



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 4

FURTHER PROVISIONS ABOUT ORDERS UNDER CHAPTERS 2 AND 3

Modifications etc. (not altering text)

- C1** Pt. 12 Ch. 4 applied (with modifications) (8.12.2008) by [Children Act 1989 \(c. 41\)](#), [Sch. A1 paras. 1-3](#) (as inserted by the [Children and Adoption Act 2006 \(c. 20\)](#), [ss. 4\(2\), 17](#), [Sch. 1](#)); [S.I. 2008/2870](#), [art. 2\(2\)\(c\)](#) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 18\(12\)](#), [22\(1\)](#) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), [art. 2\(p\)](#))
- C2** Pt. 12 Ch. 4 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 178\(3\)\(4\)](#), [196\(1\)](#), [383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- Pt. 12 Ch. 4 extended (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 182\(4\)-\(6\)](#), [383](#) (subject to [s. 183](#)) (as amended (11.12.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(2\)](#), [Sch. 16 para. 33\(3\)](#) (with [Sch. 16 para. 35](#)); [S.I. 2013/2981](#), [art. 2\(e\)](#)); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- C3** Pt. 12 Ch. 4 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 201](#), [383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Introductory

196 Meaning of “relevant order” ^[F1] etc]

(1) In this Chapter “relevant order” means—

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- (a) a community order, ^{F2}or]
- ^{F3}(b)
- (c) a suspended sentence order, ^{F4}...
- ^{F4}(d)

^{F5}(1A) In this Chapter “suspended sentence order” means a suspended sentence order that imposes one or more community requirements.]

^{F6}(2)

Textual Amendments

- F1** Word in s. 196 heading inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 9 para. 7\(2\)](#) (with s. 68(7)); S.I. 2012/2906, art. 2(g)
- F2** Word in s. 196(1)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 14\(2\)\(a\)](#); S.I. 2012/2906, art. 2(h)
- F3** S. 196(1)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 14\(2\)\(b\)](#); S.I. 2012/2906, art. 2(h)
- F4** S. 196(1)(d) and preceding word omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 14\(2\)\(c\)](#); S.I. 2012/2906, art. 2(h)
- F5** S. 196(1A) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 9 para. 7\(3\)](#) (with s. 68(7)); S.I. 2012/2906, art. 2(g)
- F6** S. 196(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), s. 151\(1\), Sch. 10 para. 14\(3\)](#); S.I. 2012/2906, art. 2(h)

Commencement Information

- I1** S. 196 partly in force; s. 196 not in force at Royal Assent, see s. 336(3); s. 196(1)(d)(2) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 196(1)(a)(c) in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 11](#) (subject to [art. 2\(2\), Sch. 2](#))

[^{F7}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.]

Textual Amendments

- F7** S. 197 substituted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\), ss. 14\(1\), 22\(1\)](#); S.I. 2014/1287, art. 2(b)

Modifications etc. (not altering text)

- C4** S. 197(1)(2) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\), ss. 183\(1\), 383](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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Commencement Information

- I2** S. 197 partly in force; s. 197 not in force at Royal Assent, see s. 336(3); s. 197 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 197(3)(4) in force at 7.3.2005 by [S.I. 2005/373](#), [art. 2](#); s. 197 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 2 para. 12](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

198 Duties of responsible officer

- (1) Where a relevant order has effect, it is the duty of the responsible officer—
- (a) to make any arrangements that are necessary in connection with the requirements imposed by the order, [^{F8}and]
 - (b) to promote the offender’s compliance with those requirements, ^{F9}...
 - ^{F9}(c)
- ^{F10}(2)

Textual Amendments

- F8** Word in s. 198(1)(a) inserted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 11\(2\)\(a\)](#); [S.I. 2014/1287](#), [art. 2\(d\)](#)
- F9** S. 198(1)(c) and preceding word omitted (1.6.2014) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 11\(2\)\(b\)](#); [S.I. 2014/1287](#), [art. 2\(d\)](#)
- F10** S. 198(2) omitted (1.6.2014) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 11\(3\)](#); [S.I. 2014/1287](#), [art. 2\(d\)](#)

Modifications etc. (not altering text)

- C5** S. 198(1) modified by 2006 c. 52, s. 183(1A) (as inserted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 6 para. 4\(3\)](#) (with s. 23(4)); [S.I. 2014/1287](#), [art. 2\(e\)](#))

Commencement Information

- I3** S. 198 wholly in force at 4.4.2005; s.198 not in force at Royal Assent, see s. 336(3); s. 198 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 198 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 12](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Requirements available in case of all offenders

199 Unpaid work requirement

- (1) In this Part “unpaid work requirement”, in relation to a relevant order, means a requirement that the offender must perform unpaid work in accordance with section 200.
- (2) The number of hours which a person may be required to work under an unpaid work requirement must be specified in the relevant order and must be in the aggregate—
- (a) not less than 40, and
 - (b) not more than 300.
- (3) A court may not impose an unpaid work requirement in respect of an offender unless after hearing (if the courts thinks necessary) an [^{F11}officer of a local probation board or

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an officer of a provider of probation services] , the court is satisfied that the offender is a suitable person to perform work under such a requirement.

- (4) ^{F12}
- (5) Where the court makes relevant orders in respect of two or more offences of which the offender has been convicted on the same occasion and includes unpaid work requirements in each of them, the court may direct that the hours of work specified in any of those requirements is to be concurrent with or additional to those specified in any other of those orders, but so that the total number of hours which are not concurrent does not exceed the maximum specified in subsection (2)(b).

Textual Amendments

- F11** Words in s. 199(3) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 84\(a\)](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), [art. 2\(p\)\(xiii\)](#)
- F12** S. 199(4) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 149, 153, [Sch. 4 para. 84\(b\)](#), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), [art. 2\(p\)\(xiii\)\(u\)\(xxxi\)](#)

Commencement Information

- I4** S. 199 wholly in force at 4.4.2005; s. 199 not in force at Royal Assent, see s. 336(3); s. 199 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 199 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 13](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

200 Obligations of person subject to unpaid work requirement

- (1) An offender in respect of whom an unpaid work requirement of a relevant order is in force must perform for the number of hours specified in the order such work at such times as he may be instructed by the responsible officer.
- (2) Subject to paragraph 20 of Schedule 8 and paragraph 18 of Schedule 12 (power to extend order), the work required to be performed under an unpaid work requirement of a community order or a suspended sentence order must be performed during a period of twelve months.
- (3) Unless revoked, a community order imposing an unpaid work requirement remains in force until the offender has worked under it for the number of hours specified in it.
- (4) Where an unpaid work requirement is imposed by a suspended sentence order, the supervision period as defined by section [^{F13}189(1A)] continues until the offender has worked under the order for the number of hours specified in the order, but does not continue beyond the end of the operational period as defined by section [^{F14}189(1)(a)].

