



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART IV

#### COMMUNITY ORDERS AND REPARATION ORDERS

### CHAPTER V

#### COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED UNDER 18

#### *Supervision orders*

### 63 Supervision orders

- (1) Where a child or young person (that is to say, any person aged under 18) is convicted of an offence, the court by or before which he is convicted may (subject to sections 34 to 36 above) make an order placing him under the supervision of—
  - (a) a local authority designated by the order;
  - (b) a probation officer; or
  - (c) a member of a youth offending team.
- (2) An order under subsection (1) above is in this Act referred to as a “supervision order”.
- (3) In this Act “supervisor”, in relation to a supervision order, means the person under whose supervision the offender is placed or to be placed by the order.
- (4) Schedule 6 to this Act (which specifies requirements that may be included in supervision orders) shall have effect.
- (5) A court shall not make a supervision order unless it is satisfied that the offender resides or will reside in the area of a local authority; and a court shall be entitled to be satisfied

that the offender will so reside if he is to be required so to reside by a provision to be included in the order in pursuance of paragraph 1 of Schedule 6 to this Act.

- (6) A supervision order—
- (a) shall name the area of the local authority and the petty sessions area in which it appears to the court making the order (or to the court amending under Schedule 7 to this Act any provision included in the order in pursuance of this paragraph) that the offender resides or will reside; and
  - (b) may contain such prescribed provisions as the court making the order (or amending it under that Schedule) considers appropriate for facilitating the performance by the supervisor of his functions under section 64(4) below, including any prescribed provisions for requiring visits to be made by the offender to the supervisor;

and in paragraph (b) above “prescribed” means prescribed by rules under section 144 of the Magistrates' Courts Act 1980.

- (7) A supervision order shall, unless it has previously been revoked, cease to have effect at the end of the period of three years, or such shorter period as may be specified in the order, beginning with the date on which the order was originally made.
- (8) A court which makes a supervision order shall forthwith send a copy of its order—
- (a) to the offender and, if the offender is aged under 14, to his parent or guardian;
  - (b) to the supervisor;
  - (c) to any local authority who are not entitled by virtue of paragraph (b) above to such a copy and whose area is named in the supervision order in pursuance of subsection (6) above;
  - (d) where the offender is required by the order to reside with an individual or to undergo treatment by or under the direction of an individual or at any place, to the individual or the person in charge of that place; and
  - (e) where a petty sessions area named in the order in pursuance of subsection (6) above is not that for which the court acts, to the justices' chief executive for the petty sessions area so named;

and, in a case falling within paragraph (e) above, shall also send to the justices' chief executive in question such documents and information relating to the case as the court considers likely to be of assistance to them.

- (9) If a court makes a supervision order while another such order made by any court is in force in respect of the offender, the court making the new order may revoke the earlier order (and paragraph 10 of Schedule 7 to this Act (supplementary provision) shall apply to the revocation).

#### **64 Selection and duty of supervisor and certain expenditure of his**

- (1) A court shall not designate a local authority as the supervisor by a provision of a supervision order unless—
- (a) the authority agree; or
  - (b) it appears to the court that the offender resides or will reside in the area of the authority.
- (2) Where a provision of a supervision order places the offender under the supervision of a probation officer, the supervisor shall be a probation officer appointed for or assigned to the petty sessions area named in the order in pursuance of section 63(6) above and

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selected under arrangements made under section 4(1)(d) of the Probation Service Act 1993 (arrangements made by probation committee).

- (3) Where a provision of a supervision order places the offender under the supervision of a member of a youth offending team, the supervisor shall be a member of a team established by the local authority within whose area it appears to the court that the offender resides or will reside.
- (4) While a supervision order is in force, the supervisor shall advise, assist and befriend the offender.
- (5) Where a supervision order—
  - (a) requires compliance with directions given by virtue of paragraph 2(1) of Schedule 6 to this Act, or
  - (b) includes by virtue of paragraph 3(2) of that Schedule a requirement which involves the use of facilities for the time being specified in a scheme in force under section 66 below for an area in which the offender resides or will reside, any expenditure incurred by the supervisor for the purposes of the directions or requirements shall be defrayed by the local authority whose area is named in the order in pursuance of section 63(6) above.

## **65 Breach, revocation and amendment of supervision orders**

Schedule 7 to this Act (which makes provision for dealing with failures to comply with supervision orders and for revoking and amending such orders) shall have effect.

