



# Criminal Justice and Court Services Act 2000

## 2000 CHAPTER 43

### PART III

#### DEALING WITH OFFENDERS

### CHAPTER II

#### MISCELLANEOUS

#### *Young offenders: reprimands and warnings*

#### 56 Reprimands and warnings.

<sup>F1</sup>(1) . . . . .

(2) In section 34 of the <sup>M1</sup>Police and Criminal Evidence Act 1984 (limitations on police detention), for subsection (5)(b) there is substituted—

“(b) that, in respect of any such matter, proceedings may be taken against him or he may be reprimanded or warned under section 65 of the <sup>M2</sup>Crime and Disorder Act 1998”.

#### Textual Amendments

**F1** S. 56(1) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), s. 151(1), [Sch. 24 para. 24](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)

#### Marginal Citations

**M1** 1984 c. 60.

**M2** 1998 c. 37.

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*Status: This version of this chapter contains provisions that are prospective.*

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### *Police powers: drugs*

## **57 Testing persons in police detention.**

- (1) The <sup>M3</sup>Police and Criminal Evidence Act 1984 is amended in accordance with subsections (2) to (4).
- (2) After section 63A there is inserted—

### **“63B Testing for presence of Class A drugs.**

- (1) A sample of urine or a non-intimate sample may be taken from a person in police detention for the purpose of ascertaining whether he has any specified Class A drug in his body if the following conditions are met.
- (2) The first condition is—
  - (a) that the person concerned has been charged with a trigger offence; or
  - (b) that the person concerned has been charged with an offence and a police officer of at least the rank of inspector, who has reasonable grounds for suspecting that the misuse by that person of any specified Class A drug caused or contributed to the offence, has authorised the sample to be taken.
- (3) The second condition is that the person concerned has attained the age of 18.
- (4) The third condition is that a police officer has requested the person concerned to give the sample.
- (5) Before requesting the person concerned to give a sample, an officer must—
  - (a) warn him that if, when so requested, he fails without good cause to do so he may be liable to prosecution, and
  - (b) in a case within subsection (2)(b) above, inform him of the giving of the authorisation and of the grounds in question.
- (6) A sample may be taken under this section only by a person prescribed by regulations made by the Secretary of State by statutory instrument.  
 No regulations shall be made under this subsection unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (7) Information obtained from a sample taken under this section may be disclosed—
  - (a) for the purpose of informing any decision about granting bail in criminal proceedings (within the meaning of the <sup>M4</sup>Bail Act 1976) to the person concerned;
  - (b) where the person concerned is in police detention or is remanded in or committed to custody by an order of a court or has been granted such bail, for the purpose of informing any decision about his supervision;
  - (c) where the person concerned is convicted of an offence, for the purpose of informing any decision about the appropriate sentence to be passed by a court and any decision about his supervision or release;
  - (d) for the purpose of ensuring that appropriate advice and treatment is made available to the person concerned.

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- (8) A person who fails without good cause to give any sample which may be taken from him under this section shall be guilty of an offence.

### **63C Testing for presence of Class A drugs: supplementary.**

- (1) A person guilty of an offence under section 63B above shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding level 4 on the standard scale, or to both.
- (2) A police officer may give an authorisation under section 63B above orally or in writing but, if he gives it orally, he shall confirm it in writing as soon as is practicable.
- (3) If a sample is taken under section 63B above by virtue of an authorisation, the authorisation and the grounds for the suspicion shall be recorded as soon as is practicable after the sample is taken.
- (4) If the sample is taken from a person detained at a police station, the matters required to be recorded by subsection (3) above shall be recorded in his custody record.
- (5) Subsections (11) and (12) of section 62 above apply for the purposes of section 63B above as they do for the purposes of that section; and section 63B above does not prejudice the generality of sections 62 and 63 above.
- (6) In section 63B above—
 

“Class A drug” and “misuse” have the same meanings as in the <sup>M5</sup>Misuse of Drugs Act 1971;

“specified” (in relation to a Class A drug) and “trigger offence” have the same meanings as in Part III of the Criminal Justice and Court Services Act 2000.”
- (3) In section 38 (duties of custody officer after charge)—
  - (a) in subsection (1)(a), after sub-paragraph (iii) there is inserted—
 

“(iiia) in the case of a person who has attained the age of 18, the custody officer has reasonable grounds for believing that the detention of the person is necessary to enable a sample to be taken from him under section 63B below”,
  - (b) at the end of subsection (2) there is inserted “ but may not authorise a person to be kept in police detention by virtue of subsection (1)(a)(iiia) after the end of the period of six hours beginning when he was charged with the offence ”.
- (4) At the end of section 66 (codes of practice) there is inserted—
 

“(2) Codes shall (in particular) include provision in connection with the exercise by police officers of powers under section 63B above.”
- <sup>F2</sup>(5) .....

