragraph 13, 14, 17, 19A or 20 of Schedule 8 to the Criminal Justice Act 2003 (revocation or amendment of community orders), 10
  - (b) paragraph 13, 15, 17 or 18 of Schedule 12 to that Act (amendment of suspended sentence orders), or
  - (c) paragraph 10 of Schedule 19A to that Act (revocation or amendment of supervision default orders).”

PART 2

CONSEQUENTIAL PROVISION 15

*Children Act 1989 (c. 41)*

- 9 In Schedule A1 to the Children Act 1989 (enforcement orders), in paragraph 3, omit sub-paragraphs (1) and (2)(a).

*Criminal Justice Act 2003 (c. 44)* 20

- 10 The Criminal Justice Act 2003 is amended as follows.
- 11 (1) Section 198 (duties of responsible officer) is amended as follows.
- (2) In subsection (1) –
- (a) at the end of paragraph (a) insert “and”; 25
  - (b) omit paragraph (c) and the “and” before it.
- (3) Omit subsection (2).
- 12 (1) Section 219 (provision of copies of relevant orders) is amended as follows. 30
- (2) For subsection (1) substitute –
- “(1) The court by which any relevant order is made must forthwith provide copies of the order –
- (a) to the offender,
  - (b) to the responsible officer,
  - (c) to an officer who is acting at the court and is an officer of a provider of probation services that is a public sector provider, and 35
  - (d) where the court specifies a local justice area in which the court making the order does not act, to a provider of probation services that is a public sector provider and is acting in that area.”

- (3) After subsection (3) insert –
- “(4) In subsection (1)(c) and (d), “public sector provider” means –
- (a) a probation trust or other public body, or
- (b) the Secretary of State;”.
- 13 In section 330(5)(a) (orders), omit “section 197(3),”.
- 14 (1) Schedule 8 (breach, revocation or amendment of community order) is amended as follows.
- (2) In paragraph 25A(4)(b), for “the responsible officer” substitute “any officer of a provider of probation services who the court thinks has an interest in the proceedings”.
- (3) In paragraph 27(1)(b), for sub-paragraph (i) substitute –
- “(i) a provider of probation services that is a public sector provider operating in that area, and”.
- (4) In paragraph 27, after sub-paragraph (3) insert –
- “(4) In this paragraph “public sector provider” means –
- (a) a probation trust or other public body, or
- (b) the Secretary of State.”
- 15 (1) In Schedule 12 (breach or amendment of suspended sentence order, and effect of further conviction), paragraph 22 is amended as follows.
- (2) In sub-paragraph (1), for paragraph (b) substitute –
- “(b) in the case of an amending order which substitutes a new local justice area, provide a copy of the amending order to –
- (i) a provider of probation services that is a public sector provider operating in that area, and
- (ii) the magistrates’ court acting in that area, and”.
- (3) After sub-paragraph (3) insert –
- “(4) In this paragraph “public sector provider” means –
- (a) a probation trust or other public body, or
- (b) the Secretary of State.”

## SCHEDULE 5

Section 15

### REHABILITATION ACTIVITY REQUIREMENT: CONSEQUENTIAL PROVISION

- 1 The Criminal Justice Act 2003 is amended as follows.
- 2 (1) Section 177 (community orders) is amended as follows.
- (2) In subsection (1), omit paragraphs (b) and (k).
- (3) In subsection (2), omit paragraph (b).
- (4) In subsection (4) –