Textual Amendments

- F13** Word in s. 200(4) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 9 para. 8\(a\)](#) (with s. 68(7)); [S.I. 2012/2906](#), art. 2(g)
- F14** Word in s. 200(4) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 9 para. 8\(b\)](#) (with s. 68(7)); [S.I. 2012/2906](#), art. 2(g)

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Commencement Information

- I5** S. 200 wholly in force at 4.4.2005; s. 200 not in force at Royal Assent, see s. 336(3); s. 200(1) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2, Sch.**; s. 200 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1), Sch. 1 para. 13** (subject to **art. 2(2), Sch. 2**)

[^{F15}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.
- (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.
- (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—
 - (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.
- (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, such as restorative justice activities.
- (8) For the purposes of subsection (7)(b) an activity is a restorative justice activity if—
 - (a) the participants consist of, or include, the offender and one or more of the victims,
 - (b) the aim of the activity is to maximise the offender's awareness of the impact of the offending concerned on the victims, and
 - (c) the activity gives a victim or victims an opportunity to talk about, or by other means express experience of, the offending and its impact.
- (9) In subsection (8) “victim” means a victim of, or other person affected by, the offending concerned.
- (10) 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.
- (11) In this section “the relevant period” means—

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- (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).]

Textual Amendments

F15 S. 200A inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 15(3)**, 22(1) (with Sch. 7 para. 7); S.I. 2015/40, art. 2(m)

F16 201 Activity requirement

Textual Amendments

F16 S. 201 repealed (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 15(4)**, 22(1) (with Sch. 7 para. 7); S.I. 2015/40, art. 2(m)

202 Programme requirement

- (1) In this Part “programme requirement”, in relation to a relevant order, means a requirement that the offender must participate [^{F17}in accordance with this section] in an accredited programme [^{F18}on the number of days specified in the order.]
- (2) In this Part “accredited programme” means a programme that is for the time being accredited by the [^{F19}Secretary of State for the purposes of this section] .
- (3) In this section—
 - (a) “programme” means a systematic set of activities, and
 - ^{F20}(b)
- ^{F21}(4)
- ^{F21}(5)
- (6) A [^{F22}programme requirement] operates to require the offender—
 - (a) in accordance with instructions given by the responsible officer, to participate in the accredited programme [^{F23}that is from time to time specified by the responsible officer at the place that is so specified] on the number of days specified in the order, and
 - (b) while at that place, to comply with instructions given by, or under the authority of, the person in charge of the programme.
- ^{F24}(7)

Textual Amendments

F17 Words in s. 202(1) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 70(4)(a)**, 151(1); S.I. 2012/2906, art. 2(a)

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- F18** Words in s. 202(1) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 70\(4\)\(b\), 151\(1\); S.I. 2012/2906, art. 2\(a\)](#)
- F19** Words in s. 202(2) substituted (1.5.2008) by [Offender Management Act 2007 \(c. 21\), ss. 31\(1\)\(a\), 41\(1\); S.I. 2007/3001, art. 3\(a\)](#)
- F20** S. 202(3)(b) repealed (1.5.2008) by [Offender Management Act 2007 \(c. 21\), ss. 31\(1\)\(b\), 41\(1\), Sch. 5 Pt. 3; S.I. 2007/3001, art. 3\(a\)\(c\)](#)
- F21** S. 202(4)(5) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 70\(5\), 151\(1\); S.I. 2012/2906, art. 2\(a\); S.I. 2012/2906, art. 2\(a\)](#)
- F22** Words in s. 202(6) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 70\(6\)\(a\), 151\(1\); S.I. 2012/2906, art. 2\(a\)](#)
- F23** Words in s. 202(6)(a) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\), ss. 70\(6\)\(b\), 151\(1\); S.I. 2012/2906, art. 2\(a\)](#)
- F24** S. 202(7) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\), ss. 16\(2\), 22\(1\); S.I. 2015/40, art. 2\(n\)](#)

Commencement Information

- I6** S. 202 wholly in force at 4.4.2005; s. 202 not in force at Royal Assent, see s. 336(3); s. 202 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 202(3)(b) in force at 7.3.2005 by [S.I. 2005/373, art. 2](#); s. 202 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 2 para. 13](#) (subject to [art. 2\(2\), Sch. 2](#))

203 Prohibited activity requirement

- (1) In this Part “prohibited activity requirement”, in relation to a relevant order, means a requirement that the offender must refrain from participating in activities specified in the order—
- on a day or days so specified, or
 - during a period so specified.
- (2) A court may not include a prohibited activity requirement in a relevant order unless it has consulted^{F25} an officer of a local probation board or an officer of a provider of probation services]
- (3) The requirements that may by virtue of this section be included in a relevant order include a requirement that the offender does not possess, use or carry a firearm within the meaning of the Firearms Act 1968 (c. 27).

Textual Amendments

- F25** Words in s. 203(2) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 6, 153, Sch. 4 para. 87](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074, art. 2\(p\)\(xiii\)](#)

Commencement Information

- I7** S. 203 wholly in force at 4.4.2005; s. 203 not in force at Royal Assent, see s. 336(3); s. 203 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 203 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 2 para. 13](#) (subject to [art. 2\(2\), Sch. 2](#))

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204 Curfew requirement

- (1) In this Part “curfew requirement”, in relation to a relevant order, means a requirement that the offender must remain, for periods specified in the relevant order, at a place so specified.
- (2) A relevant order imposing a curfew requirement may specify different places or different periods for different days, but may not specify periods which amount to less than two hours or more than [^{F26}sixteen] hours in any day.
- (3) A community order or suspended sentence order which imposes a curfew requirement may not specify periods which fall outside the period of [^{F27}twelve] months beginning with the day on which it is made.
- ^{F28}(4)
- ^{F28}(5)
- (6) Before making a relevant order imposing a curfew requirement, the court must obtain and consider information about the place proposed to be specified in the order (including information as to the attitude of persons likely to be affected by the enforced presence there of the offender).