#### **Textual Amendments**

- F2** S. 57(5) repealed (1.12.2005) by [Drugs Act 2005 \(c. 17\)](#), s. 24(3), Sch. 1 para. 5, [Sch. 2](#); S.I. 2005/3053, art. 2(1)(f)

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#### Commencement Information

- I1** S. 57 partly in force; s. 57 not in force at Royal Assent, see s. 80; s. 57 in force for specified purposes at 20.6.2001, 2.7.2001, 20.5.2002, 2.9.2002 and 1.4.2003 by [S.I. 2001/2232](#), [art. 2\(f\)](#), [S.I. 2001/1149](#), art. 2, [S.I. 2002/1862](#), [art. 2](#) and [S.I. 2003/709](#), [art. 2](#)
- I2** S. 57 in force at 1.4.2004 for specified purposes by [S.I. 2004/780](#), [art. 2](#)
- I3** S. 57 in force at 1.4.2005 for specified purposes by [S.I. 2005/596](#), [art. 2](#)
- I4** S. 57 in force at 1.12.2005 in so far as not already in force by [S.I. 2005/3054](#), [art. 2](#)

#### Marginal Citations

- M3** [1984 c. 60.](#)
- M4** [1976 c. 63.](#)
- M5** [1971 c. 38.](#)

### Bail

#### 58 Right to bail: relevance of drug misuse.

In section 4 of the <sup>M6</sup>Bail Act 1976 (general right to bail), after subsection (8) there is inserted—

“(9) In taking any decisions required by Part I or II of Schedule 1 to this Act, the considerations to which the court is to have regard include, so far as relevant, any misuse of controlled drugs by the defendant (“controlled drugs” and “misuse” having the same meanings as in the <sup>M7</sup>Misuse of Drugs Act 1971).”

#### Commencement Information

- I5** S. 58 wholly in force at 2.7.2001; s. 58 not in force at Royal Assent see s. 80; s. 58 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), [art. 2\(g\)](#)

#### Marginal Citations

- M6** [1976 c. 63.](#)
- M7** [1971 c. 38.](#)

### Detention

PROSPECTIVE

#### 59 Remand centres.

In section 43(1) of the <sup>M8</sup>Prison Act 1952 (places of detention provided by Secretary of State), paragraph (a) (remand centres) is to cease to have effect.

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## Marginal Citations

**M8** 1952 c. 52.

## <sup>F3</sup>60 Life sentences: tariffs.

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## Textual Amendments

**F3** S. 60 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

## PROSPECTIVE

### 61 Abolition of sentences of detention in a young offender institution, custody for life, etc.

- (1) No court is to pass a sentence of detention in a young offender institution or a sentence of custody for life, and no court is to make a custodial order except in relation to a person who is aged at least 17 but under 18.
- (2) No court is to commit a person to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention of persons aged at least 18 but under 21 for default or contempt) or make an order fixing a term of detention under that section.
- (3) A person who—
  - (a) has been sentenced (before the coming into force of this section) to a term of detention in a young offender institution, to custody for life or to a custodial order, and
  - (b) is aged at least 18 but under 21,may be detained in a young offender institution, or in a prison, determined by the Secretary of State.
- (4) A person—
  - (a) who has been committed (before the coming into force of this section) to be detained under section 108 of the Powers of Criminal Courts (Sentencing) Act 2000 or in respect of whom an order fixing a term of detention under that section has been made (before the coming into force of this section), and
  - (b) who is aged under 21,may be detained in a young offender institution, or in a prison, determined by the Secretary of State.
- (5) A person who has been sentenced to imprisonment and is aged under 21 may be detained—
  - (a) in a prison, or
  - (b) in a young offender institution in which one or more persons mentioned in subsection (3) or (4) are detained,

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determined by the Secretary of State.