- (a) after “unpaid work requirement,” insert “a rehabilitation activity requirement,”;
- (b) omit “an activity requirement,” and “, a supervision requirement”.
- 3 (1) Section 190 (imposition of requirements by suspended sentence order) is amended as follows. 5
- (2) In subsection (1), omit paragraphs (b) and (k).
- (3) In subsection (2), omit paragraph (b).
- (4) In subsection (4) –
- (a) after “unpaid work requirement,” insert “a rehabilitation activity requirement,”; 10
- (b) omit “an activity requirement,” and “, a supervision requirement”.
- 4 In section 218 (availability of arrangements in local area), omit subsection (2).
- 5 In section 222(1) (rules) – 15
- (a) in paragraph (d), omit “and community rehabilitation centres”.
- (b) in paragraph (e), for “activity requirements” substitute “rehabilitation activity requirements”.
- 6 (1) Section 305(1) (interpretation of Part 12) is amended as follows.
- (2) At the appropriate place insert – 20
- “rehabilitation activity requirement”, in relation to a community order or suspended sentence order, has the meaning given by section 200A;”.
- (3) Omit the definitions of –
- “activity requirement”;
- “supervision requirement”. 25
- 7 (1) Schedule 9 (transfer of community orders to Scotland or Northern Ireland) is amended as follows.
- (2) In paragraph 1(2), for paragraph (b) substitute –
- “(b) a rehabilitation activity requirement,”.
- (3) In paragraph 2(3), omit paragraph (a). 30
- (4) In paragraph 3(2), for paragraph (b) substitute –
- “(b) a rehabilitation activity requirement,”.
- (5) In paragraph 4(3), omit paragraph (a).
- 8 (1) Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland) is amended as follows. 35
- (2) In paragraph 1(2), for paragraph (b) substitute –
- “(b) a rehabilitation activity requirement,”.
- (3) In paragraph 4(3), omit paragraph (a).
- (4) In paragraph 6(2), for paragraph (b) substitute –
- “(b) a rehabilitation activity requirement,”.

- (5) In paragraph 9(3), omit paragraph (a).
- 9 In Schedule 14 (persons to whom copies of requirements to be provided in particular cases), in the table, omit the entry relating to activity requirements.

## SCHEDULE 6

Section 19

5

## OFFENDERS SENTENCED BY SERVICE COURTS

- 1 The Armed Forces Act 2006 is amended as follows.

*Supervision and release of offenders sentenced to less than 2 years*

- 2 In section 213(1) (application of provisions relating to civilian detention and training orders to service detention and training orders), for “106A and 107” substitute “106A to 107”.

10

*Recall and further release of offenders*

- 3 In section 246(2C) (time in service custody not to count as time served for purposes of automatic release), for “period of 28 days served by the offender before automatic release” substitute “automatic release period served by the offender”.

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*Service community orders, overseas community orders and suspended sentence orders: officers responsible for implementing*

- 4 (1) Section 183 (overseas community orders: modifications of Criminal Justice Act 2003) is amended as follows.

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(2) In subsection (1), omit “section 197(1) and (2) (meaning of “the responsible officer”);”.

(3) After subsection (1) insert –

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“(1A) Section 198(1) (duties of responsible officer) has effect as if at the end there were inserted –

“(c) where appropriate, to take steps to enforce those requirements.””

(4) Omit subsections (2), (4) and (5).

- 5 (1) Part 1 of Schedule 5 (breach, revocation and amendment of service community orders) is amended as follows.

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(2) In paragraph 1(2) (provisions of Schedule 8 to Criminal Justice Act 2003 disapplied), after “6(2),” insert “6A(2),”.

(3) Omit paragraph 2.

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(4) After that paragraph insert –

“2A Paragraph 6A(1) of that Schedule (role of enforcement officer) has effect in relation to a service community order under this Act as if the reference to a justice of the peace were to the Crown Court.”