Textual Amendments

- F26** Word in s. 204(2) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 71(2)**, 151(1); S.I. 2012/2906, art. 2(a) (with art. 3)
- F27** Word in s. 204(3) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 71(3)**, 151(1); S.I. 2012/2906, art. 2(a) (with art. 3)
- F28** S. 204(4)(5) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 10 para. 17**; S.I. 2012/2906, art. 2(h)

Commencement Information

- I8** S. 204 partly in force; s. 204 not in force at Royal Assent, see s. 336(3); s. 204(1)(2)(5)(6) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), **art. 2**, **Sch.**; s. 204(1)-(3)(6) in force at 4.4.2005 by [S.I. 2005/950](#), **art. 2(1)**, **Sch. 1 para. 13** (subject to [art. 2\(2\)](#), **Sch. 2**)

205 Exclusion requirement

- (1) In this Part “exclusion requirement”, in relation to a relevant order, means a provision prohibiting the offender from entering a place specified in the order for a period so specified.
- (2) Where the relevant order is a community order, the period specified must not be more than two years.
- (3) An exclusion requirement—
 - (a) may provide for the prohibition to operate only during the periods specified in the order, and
 - (b) may specify different places for different periods or days.
- (4) In this section “place” includes an area.

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Commencement Information

- I9** S. 205 wholly in force at 4.4.2005; s. 205 not in force at Royal Assent, see s. 336(3); s. 205(1)(3)(4) in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2, Sch.**; s. 205 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1), Sch. 1 para. 13** (subject to **art. 2(2), Sch. 2**)

206 Residence requirement

- (1) In this Part, “residence requirement”, in relation to a community order or a suspended sentence order, means a requirement that, during a period specified in the relevant order, the offender must reside at a place specified in the order.
- (2) If the order so provides, a residence requirement does not prohibit the offender from residing, with the prior approval of the responsible officer, at a place other than that specified in the order.
- (3) Before making a community order or suspended sentence order containing a residence requirement, the court must consider the home surroundings of the offender.
- (4) A court may not specify a hostel or other institution as the place where an offender must reside, except on the recommendation of an officer of a local probation board [^{F29} or an officer of a provider of probation services] .

Textual Amendments

- F29** Words in s. 206(4) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), **art. 3, Sch. 1 para. 19(10)**

Modifications etc. (not altering text)

- C6** S. 206(1) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 182(3), 383, Sch. 6 para. 3(1)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**
- C7** S. 206(2)-(4) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), **ss. 182(3), 383, Sch. 6 para. 3(3)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Commencement Information

- I10** S. 206 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1), Sch. 1 para. 13** (subject to **art. 2(2), Sch. 2**)

[^{F30} 206A Foreign travel prohibition requirement

- (1) In this Part “foreign travel prohibition requirement”, in relation to a relevant order, means a requirement prohibiting the offender from travelling, on a day or days specified in the order, or for a period so specified—
 - (a) to any country or territory outside the British Islands specified or described in the order,
 - (b) to any country or territory outside the British Islands other than a country or territory specified or described in the order, or
 - (c) to any country or territory outside the British Islands.

Status: Point in time view as at 19/05/2020.

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- (2) A day specified under subsection (1) may not fall outside the period of 12 months beginning with the day on which the relevant order is made.
- (3) A period specified under that subsection may not exceed 12 months beginning with the day on which the relevant order is made.]

Textual Amendments

F30 S. 206A inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. 72(5), 151(1); S.I. 2012/2906, art. 2(a) (with art. 3)

207 Mental health treatment requirement

- (1) In this Part, “mental health treatment requirement”, in relation to a community order or suspended sentence order, means a requirement that the offender must submit, during a period or periods specified in the order, to treatment by or under the direction of a registered medical practitioner or a [^{F31}registered psychologist] (or both, for different periods) with a view to the improvement of the offender’s mental condition.
- (2) The treatment required must be such one of the following kinds of treatment as may be specified in the relevant order—
 - (a) treatment as a resident patient in [^{F32}a] care home ^{F33}... [^{F34}, an independent hospital] or a hospital within the meaning of the Mental Health Act 1983 (c. 20), but not in hospital premises where high security psychiatric services within the meaning of that Act are provided;
 - (b) treatment as a non-resident patient at such institution or place as may be specified in the order;
 - (c) treatment by or under the direction of such registered medical practitioner or [^{F31}registered psychologist] (or both) as may be so specified;
 but the nature of the treatment is not to be specified in the order except as mentioned in paragraph (a), (b) or (c).
- (3) A court may not by virtue of this section include a mental health treatment requirement in a relevant order unless—
 - (a) the court is satisfied ^{F35}... that the mental condition of the offender—
 - (i) is such as requires and may be susceptible to treatment, but
 - (ii) is not such as to warrant the making of a hospital order or guardianship order within the meaning of [^{F36}the Mental Health Act 1983];
 - (b) the court is also satisfied that arrangements have been or can be made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident patient); and
 - (c) the offender has expressed his willingness to comply with such a requirement.
- (4) While the offender is under treatment as a resident patient in pursuance of a mental health requirement of a relevant order, his responsible officer shall carry out the supervision of the offender to such extent only as may be necessary for the purpose of the revocation or amendment of the order.

[^{F37}(4A) In subsection (2) “independent hospital”—

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- (a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section; and
- (b) in relation to Wales, has the same meaning as in the Care Standards Act 2000.]

[^{F38}(4B) In subsection (2), “care home” means—

- (a) a care home in England within the meaning of the Care Standards Act 2000 (c. 14);
- (b) a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided.]

^{F39}(5)

[^{F40}(6) In this section and section 208, “registered psychologist” means a person registered in the part of the register maintained under [^{F41}the Health Professions Order 2001] which relates to practitioner psychologists.]