- (6) A determination of the Secretary of State under this section may be made in respect of an individual or any description of individuals.

<sup>F4</sup>(7) .....

- (8) In this section—

“court” includes a court-martial and a Standing Civilian Court,

“custodial order” means an order under—

- (a) section 71AA of, or paragraph 10 of Schedule 5A to, the <sup>M9</sup>Army Act 1955,
- (b) section 71AA of, or paragraph 10 of Schedule 5A to, the <sup>M10</sup>Air Force Act 1955,
- (c) section 43AA of, or paragraph 10 of Schedule 4A to, the <sup>M11</sup>Naval Discipline Act 1957.

- (9) On the coming into force of this section—

- (a) paragraph (b) of the definition of “qualifying sentence” in section 30(1), and
  - (b) paragraph (b) of the definition of “relevant sentence” in section 69(7),
- are omitted.

#### Extent Information

**E1** S. 61 extends to U.K., see s. 81(1)(2)(c)

#### Textual Amendments

**F4** S. 61(7) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 28](#) (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

#### Marginal Citations

**M9** 1955 c. 18.

**M10** 1955 c. 19.

**M11** 1957 c. 53.

*Release of prisoners on licence etc.*

## 62 Release on licence etc: [<sup>F5</sup>electronic monitoring conditions].

- (1) This section applies where a sentence of imprisonment has been imposed on a person and, by virtue of any enactment—

- (a) the Secretary of State is required to, or may, release the person from prison, and
- (b) the release is required to be, or may be, subject to conditions (whether conditions of a licence or any other conditions, however expressed).

[<sup>F6</sup>(2) The conditions may include electronic monitoring conditions.

- (2A) An electronic monitoring condition imposed under this section must include provision for making a person responsible for the monitoring.

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(2B) A person may not be made responsible for the monitoring unless the person is of a description specified in an order made by the Secretary of State.]

<sup>F7</sup>(3) . . . . .

(4) The Secretary of State may make rules about the conditions that may be imposed by virtue of this section.

(5) In this section, “sentence of imprisonment” includes—

- (a) a detention and training order,
  - (b) a sentence of detention in a young offender institution,
  - (c) a sentence of detention under section 90 of the <sup>M12</sup>Powers of Criminal Courts (Sentencing) Act 2000 [<sup>F8</sup>or section 259 of the Sentencing Code] (detention at Her Majesty’s pleasure),
  - (d) a sentence of detention under section 91 of that Act [<sup>F9</sup>or section 250 [<sup>F10</sup>or 252A] of that Code] (detention of offenders under 18 convicted of certain serious offences),
  - (e) a sentence of custody for life under section 93 or 94 of that Act [<sup>F11</sup>or section 272 or 275 of that Code (including one passed as a result of section 210A, 217, 218A or 219 of the Armed Forces Act 2006)], [<sup>F12</sup>, <sup>F13</sup> ...
  - (f) a sentence of detention under section 226 [<sup>F14</sup>, 226B] or 228 of the Criminal Justice Act 2003 [<sup>F15</sup>or section 254 of the Sentencing Code][<sup>F16</sup>(including one passed as a result of section 221 [<sup>F17</sup>, 221A] or 222 of the Armed Forces Act 2006)]
  - [<sup>F18</sup>(g) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006, and
  - (h) an order under section 211 of that Act,
- and “prison” shall be construed accordingly.

[<sup>F19</sup>(5A) In this section “electronic monitoring condition” means a condition requiring the person to submit to either or both of the following—

- (a) electronic monitoring of the person's compliance with another condition of release, and
- (b) electronic monitoring of the person's whereabouts (other than for the purpose of monitoring compliance with another condition of release).]