## **66 Facilities for implementing supervision orders**

- (1) A local authority shall, acting either individually or in association with other local authorities, make arrangements with such persons as appear to them to be appropriate for the provision by those persons of facilities for enabling—
  - (a) directions given by virtue of paragraph 2(1) of Schedule 6 to this Act to persons resident in their area, and
  - (b) requirements that (because of paragraph 3(7) of that Schedule) may only be included in a supervision order by virtue of paragraph 3(2) of that Schedule if they are for the time being specified in a scheme, to be carried out effectively.
- (2) The authority or authorities making any arrangements in accordance with subsection (1) above shall consult each relevant probation committee as to the arrangements.
- (3) Any such arrangements shall be specified in a scheme made by the authority or authorities making them.
- (4) A scheme shall come into force on a date to be specified in it.
- (5) The authority or authorities making a scheme shall send copies of it to the justices' chief executive for each petty sessions area of which any part is included in the area to which the scheme relates.
- (6) A copy of the scheme shall be kept available at the principal office of every authority who are a party to it for inspection by members of the public at all reasonable hours;

and any such authority shall on demand by any person supply him with a copy of the scheme free of charge.

- (7) The authority or authorities who made a scheme may at any time make a further scheme altering the arrangements or specifying arrangements to be substituted for those previously specified.
- (8) A scheme which specifies arrangements to be substituted for those specified in a previous scheme shall revoke the previous scheme.
- (9) The powers conferred by subsection (7) above shall not be exercisable by an authority or authorities unless they have first consulted each relevant probation committee.
- (10) The authority or authorities who made a scheme shall send to the justices' chief executive for each petty sessions area of which any part is included in the area for which arrangements under this section have been specified in the scheme notice of any exercise of a power conferred by subsection (7) above, specifying the date for the coming into force, and giving details of the effect, of the new or altered arrangements; and the new or altered arrangements shall come into force on that date.
- (11) Arrangements shall not be made under this section for the provision of any facilities unless the facilities are approved or are of a kind approved by the Secretary of State for the purposes of this section.
- (12) In this section "relevant probation committee" means a probation committee for an area of which any part is included in the area to which a scheme under this section relates.

#### **67 Meaning of "local authority", "reside" and "parent"**

- (1) Unless the contrary intention appears, in sections 63 to 66 above and Schedules 6 and 7 to this Act—
  - "local authority" means the council of a county or of a county borough, metropolitan district or London borough or the Common Council of the City of London;
  - "reside" means habitually reside, and cognate expressions shall be construed accordingly except in paragraph 6(2) and (3) of Schedule 6.
- (2) In the case of a child or young person—
  - (a) whose father and mother were not married to each other at the time of his birth, and
  - (b) with respect to whom a residence order is in force in favour of the father,
 any reference in sections 63 to 66 and Schedules 6 and 7 to the parent of the child or young person includes a reference to the father.
- (3) In subsection (2) above "residence order" has the meaning given by section 8(1) of the Children Act 1989, and subsection (2) above is without prejudice to the operation of section 1(1) of the Family Law Reform Act 1987 (construction of references to relationships) in relation to the provisions of this Act other than those mentioned in subsection (2).

#### **68 Isles of Scilly**

- (1) In their application to the Isles of Scilly, the following provisions of this Act, namely—

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(a) sections 63 to 67 and Schedules 6 and 7, and  
(b) section 163 (definitions) in its application to those sections and Schedules,  
shall have effect with such modifications as the Secretary of State may by order specify.

- (2) An order under this section may—
- (a) make different provision for different circumstances;
  - (b) provide for exemptions from any provisions of the order; and
  - (c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the order.

### *Action plan orders*

## **69 Action plan orders**

- (1) Where a child or young person (that is to say, any person aged under 18) is convicted of an offence and the court by or before which he is convicted is of the opinion mentioned in subsection (3) below, the court may (subject to sections 34 to 36 above) make an order which—
- (a) requires the offender, for a period of three months beginning with the date of the order, to comply with an action plan, that is to say, a series of requirements with respect to his actions and whereabouts during that period;
  - (b) places the offender for that period under the supervision of the responsible officer; and
  - (c) requires the offender to comply with any directions given by the responsible officer with a view to the implementation of that plan;
- and the requirements included in the order, and any directions given by the responsible officer, may include requirements authorised by section 70 below.
- (2) An order under subsection (1) above is in this Act referred to as an “action plan order”.
- (3) The opinion referred to in subsection (1) above is that the making of an action plan order is desirable in the interests of—
- (a) securing the rehabilitation of the offender; or
  - (b) preventing the commission by him of further offences.
- (4) In this Act “responsible officer”, in relation to an offender subject to an action plan order, means one of the following who is specified in the order, namely—
- (a) a probation officer;
  - (b) a social worker of a local authority social services department;
  - (c) a member of a youth offending team.
- (5) The court shall not make an action plan order in respect of the offender if—
- (a) he is already the subject of such an order; or
  - (b) the court proposes to pass on him a custodial sentence or to make in respect of him a probation order, a community service order, a combination order, an attendance centre order, a supervision order or a referral order.
- (6) Before making an action plan order, the court shall obtain and consider—