Textual Amendments

- F31** Words in s. 207(1)(2)(c) substituted (1.7.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009](#) (S.I. 2009/1182), arts. 1(9), 4(2), [Sch. 5 para. 7\(a\)\(i\)](#); S.I. 2009/1357, [art. 2\(1\)\(d\)](#)
- F32** Word in s. 207(2)(a) substituted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010](#) (S.I. 2010/813), [art. 14\(a\)\(i\)](#)
- F33** Words in s. 207(2)(a) omitted (2.4.2018) by virtue of [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018](#) (S.I. 2018/195), [regs. 2\(1\), 24\(2\)](#)
- F34** Words in s. 207(2)(a) inserted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010](#) (S.I. 2010/813), [art. 14\(a\)\(ii\)](#)
- F35** Words in s. 207(3)(a) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), [ss. 73\(2\)\(a\)](#), 151(1); S.I. 2012/2906, [art. 2\(a\)](#)
- F36** Words in s. 207(3)(a)(ii) substituted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), [ss. 73\(2\)\(b\)](#), 151(1); S.I. 2012/2906, [art. 2\(a\)](#)
- F37** S. 207(4A) inserted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010](#) (S.I. 2010/813), [art. 14\(b\)](#)
- F38** S. 207(4B) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018](#) (S.I. 2018/195), [regs. 2\(1\), 24\(3\)](#)
- F39** S. 207(5) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012](#) (c. 10), [ss. 73\(3\)](#), 151(1); S.I. 2012/2906, [art. 2\(a\)](#)
- F40** S. 207(6) substituted (1.7.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009](#) (S.I. 2009/1182), arts. 1(9), 4(2), [Sch. 5 para. 7\(b\)](#); S.I. 2009/1357, [art. 2\(1\)\(d\)](#)
- F41** Words in s. 207(6) substituted (2.12.2019) by [Children and Social Work Act 2017](#) (c. 16), s. 70(2), [Sch. 5 para. 48\(b\)](#); S.I. 2019/1436, [reg. 2\(s\)](#)

Modifications etc. (not altering text)

- C8** S. 207(3)(a)(ii) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), [ss. 178\(5\), 183\(1\), 202, 383](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- C9** S. 207(3)(c) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), [ss. 182\(3\), 383](#), [Sch. 6 para. 4\(1\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

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Commencement Information

- I11** S. 207 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 13 (subject to **art. 2(2)**, Sch. 2)

208 Mental health treatment at place other than that specified in order

- (1) Where the medical practitioner or [^{F42}registered psychologist] by whom or under whose direction an offender is being treated for his mental condition in pursuance of a mental health treatment requirement is of the opinion that part of the treatment can be better or more conveniently given in or at an institution or place which—
- (a) is not specified in the relevant order, and
 - (b) is one in or at which the treatment of the offender will be given by or under the direction of a registered medical practitioner or chartered psychologist,
- he may, with the consent of the offender, make arrangements for him to be treated accordingly.
- (2) Such arrangements as are mentioned in subsection (1) may provide for the offender to receive part of his treatment as a resident patient in an institution or place notwithstanding that the institution or place is not one which could have been specified for that purpose in the relevant order.
- (3) Where any such arrangements as are mentioned in subsection (1) are made for the treatment of an offender—
- (a) the medical practitioner or [^{F42}registered psychologist] by whom the arrangements are made shall give notice in writing to the offender's responsible officer, specifying the institution or place in or at which the treatment is to be carried out; and
 - (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the relevant order.

Textual Amendments

- F42** Words in s. 208(1)(3)(a) substituted (1.7.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009](#) (S.I. 2009/1182), **arts. 1(9)**, **4(2)**, **Sch. 5 para. 7(a)(ii)**; S.I. 2009/1357, **art. 2(1)(d)**

Modifications etc. (not altering text)

- C10** S. 208(1) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), **ss. 182(3)**, **383**, **Sch. 6 para. 4(2)**; S.I. 2009/812, **art. 3** (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, **art. 4**

Commencement Information

- I12** S. 208 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 13 (subject to **art. 2(2)**, Sch. 2)

209 Drug rehabilitation requirement

- (1) In this Part “drug rehabilitation requirement”, in relation to a community order or suspended sentence order, means a requirement that during a period specified in the order (“the treatment and testing period”) the offender—

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- (a) must submit to treatment by or under the direction of a specified person having the necessary qualifications or experience with a view to the reduction or elimination of the offender’s dependency on or propensity to misuse drugs, and
 - (b) for the purpose of ascertaining whether he has any drug in his body during that period, must provide samples of such description as may be so determined, at such times or in such circumstances as may (subject to the provisions of the order) be determined by the responsible officer or by the person specified as the person by or under whose direction the treatment is to be provided.
- (2) A court may not impose a drug rehabilitation requirement unless—
- (a) it is satisfied—
 - (i) that the offender is dependent on, or has a propensity to misuse, drugs, and
 - (ii) that his dependency or propensity is such as requires and may be susceptible to treatment,
 - (b) it is also satisfied that arrangements have been or can be made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident),
 - (c) the requirement has been recommended to the court as being suitable for the offender ^{F43}by an officer of a local probation board or an officer of a provider of probation services, and]
 - (d) the offender expresses his willingness to comply with the requirement.
- ^{F44}(3)
- (4) The required treatment for any particular period must be—
- (a) treatment as a resident in such institution or place as may be specified in the order, or
 - (b) treatment as a non-resident in or at such institution or place, and at such intervals, as may be so specified;
- but the nature of the treatment is not to be specified in the order except as mentioned in paragraph (a) or (b) above.
- (5) The function of making a determination as to the provision of samples under provision included in the community order or suspended sentence order by virtue of subsection (1)(b) is to be exercised in accordance with guidance given from time to time by the Secretary of State.
- (6) A community order or suspended sentence order imposing a drug rehabilitation requirement must provide that the results of tests carried out on any samples provided by the offender in pursuance of the requirement to a person other than the responsible officer are to be communicated to the responsible officer.
- (7) In this section “drug” means a controlled drug as defined by section 2 of the Misuse of Drugs Act 1971 (c. 38).

Textual Amendments

F43 Words in s. 209(2)(c) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 88](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(xiii\)](#)

F44 S. 209(3) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 74\(1\), 151\(1\)](#); S.I. 2012/2906, [art. 2\(a\)](#)

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Modifications etc. (not altering text)

- C11** S. 209(1) modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), ss. 182(3), 383, [Sch. 6 para. 5\(1\)\(2\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- C12** S. 206(2)(d) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), ss. 182(3), 383, [Sch. 6 para. 5\(3\)](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

- I13** S. 209 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 13](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