#### Textual Amendments

- F5** Words in s. 62 heading substituted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 2 para. 2\(3\)](#) (with s. 7(5)); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 73](#)
- F6** S. 62(2)-(2B) substituted for s. 62(2) (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), ss. 7(2)(a), 95(1) (with s. 7(5)); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 7](#)
- F7** S. 62(3) omitted (13.4.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 2 para. 2\(2\)](#) (with s. 7(5)); [S.I. 2015/778](#), art. 3, [Sch. 1 para. 73](#)
- F8** Words in s. 62(5)(c) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 173\(a\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F9** Words in s. 62(5)(d) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 173\(b\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F10** Words in s. 62(5)(d) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 18\(2\)](#)

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- F11** Words in s. 62(5)(e) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 173(c)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F12** S. 62(5)(f) and word inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 136(3)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(36)** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F13** Word in s. 62(5) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F14** Word in s. 62(5)(f) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 21 para. 17**; S.I. 2012/2906, art. 2(s)
- F15** Words in s. 62(5)(f) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 173(d)** (with **Sch. 27**); S.I. 2020/1236, reg. 2
- F16** Words in s. 62(5)(f) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 184(a)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F17** Word in s. 62(5)(f) inserted (3.12.2012) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 22 para. 18**; S.I. 2012/2906, art. 2(t)
- F18** S. 62(5)(g)(h) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 184(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F19** S. 62(5A) inserted (13.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 7(2)(b), 95(1)** (with s. 7(5)); S.I. 2015/778, art. 3, **Sch. 1 para. 7**

#### Marginal Citations

**M12** 2000 c. 6.

### [<sup>F20</sup>62A Release on licence etc: compulsory electronic monitoring conditions

- (1) The Secretary of State may by order provide that the power under section 62 to impose an electronic monitoring condition must be exercised.
- (2) An order under this section may—
  - (a) require an electronic monitoring condition to be included for so long as the person's release is required to be, or may be, subject to conditions or for a shorter period;
  - (b) make provision generally or in relation to a case described in the order.
- (3) An order under this section may, in particular—
  - (a) make provision in relation to cases in which compliance with a condition imposed on a person's release is monitored by a person specified or described in the order;
  - (b) make provision in relation to persons selected on the basis of criteria specified in the order or on a sampling basis;
  - (c) make provision by reference to whether a person specified in the order is satisfied of a matter.
- (4) An order under this section may not make provision about a case in which the sentence imposed on the person is—
  - (a) a detention and training order,



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- (b) a sentence of detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 [<sup>F21</sup>or section 250 [<sup>F22</sup>or 252A] of the Sentencing Code] (detention of offenders under 18 convicted of certain offences),
  - (c) a sentence of detention under section 209 of the Armed Forces Act 2006 (detention of offenders under 18 convicted of certain offences), or
  - (d) an order under section 211 of that Act.
- (5) In this section, “electronic monitoring condition” has the same meaning as in section 62.

#### Textual Amendments

- F20** Ss. 62A , 62B inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 7(3)**, 95(1) (with [s. 7\(5\)](#)); [S.I. 2015/778](#), art. 3, **Sch. 1 para. 7**
- F21** Words in s. 62A(4)(b) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 174** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F22** Words in s. 62A(4)(b) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), **Sch. 13 para. 18(3)**

### 62B Data from electronic monitoring: code of practice

- (1) The Secretary of State must issue a code of practice relating to the processing of data gathered in the course of monitoring persons under electronic monitoring conditions imposed under section 62.
- (2) A failure to observe a code issued under this section does not of itself make a person liable to any criminal or civil proceedings.]

#### Textual Amendments

- F20** Ss. 62A , 62B inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), **ss. 7(3)**, 95(1) (with [s. 7\(5\)](#)); [S.I. 2015/778](#), art. 3, **Sch. 1 para. 7**

### <sup>F23</sup>63 Supervision of young offenders after release.

.....

#### Textual Amendments

- F23** S. 63 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 7**; [S.I. 2005/950](#), art. 2(1), **Sch. 1 para. 44(4)(t)** (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

### 64 Release on licence etc: drug testing requirements.

- (1) This section applies where—
- (a) the Secretary of State releases from prison a person aged 18 or over on whom a sentence of imprisonment has been imposed <sup>F24</sup>...

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- (b) the release is subject to conditions (whether conditions of a licence or any other conditions, however expressed) <sup>F25</sup>, and
- (c) the Secretary of State is satisfied of the matters in subsection (1A).]