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- 6 (1) Part 2 of Schedule 5 (breach, revocation and amendment of overseas community orders) is amended as follows.
- (2) In paragraph 10(2)(b) (provisions of Schedule 8 to Criminal Justice Act 2003 disapplied) –
- (a) after “paragraphs” insert “1A,”, and 5
  - (b) after “6(2),” insert “6A,”.
- (3) For paragraph 12 (breach of requirement of order: warning and laying of information) substitute –
- “12A Paragraph 5(1) of that Schedule (duty to give warning) has effect as if for paragraph (b) there were substituted – 10
    - “(b) the officer applies to the court that made the order for the exercise of its powers in relation to the failure.”
  - 12B Paragraph 6(1) of that Schedule (breach of order after warning) has effect as if for the words from “must refer” to the end there were substituted “must apply to the court that made the order for the exercise of its powers in relation to the failure in question.” 15
- 7 (1) Schedule 7 (suspended prison sentence: further conviction or breach of requirement) is amended as follows.
- (2) In paragraph 1(a) (provisions of Schedule 12 to Criminal Justice Act 2003 disapplied), after “5(2),” insert “5A(2),” 20
- (3) Omit paragraph 4.
- (4) After that paragraph insert –
- “4A Paragraph 5A(1) of Schedule 12 to the 2003 Act (role of enforcement officer) has effect in relation to a suspended sentence order with community requirements made by a relevant service court as if the reference to a justice of the peace were to the Crown Court.” 25
- Service community orders, overseas community orders and suspended sentence orders: duty to obtain permission before changing residence* 30
- 8 In section 183 (overseas community orders: modifications of Criminal Justice Act 2003) –
- (a) in subsection (1), at the appropriate place insert –
    - “section 220A(8) (duty to obtain permission before changing residence: definition of “the appropriate court”);”, and 35
  - (b) after subsection (3) insert –
    - “(3A) In section 220A of the 2003 Act (duty to obtain permission before changing residence), as it applies to an overseas community order, “the appropriate court” means the court that made the order.” 40
- 9 In section 205 (amendment of suspended sentence order with community requirements), in subsection (1)(c), for “14(5)” substitute “14(4)”.
- 10 In Part 1 of Schedule 5 (breach, revocation and amendment of service community orders), in paragraph 1(2), for “16(5)” substitute “16(4)”.

- 11 In Part 2 of Schedule 5 (breach, revocation and amendment of overseas community orders), in paragraph 10(2)(b), for the words from “10(6)” to “18(4)” substitute “10(6), 13, 16, 16A, 17(6), 18(4)”.

## SCHEDULE 7

Section 21

5

## CASES TO WHICH THIS ACT APPLIES

*Commencement day*

- 1 In this Schedule, “the commencement day”, in relation to an amendment made by a provision of this Act, means the day on which that provision comes into force. 10

*Release and supervision of offenders sentenced to less than 2 years*

- 2 The amendments made by sections [2-1](#) to [43](#), [54\(2\)](#), [6-5](#) and [76](#), Part 1 of Schedule 1, Schedules 2 and 3 and paragraph 2 of Schedule 6 apply in relation to – 15
- (a) any person who falls to be released under Chapter 6 of Part 12 of the Criminal Justice Act 2003 on or after the commencement day, and
  - (b) any person who falls to be released under a detention and training order (including an order under section 211 of the Armed Forces Act 2006) on or after the commencement day.
- 3 The amendments made by section [54\(3\)](#) to (7) and Part 2 of Schedule 1 apply where a person was released before the commencement day (as well as where a person is released on or after that day). 20

*Extended sentences*

- 4 The amendments made by section [9-8](#) do not apply in relation to an offence committed before the commencement day.

*Recall and further release of prisoners*

25

- 5 The amendments made by section [10-9](#) and paragraph 3 of Schedule 6 apply only where an offender is recalled on or after the commencement day.

*Drugs and offenders released during custodial sentence*

- 6 The amendments made by sections [11](#), [12](#) and [13](#) apply where a person was released before the commencement day (as well as where a person is released on or after that day). 30

*Community orders and suspended sentences*

- 7 The amendments made by sections [15](#), [17](#) and [18](#), Schedule 5 and paragraphs 8 to 11 of Schedule 6 do not apply in relation to an order made in respect of an offence committed before the commencement day. 35

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*Interpretation: offences committed over a period*

- 8       Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this Schedule to have been committed on the last of those days.



# Offender Rehabilitation Bill [HL]

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## B I L L

[\[AS AMENDED IN PUBLIC BILL COMMITTEE\]](#)

To make provision about the release, and supervision after release, of offenders; to make provision about the extension period for extended sentence prisoners; to make provision about community orders and suspended sentence orders; and for connected purposes.

*Brought from the Lords, 9 July 2013.*

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*Ordered, by The House of Commons, to be  
Printed, ~~9 July~~ [3 December](#) 2013.*

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