210 Drug rehabilitation requirement: provision for review by court

- (1) A community order or suspended sentence order imposing a drug rehabilitation requirement may (and must if the treatment and testing period is more than 12 months)
-
- (a) provide for the requirement to be reviewed periodically at intervals of not less than one month,
 - (b) provide for each review of the requirement to be made, subject to section 211(6), at a hearing held for the purpose by the court responsible for the order (a “review hearing”),
 - (c) require the offender to attend each review hearing,
 - (d) provide for [^{F45}an officer of a provider of probation services] to make to the court responsible for the order, before each review, a report in writing on the offender’s progress under the requirement, and
 - (e) provide for each such report to include the test results communicated to the responsible officer under section 209(6) or otherwise and the views of the treatment provider as to the treatment and testing of the offender.
- (2) In this section references to the court responsible for a community order or suspended sentence order imposing a drug rehabilitation requirement are references—
- (a) where a court is specified in the order in accordance with subsection (3), to that court;
 - (b) in any other case, to the court by which the order is made.
- (3) Where the area specified in a community order or suspended sentence order which is made by a magistrates' court and imposes a drug rehabilitation requirement is not the area for which the court acts, the court may, if it thinks fit, include in the order provision specifying for the purposes of subsection (2) a magistrates' court which acts for the area specified in the order.
- (4) Where a community order or suspended sentence order imposing a drug rehabilitation requirement has been made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, for the purposes of subsection (2)(b) it shall be taken to have been made by the Crown Court.

Textual Amendments

- F45** Words in s. 210(1)(d) substituted (1.6.2014) by [Offender Rehabilitation Act 2014](#) (c. 11), s. 22(1), [Sch. 4 para. 4](#); S.I. 2014/1287, [art. 2\(d\)](#)

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Modifications etc. (not altering text)

- C13** S. 210 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 179\(1\), 203\(2\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)
- C14** S. 210 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 183\(1\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

- I14** S. 210 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 13](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

211 Periodic review of drug rehabilitation requirement

- (1) At a review hearing (within the meaning given by subsection (1) of section 210) the court may, after considering the ^{F46}... officer’s report referred to in that subsection [^{F47}(“the review officer’s report”)], amend the community order or suspended sentence order, so far as it relates to the drug rehabilitation requirement.
- (2) The court—
 - (a) may not amend the drug rehabilitation requirement unless the offender expresses his willingness to comply with the requirement as amended, [^{F48}and]
 - ^{F49}(b)
 - (c) except with the consent of the offender, may not amend any requirement or provision of the order while an appeal against the order is pending.
- (3) If the offender fails to express his willingness to comply with the drug rehabilitation requirement as proposed to be amended by the court, the court may—
 - (a) revoke the community order, or the suspended sentence order and the suspended sentence to which it relates, and
 - (b) deal with him, for the offence in respect of which the order was made, in any way in which he could have been dealt with for that offence by the court which made the order if the order had not been made.
- (4) In dealing with the offender under subsection (3)(b), the court—
 - (a) shall take into account the extent to which the offender has complied with the requirements of the order, and
 - (b) may impose a custodial sentence (where the order was made in respect of an offence punishable with such a sentence) notwithstanding anything in section 152(2).
- ^{F50}(5)
- (6) If at a review hearing (as defined by section 210(1)(b)) the court, after considering the [^{F51}review] officer’s report, is of the opinion that the offender’s progress under the requirement is satisfactory, the court may so amend the order as to provide for each subsequent review to be made by the court without a hearing.
- (7) If at a review without a hearing the court, after considering the [^{F52}review] officer’s report, is of the opinion that the offender’s progress under the requirement is no longer satisfactory, the court may require the offender to attend a hearing of the court at a specified time and place.

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- (8) At that hearing the court, after considering that report, may—
- (a) exercise the powers conferred by this section as if the hearing were a review hearing, and
 - (b) so amend the order as to provide for each subsequent review to be made at a review hearing.
- (9) In this section any reference to the court, in relation to a review without a hearing, is to be read—
- (a) in the case of the Crown Court, as a reference to a judge of the court;
 - (b) in the case of a magistrates' court, as a reference to a justice of the peace^{F53}

Textual Amendments

- F46** Word in s. 211(1) omitted (1.6.2014) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 5\(2\)\(a\)](#); S.I. 2014/1287, art. 2(d)
- F47** Words in s. 211(1) inserted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 5\(2\)\(b\)](#); S.I. 2014/1287, art. 2(d)
- F48** Word in s. 211(2)(a) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 74\(2\)\(a\)](#), 151(1); S.I. 2012/2906, art. 2(a)
- F49** S. 211(2)(b) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 74\(2\)\(b\)](#), 151(1); S.I. 2012/2906, art. 2(a)
- F50** S. 211(5) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 6](#), 149, 153, [Sch. 4 para. 89](#), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1](#), 5); S.I. 2009/3074, [art. 2\(p\)\(xiii\)\(u\)\(xxxi\)](#)
- F51** Word in s. 211(6) substituted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 5\(3\)](#); S.I. 2014/1287, art. 2(d)
- F52** Word in s. 211(7) substituted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 5\(3\)](#); S.I. 2014/1287, art. 2(d)
- F53** Words in s. 211(9)(b) omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 101](#)

Modifications etc. (not altering text)

- C15** S. 211 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 179\(2\)](#), [203\(3\)](#), 383; S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#) (as amended (temp.) (24.4.2009 for certain purposes, otherwise 31.10.2009) by S.I. 2009/1059, [arts. 1\(3\)](#), 206, [Sch. 2 paras. 3\(b\)\(c\)](#), {14(3)(b)(c)})
- C16** S. 211 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 183\(1\)](#), 383; S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

- I15** S. 211 wholly in force at 4.4.2005, see s. 336(3) and S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 13](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

212 Alcohol treatment requirement

- (1) In this Part “alcohol treatment requirement”, in relation to a community order or suspended sentence order, means a requirement that the offender must submit during a period specified in the order to treatment by or under the direction of a specified person having the necessary qualifications or experience with a view to the reduction or elimination of the offender’s dependency on alcohol.

Status: Point in time view as at 19/05/2020.

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- (2) A court may not impose an alcohol treatment requirement in respect of an offender unless it is satisfied—
- (a) that he is dependent on alcohol,
 - (b) that his dependency is such as requires and may be susceptible to treatment, and
 - (c) that arrangements have been or can be made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident).
- (3) A court may not impose an alcohol treatment requirement unless the offender expresses his willingness to comply with its requirements.
- ^{F54}(4)
- (5) The treatment required by an alcohol treatment requirement for any particular period must be—
- (a) treatment as a resident in such institution or place as may be specified in the order,
 - (b) treatment as a non-resident in or at such institution or place, and at such intervals, as may be so specified, or
 - (c) treatment by or under the direction of such person having the necessary qualification or experience as may be so specified;
- but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a), (b) or (c) above.