<sup>F26</sup>(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.]
- (2) For the purpose of determining whether the person is complying with any of the conditions <sup>F27</sup>mentioned in subsection (1)(b)], they may include the following requirement.
- (3) The requirement is that the person must provide, when instructed to do so by an officer of a local probation board <sup>F28</sup>, an officer of a provider of probation services] or a person authorised by the Secretary of State, any sample mentioned in the instruction for the purpose of ascertaining whether he has any specified Class A drug <sup>F29</sup>or specified Class B drug] in his body.
- (4) The function of giving such an instruction is to be exercised in accordance with guidance given from time to time by the Secretary of State; and <sup>F30</sup>rules] made by the Secretary of State may regulate the provision of samples in pursuance of such an instruction.
- (5) In this section, “sentence of imprisonment” includes—
- (a) a detention and training order,
  - (b) a sentence of detention in a young offender institution,
  - (c) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 <sup>F31</sup>or section 259 of the Sentencing Code] (detention at Her Majesty’s pleasure),
  - (d) a sentence of detention under section 91 of that Act <sup>F32</sup>or section 250 <sup>F33</sup>or 252A] of that Code] (detention of offenders under 18 convicted of certain serious offences),
  - (e) a sentence of custody for life under section 93 or 94 of that Act <sup>F34</sup>or section 272 or 275 of that Code],
  - <sup>F35</sup>(g) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006, and
  - (h) an order under section 211 of that Act,]
- and “prison” shall be construed accordingly.

#### Textual Amendments

- F24** Words in s. 64(1)(a) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\), ss. 11\(2\)\(a\), 22\(1\)](#) (with [Sch. 7 para. 6](#)); [S.I. 2015/40, art. 2\(j\)](#)
- F25** S. 64(1)(c) and word immediately preceding it inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 11\(2\)\(b\), 22\(1\)](#) (with [Sch. 7 para. 6](#)); [S.I. 2015/40, art. 2\(j\)](#)
- F26** S. 64(1A) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 11\(2\)\(c\), 22\(1\)](#) (with [Sch. 7 para. 6](#)); [S.I. 2015/40, art. 2\(j\)](#)

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- F27** Words in s. 64(2) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), ss. 11(2)(d), 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(j)
- F28** Words in s. 64(3) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, Sch. 1 para. 18(2)
- F29** Words in s. 64(3) inserted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), ss. 11(2)(e), 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(j)
- F30** Word in s. 64(4) substituted (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), s. 22(1), Sch. 3 para. 13 (with Sch. 7 para. 2); S.I. 2015/40, art. 2(u)
- F31** Words in s. 64(5)(c) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 175(a) (with Sch. 27); S.I. 2020/1236, reg. 2
- F32** Words in s. 64(5)(d) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 175(b) (with Sch. 27); S.I. 2020/1236, reg. 2
- F33** Words in s. 64(5)(d) inserted (30.4.2021) by Counter-Terrorism and Sentencing Act 2021 (c. 11), s. 50(1)(i), Sch. 13 para. 18(4)
- F34** Words in s. 64(5)(e) inserted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 24 para. 175(c) (with Sch. 27); S.I. 2020/1236, reg. 2
- F35** S. 64(5)(g)(h) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), Sch. 16 para. 185(b); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

#### Modifications etc. (not altering text)

- C1** S. 64 amendment to earlier affecting provision 1997 c. 43 Sch. 1 para. 8(2)(4)(7) (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), ss. 13(2)(b), 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(l)
- C2** S. 64 applied (with modifications) by 1997 c. 43, Sch. 1 para. 8(2)(aa)(4)(aa)(7) (as amended) (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), ss. 13(2)(a), 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(l)
- C3** S. 64 applied (with modifications) by 1997 c. 43, Sch. 1 para. 9(2)(aa)(4)(aa)(5A) (as amended) (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), ss. 13(3)(a), 22(1) (with Sch. 7 para. 6); S.I. 2015/40, art. 2(l)

#### Commencement Information

- I6** S. 64 wholly in force at 2.7.2001; s. 64 not in force at Royal Assent see s. 80; s. 64 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by S.I. 2001/2232, art. 2(i)

### [<sup>F36</sup>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—

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- (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 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—
  - (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.
- (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—
    - (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 [<sup>F37</sup>or section 259 of the Sentencing Code] (detention at Her Majesty's pleasure),
    - (c) a sentence of detention under section 91 of that Act [<sup>F38</sup>or section 250 [<sup>F39</sup>or 252A] of that Code] (detention of offenders under 18 convicted of certain serious offences),
    - (d) a sentence of custody for life under section 93 or 94 of that Act [<sup>F40</sup>or section 272 or 275 of that Code (including one passed as a result of section 210A, 217, 218A or 219 of the Armed Forces Act 2006)],
    - (e) a sentence of detention under section 226, 226B or 228 of the Criminal Justice Act 2003 [<sup>F41</sup>or section 254 of the Sentencing Code] (including one passed as a result of section 221, 221A or 222 of the Armed Forces Act 2006),

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- (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).]