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- (a) a written report by a probation officer, a social worker of a local authority social services department or a member of a youth offending team indicating—
    - (i) the requirements proposed by that person to be included in the order;
    - (ii) the benefits to the offender that the proposed requirements are designed to achieve; and
    - (iii) the attitude of a parent or guardian of the offender to the proposed requirements; and
  - (b) where the offender is aged under 16, information about the offender’s family circumstances and the likely effect of the order on those circumstances.
- (7) The court shall not make an action plan order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area proposed to be named in the order under subsection (8) below and the notice has not been withdrawn.
- (8) An action plan order shall name the petty sessions area in which it appears to the court making the order (or to the court amending under Schedule 8 to this Act any provision included in the order in pursuance of this subsection) that the offender resides or will reside.
- (9) Where an action plan order specifies a probation officer under subsection (4) above, the officer specified must be an officer appointed for or assigned to the petty sessions area named in the order.
- (10) Where an action plan order specifies under that subsection—
- (a) a social worker of a local authority social services department, or
  - (b) a member of a youth offending team,
- the social worker or member specified must be a social worker of, or a member of a youth offending team established by, the local authority within whose area it appears to the court that the offender resides or will reside.
- (11) Before making an action plan order, the court shall explain to the offender in ordinary language—
- (a) the effect of the order and of the requirements proposed to be included in it;
  - (b) the consequences which may follow (under Schedule 8 to this Act) if he fails to comply with any of those requirements; and
  - (c) that the court has power (under that Schedule) to review the order on the application either of the offender or of the responsible officer.

## **70 Requirements which may be included in action plan orders and directions**

- (1) Requirements included in an action plan order, or directions given by a responsible officer, may require the offender to do all or any of the following things, namely—
- (a) to participate in activities specified in the requirements or directions at a time or times so specified;
  - (b) to present himself to a person or persons specified in the requirements or directions at a place or places and at a time or times so specified;
  - (c) subject to subsection (2) below, to attend at an attendance centre specified in the requirements or directions for a number of hours so specified;
  - (d) to stay away from a place or places specified in the requirements or directions;

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- (e) to comply with any arrangements for his education specified in the requirements or directions;
  - (f) to make reparation specified in the requirements or directions to a person or persons so specified or to the community at large; and
  - (g) to attend any hearing fixed by the court under section 71 below.
- (2) Subsection (1)(c) above applies only where the offence committed by the offender is an offence punishable with imprisonment.
- (3) In subsection (1)(f) above “make reparation”, in relation to an offender, means make reparation for the offence otherwise than by the payment of compensation.
- (4) A person shall not be specified in requirements or directions under subsection (1)(f) above unless—
- (a) he is identified by the court or (as the case may be) the responsible officer as a victim of the offence or a person otherwise affected by it; and
  - (b) he consents to the reparation being made.
- (5) Requirements included in an action plan order and directions given by a responsible officer shall, as far as practicable, be such as to avoid—
- (a) any conflict with the offender’s religious beliefs or with the requirements of any other community order to which he may be subject; and
  - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.

## **71 Action plan orders: power to fix further hearings**

- (1) Immediately after making an action plan order, a court may—
- (a) fix a further hearing for a date not more than 21 days after the making of the order; and
  - (b) direct the responsible officer to make, at that hearing, a report as to the effectiveness of the order and the extent to which it has been implemented.
- (2) At a hearing fixed under subsection (1) above, the court—
- (a) shall consider the responsible officer’s report; and
  - (b) may, on the application of the responsible officer or the offender, amend the order—
    - (i) by cancelling any provision included in it; or
    - (ii) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that the court could originally have included in it.

## **72 Breach, revocation and amendment of action plan orders**

Schedule 8 to this Act (which makes provision for dealing with failures to comply with action plan orders and reparation orders and for revoking and amending such orders) shall have effect so far as relating to action plan orders.