Textual Amendments

F54 S. 212(4) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 75\(1\)](#), [151\(1\)](#); S.I. 2012/2906, art. 2(a)

Commencement Information

I16 S. 212 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 13](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

[^{F55}212A Alcohol abstinence and monitoring requirement

- (1) In this Part “alcohol abstinence and monitoring requirement”, in relation to a relevant order, means a requirement—
- (a) that, subject to such exceptions (if any) as are specified—
 - (i) the offender must abstain from consuming alcohol throughout a specified period, or
 - (ii) the offender must not consume alcohol so that at any time during a specified period there is more than a specified level of alcohol in the offender's body, and
 - (b) that the offender must, for the purpose of ascertaining whether the offender is complying with provision under paragraph (a), submit during the specified period to monitoring in accordance with specified arrangements.
- (2) A period specified under subsection (1)(a) must not exceed 120 days.

Status: Point in time view as at 19/05/2020.

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- (3) If the Secretary of State by order prescribes a minimum period for the purposes of subsection (1)(a), a period specified under that provision must be at least as long as the period prescribed.
- (4) The level of alcohol specified under subsection (1)(a)(ii) must be that prescribed by the Secretary of State by order for the purposes of that provision (and a requirement under that provision may not be imposed unless such an order is in force).
- (5) An order under subsection (4) may prescribe a level—
 - (a) by reference to the proportion of alcohol in any one or more of an offender's breath, blood, urine or sweat, or
 - (b) by some other means.
- (6) The arrangements for monitoring specified under subsection (1)(b) must be consistent with those prescribed by the Secretary of State by order (and an alcohol abstinence and monitoring requirement may not be imposed unless such an order is in force).
- (7) An order under subsection (6) may in particular prescribe—
 - (a) arrangements for monitoring by electronic means;
 - (b) arrangements for monitoring by other means of testing.
- (8) A court may not include an alcohol abstinence and monitoring requirement in a relevant order unless the following conditions are met.
- (9) The first condition is that—
 - (a) the consumption of alcohol by the offender is an element of the offence for which the order is to be imposed or an associated offence, or
 - (b) the court is satisfied that the consumption of alcohol by the offender was a factor that contributed to the commission of that offence or an associated offence.
- (10) The second condition is that the court is satisfied that the offender is not dependent on alcohol.
- (11) The third condition is that the court does not include an alcohol treatment requirement in the order.
- (12) The fourth condition is that the court has been notified by the Secretary of State that arrangements for monitoring of the kind to be specified are available in the local justice area to be specified.
- (13) In this section—

“alcohol” includes anything containing alcohol;

“specified”, in relation to a relevant order, means specified in the order.]

Textual Amendments

F55 S. 212A inserted (31.7.2014 only in relation to the South London local justice area for specified purposes until 31.3.2016, 1.4.2016 for specified local justice areas for all purposes other than application by the Armed Forces Act 2006 until 31.3.2018, 1.5.2017 in relation to specified local justice areas for specified purposes until the end of 30.4.2019, 19.5.2020 in so far as not already in force) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), [ss. 76\(1\), 77, 151\(3\)](#); [S.I. 2014/1777](#), [arts. 2, 3, 4\(1\)](#) (with [art. 4\(2\)](#)) (as amended (30.7.2015) by [S.I. 2015/1480](#), [arts. 1, 2](#) and (30.1.2016) by [S.I. 2016/1](#), [arts. 1, 2](#)); [S.I. 2016/286](#), [arts. 2, 3, 4\(1\)](#) (with [art. 4\(2\)](#)) (as amended

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(31.3.2017) by S.I. 2017/225, arts. 1, 2); S.I. 2017/525, arts. 2, 3, 4(1) (with art. 4(2)); S.I. 2020/478, art. 2

^{F56}213 Supervision requirement

.....

Textual Amendments

F56 S. 213 repealed (1.2.2015) by Offender Rehabilitation Act 2014 (c. 11), ss. 15(4), 22(1) (with Sch. 7 para. 7); S.I. 2015/40, art. 2(m)

Requirements available only in case of offenders aged under 25

214 Attendance centre requirement

- (1) In this Part “attendance centre requirement”, in relation to a relevant order, means a requirement that the offender must attend at an attendance centre ^{F57}... for such number of hours as may be [^{F58}specified in the relevant order].
 - (2) The aggregate number of hours for which the offender may be required to attend at an attendance centre must not be less than 12 or more than 36.
 - (3) The court may not impose an attendance centre requirement unless the court is satisfied that [^{F59}an attendance centre which is available for persons of the offender's description] is reasonably accessible to the offender concerned, having regard to the means of access available to him and any other circumstances.
- [^{F60}(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.]
- (4) The first time at which the offender is required to attend at the attendance centre is a time notified to the offender by the responsible officer.
 - (5) The subsequent hours are to be fixed by the officer in charge of the centre, having regard to the offender's circumstances.
 - (6) An offender may not be required under this section to attend at an attendance centre on more than one occasion on any day, or for more than three hours on any occasion.
- [^{F61}(7) A requirement to attend at an attendance centre for any period on any occasion operates as a requirement, during that period, to engage in occupation, or receive instruction, under the supervision of and in accordance with instructions given by, or under the authority of, the officer in charge of the centre, whether at the centre or elsewhere.]

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Textual Amendments

- F57** Words in s. 214(1) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 17\(3\)\(a\)](#), [22\(1\)](#) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), [art. 2\(o\)](#)
- F58** Words in s. 214(1) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 17\(3\)\(b\)](#), [22\(1\)](#) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), [art. 2\(o\)](#)
- F59** Words in s. 214(3) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 17\(4\)](#), [22\(1\)](#) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), [art. 2\(o\)](#)
- F60** S. 214(3A)(3B) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 17\(5\)](#), [22\(1\)](#) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), [art. 2\(o\)](#)
- F61** S. 214(7) added (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 6](#), [153](#), [Sch. 4 para. 90](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074](#), [art. 2\(p\)\(xiii\)](#)

Commencement Information

- I17** S. 214 wholly in force at 4.4.2005; s. 214 not in force at Royal Assent, see s. 336(3); s. 214 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 214 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 14](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