#### Textual Amendments

- F36** S. 64A inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 12(1)**, 22(1) (with [Sch. 7 para. 6](#)); [S.I. 2015/40](#), art. 2(k)
- F37** Words in s. 64A(8) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 176(a)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F38** Words in s. 64A(8) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 176(b)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F39** Words in s. 64A(8) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), **Sch. 13 para. 18(5)**
- F40** Words in s. 64A(8) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 176(c)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F41** Words in s. 64A(8) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 176(d)** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

#### Modifications etc. (not altering text)

- C4** S. 64A applied (with modifications) by 1997 c. 43, Sch. 1 para. 9(2)(aa)(4)(aa)(5A) (as amended) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 13(3)(a)**, 22(1) (with [Sch. 7 para. 6](#)); [S.I. 2015/40](#), art. 2(l)
- C5** S. 64A applied (with modifications) by 1997 c. 43, Sch. 1 para. 8(2)(aa)(4)(aa)(7) (as amended) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 13(2)(a)**, 22(1) (with [Sch. 7 para. 6](#)); [S.I. 2015/40](#), art. 2(l)

### 65 Short-term prisoners: release subject to curfew conditions.

In section 34A of the <sup>M13</sup>Criminal Justice Act 1991 (power to release short-term prisoners on licence), after subsection (2)(d) there is inserted—

“(da) the prisoner is subject to the notification requirements of Part I of the <sup>M14</sup>Sex Offenders Act 1997;”.

#### Marginal Citations

- M13** 1991 c. 53.
- M14** 1997 c. 51.

*Sexual or violent offenders*

### <sup>F42</sup>66 Amendments of the Sex Offenders Act 1997.

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#### Textual Amendments

- F42** S. 66 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\)](#), s. 141, Sch. 6 para. 44(2), **Sch. 7**; S.I. 2004/874, art. 2

### <sup>F43</sup> **67 Arrangements for assessing etc. risks posed by certain offenders.**

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#### Textual Amendments

- F43** S. 67 repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 12**; S.I. 2004/829, art. 2(1)(2)(1)(v) (with art. 2(5))

### <sup>F44</sup> **68 Section 67: interpretation.**

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#### Textual Amendments

- F44** S. 68 repealed (5.4.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 37 Pt. 12**; S.I. 2004/829, art. 2(1)(2)(1)(v)

### <sup>F45</sup> **69 Duties of local probation boards in connection with victims of certain offences.**

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#### Textual Amendments

- F45** S. 69 repealed (1.7.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, Sch. 10 para. 55, **Sch. 11**; S.I. 2005/1705, art. 2(d)(f)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(1)(a)(aa) substituted for s. 64(1)(a) by [2003 c. 44 s. 266\(2\)](#)
- s. 64(4A) inserted by [2003 c. 44 s. 266\(3\)](#)
- s. 64(5)(f) and word inserted by [2003 c. 44 s. 266\(4\)](#)
- s. 64(5)(f) words inserted by [2006 c. 52 Sch. 16 para. 185\(a\)](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 21 para. 18](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 22 para. 19](#)
- s. 64(6) amendment to earlier affecting provision 2003 c. 44 s. 266(5) by [S.I. 2008/912 Sch. 1 para. 19\(15\)](#)
- s. 64(6) inserted by [2003 c. 44 s. 266\(5\)](#)
- s. 64(6) words repealed by [2004 c. 31 Sch. 5 Pt. 4](#)
- s. 64(8) words inserted by [2021 c. 11 Sch. 13 para. 38\(5\)](#)
- s. 85(7B) applied (with modifications) by [S.I. 2014/3141 Sch. 3 para. 5\(7\)](#)