Electronic monitoring

215 Electronic monitoring requirement

- (1) In this Part “electronic monitoring requirement”, in relation to a relevant order, means a requirement ^{F62}to submit to either or both of the following—
- (a) electronic monitoring of the offender’s compliance with other requirements imposed by the order during a period specified in the order, or determined by the responsible officer in accordance with the relevant order ^{F63}, and
 - (b) electronic monitoring of the offender's whereabouts (otherwise than for the purpose of monitoring the offender's compliance with any other requirements included in the order) during a period specified in the order.]
- (2) Where—
- (a) it is proposed to include in a relevant order a requirement for securing electronic monitoring in accordance with this section, but
 - (b) there is a person (other than the offender) without whose co-operation it will not be practicable to secure the monitoring,
- the requirement may not be included in the order without that person’s consent.
- (3) A relevant order which includes an electronic monitoring requirement must include provision for making a person responsible for the monitoring; and a person who is made so responsible must be of a description specified in an order made by the Secretary of State.
- (4) Where an electronic monitoring requirement is required to take effect during a period determined by the responsible officer in accordance with the relevant order, the responsible officer must, before the beginning of that period, notify—
- (a) the offender,
 - (b) the person responsible for the monitoring, and
 - (c) any person falling within subsection (2)(b),
- of the time when the period is to begin.

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[^{F64}(4A) Where a relevant order imposes an electronic monitoring requirement, the offender must (in particular)—

- (a) submit, as required from time to time by the responsible officer or the person responsible for the monitoring, to—
 - (i) being fitted with, or installation of, any necessary apparatus, and
 - (ii) inspection or repair of any apparatus fitted or installed for the purposes of the monitoring,
- (b) not interfere with, or with the working of, any apparatus fitted or installed for the purposes of the monitoring, and
- (c) take any steps required by the responsible officer, or the person responsible for the monitoring, for the purpose of keeping in working order any apparatus fitted or installed for the purposes of the monitoring.]

[^{F65}(5) An electronic monitoring requirement [^{F66}within subsection (1)(a)] may not be included in a relevant order for the purposes of securing the electronic monitoring of the offender's compliance with an alcohol abstinence and monitoring requirement.

(6) Subsection (5) does not prevent the inclusion of an electronic monitoring requirement in a relevant order which includes an alcohol abstinence and monitoring requirement where [^{F67}the electronic monitoring requirement is within subsection (1)(b) or is included] for the purpose of securing the electronic monitoring of an offender's compliance with a requirement other than the alcohol abstinence and monitoring requirement.]

Textual Amendments

- F62** Words in s. 215(1) substituted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 16\(2\)\(a\)](#); S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2); S.I. 2018/1423, art. 2(b)
- F63** S. 215(1)(b) and word inserted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 16\(2\)\(b\)](#); S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2); S.I. 2018/1423, art. 2(b)
- F64** S. 215(4A) inserted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 16\(3\)](#); S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2); S.I. 2018/1423, art. 2(b)
- F65** S. 215(5)(6) inserted (31.7.2014 only in relation to the South London local justice area for specified purposes until 31.3.2016, 1.4.2016 for specified local justice areas for all purposes other than application by the Armed Forces Act 2006 until 31.3.2018, 1.5.2017 in relation to specified local justice areas for specified purposes until the end of 30.4.2019, 19.5.2020 in so far as not already in force) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), ss. 76(6), 77, 151(3); S.I. 2014/1777, arts. 2, 3, 4(1) (with art. 4(2)) (as amended (30.7.2015) by S.I. 2015/1480, arts. 1, 2 and (30.1.2016) by S.I. 2016/1, arts. 1, 2); S.I. 2016/286, arts. 2, 3, 4(1) (with art. 4(2)) (as amended (31.3.2017) by S.I. 2017/225, arts. 1, 2); S.I. 2017/525, arts. 2, 3, 4(1) (with art. 4(2)); S.I. 2020/478, art. 2
- F66** Words in s. 215(5) inserted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in

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force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 16\(4\)](#); S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2); S.I. 2018/1423, art. 2(b)

F67 Words in s. 215(6) substituted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 16\(5\)](#); S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2); S.I. 2018/1423, art. 2(b)

Modifications etc. (not altering text)

C17 S. 215 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 183\(1\)](#), 383; S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

I18 S. 215 wholly in force at 4.4.2005; s. 215 not in force at Royal Assent, see s. 336(3); s. 215 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2](#), [Sch.](#); s. 215(3) in force at 7.3.2005 by S.I. 2005/373, [art. 2](#); s. 215 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 15](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

[^{F68}215A] Data from electronic monitoring: code of practice

- (1) The Secretary of State must issue a code of practice relating to processing of data gathered in the course of electronic monitoring of offenders under electronic monitoring requirements imposed by relevant orders.
- (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

F68 S. 215A inserted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 17](#); S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2); S.I. 2018/1423, art. 2(b)

Provisions applying to relevant orders generally

216 [^{F69}Local justice area] to be specified in relevant order

- (1) A community order or suspended sentence order must specify the [^{F70}local justice area] in which the offender resides or will reside.

^{F71}(2)

Textual Amendments

F69 Words in s. 216 heading substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 103](#)

Status: Point in time view as at 19/05/2020.

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F70 Words in s. 216(1)(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 103](#)

F71 S. 216(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 19](#); S.I. 2012/2906, art. 2(h)

Modifications etc. (not altering text)

C18 S. 216 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 183\(1\)](#), 383; S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

I19 S. 216 partly in force; s. 216 not in force at Royal Assent, see s. 336(3); s. 216(2)(b) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 216(1) in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

217 Requirement to avoid conflict with religious beliefs, etc

- (1) The court must ensure, as far as practicable, that any requirement imposed by a relevant order is such as to avoid—
 - (a) any conflict with the offender’s religious beliefs or with the requirements of any other relevant order to which he may be subject; and
 - (b) any interference with the times, if any, at which he normally works or attends [^{F72}any] educational establishment.
- (2) The responsible officer in relation to an offender to whom a relevant order relates must ensure, as far as practicable, that any instruction given or requirement imposed by him in pursuance of the order is such as to avoid the conflict or interference mentioned in subsection (1).
- (3) The Secretary of State may by order provide that subsection (1) or (2) is to have effect with such additional restrictions as may be specified in the order.

Textual Amendments

F72 Words in s. 217(1)(b) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 6](#), 153, [Sch. 4 para. 91](#) (with [Sch. 27 paras. 1](#), 5); S.I. 2009/3074, [art. 2\(p\)\(xiii\)](#)

Commencement Information

I20 S. 217 wholly in force 4.4.2005; s. 217 not in force at Royal Assent, see s. 336(3); s. 217 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 217(3) in force at 7.3.2005 by [S.I. 2005/373](#), [art. 2](#); s. 217 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

218 Availability of arrangements in local area

- (1) A court may not include an unpaid work requirement in a relevant order unless the court is satisfied that provision for the offender to work under such a requirement can be made under the arrangements for persons to perform work under such a requirement which exist in the [^{F73}local justice area] in which he resides or will reside.

^{F74}(2)

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- (3) A court may not include an attendance centre requirement in a relevant order in respect of an offender unless the court has been notified by the Secretary of State that an attendance centre is available for persons of his description.
- (4) A court may not include an electronic monitoring requirement [^{F75}within section 215(1)(a)] in a relevant order in respect of an offender unless the court—
- (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in [^{F76}the relevant area (see subsections (5) to (7))], and
 - (b) is satisfied that the necessary provision can be made under [^{F77}the arrangements currently available].
- (5) In the case of a relevant order containing a curfew requirement or an exclusion requirement, the relevant area for the purposes of subsection (4) is the area in which the place proposed to be specified in the order is situated.
- (6) In the case of a relevant order containing an attendance centre requirement, the relevant area for the purposes of subsection (4) is [^{F78}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].
- (7) In the case of any other relevant order, the relevant area for the purposes of subsection (4) is the [^{F73}local justice area] proposed to be specified in the order.
- (8) In subsection (5) “place”, in relation to an exclusion requirement, has the same meaning as in section 205.
- [^{F79}(9) A court may not include an electronic monitoring requirement within section 215(1)(b) in a relevant order in respect of an offender unless the court—
- (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the local justice area proposed to be specified in the order,
 - (b) is satisfied that the offender can be fitted with any necessary apparatus under the arrangements currently available and that any other necessary provision can be made under those arrangements, and
 - (c) is satisfied that arrangements are generally operational throughout England and Wales (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.]

Textual Amendments

- F73** Words in s. 218(1)(2)(7) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, **Sch. para. 104**
- F74** S. 218(2) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 5 para. 4** (with [Sch. 7 para. 7](#)); S.I. 2015/40, art. 2(v)
- F75** Words in s. 218(4) inserted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 16 para. 18(2)(a)**; S.I. 2016/962, art. 2 (with [arts. 3, 4](#)) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with [arts. 3, 4](#)) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, [arts. 1, 2](#)); S.I. 2018/1423, art. 2(b)
- F76** Words in s. 218(4)(a) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 17(7), 22(1)** (with [Sch. 7 para. 7](#)); S.I. 2015/40, art. 2(o)

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- F77** Words in s. 218(4)(b) substituted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 18\(2\)\(b\)](#); [S.I. 2016/962](#), art. 2 (with arts. 3, 4) (as amended (9.10.2017) by [S.I. 2017/976](#), art. 2); [S.I. 2017/236](#), art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by [S.I. 2018/357](#), arts. 1, 2); [S.I. 2018/1423](#), art. 2(b)
- F78** Words in s. 218(6) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 17\(8\)](#), 22(1) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), art. 2(o)
- F79** S. 218(9) inserted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019, 1.4.2019 in so far as not already in force) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), [Sch. 16 para. 18\(3\)](#); [S.I. 2016/962](#), art. 2 (with arts. 3, 4) (as amended (9.10.2017) by [S.I. 2017/976](#), art. 2); [S.I. 2017/236](#), art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by [S.I. 2018/357](#), arts. 1, 2); [S.I. 2018/1423](#), art. 2(b)

Modifications etc. (not altering text)

- C19** S. 218 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 183\(1\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

- I21** S. 218 wholly in force at 4.4.2005; s. 218 not in force at Royal Assent, see s. 336(3); s. 218 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 218 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

219 Provision of copies of relevant orders

- [^{F80}(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
 - (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.]
- (2) Where a relevant order imposes any requirement specified in the first column of Schedule 14, the court by which the order is made must also forthwith provide the person specified in relation to that requirement in the second column of that Schedule with a copy of so much of the order as relates to that requirement.
- (3) Where a relevant order specifies a [^{F81}local justice area in which] the court making the order does not act, the court making the order must provide to the magistrates' court [^{F82}acting in that area]—
- (a) a copy of the order, and
 - (b) such documents and information relating to the case as it considers likely to be of assistance to a court [^{F82}acting in that area] in the exercise of its functions in relation to the order.
- [^{F83}(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;]

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Textual Amendments

- F80** S. 219(1) substituted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 12\(2\)](#); [S.I. 2014/1287](#), art. 2(d)
- F81** Words in s. 219(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 105\(b\)](#)
- F82** Words in s. 219(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 105\(b\)](#)
- F83** S. 219(4) inserted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 12\(3\)](#); [S.I. 2014/1287](#), art. 2(d)

Modifications etc. (not altering text)

- C20** S. 219(3) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 178\(5\), 197\(4\), 202](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

- I22** S. 219 wholly in force at 4.4.2005; s. 219 not in force at Royal Assent, see s. 336(3); s. 219(1)(a)(b)(d)(2)(3) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 219 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 2 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

220 Duty of offender to keep in touch with responsible officer

- (1) An offender in respect of whom a community order or a suspended sentence order is in force—
- (a) must keep in touch with the responsible officer in accordance with such instructions as he may from time to time be given by that officer, ^{F84}...
 - ^{F84}(b)
- (2) The obligation imposed by subsection (1) is enforceable as if it were a requirement imposed by the order.

Textual Amendments

- F84** S. 220(1)(b) and word omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 18\(3\), 22\(1\)](#) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), art. 2(p)

Commencement Information

- I23** S. 220 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

[^{F85}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
 - (b) a court.

Status: Point in time view as at 19/05/2020.

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- (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).
- (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
 - (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.
- (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.]

Textual Amendments

F85 S. 220A inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 18(2)**, 22(1) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), art. 2(p)

Modifications etc. (not altering text)

C21 S. 220A modified by 2006 c. 52, s. 183(3A) (as inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 6 para. 8(b)**) (with s. 23(4), [Sch. 7 para. 7](#)); [S.I. 2015/40](#), art. 2(w))

C22 S. 220A(8) excluded by 2006 c. 52, s. 183(1) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 6 para. 8(a)**) (with s. 23(4), [Sch. 7 para. 7](#)); [S.I. 2015/40](#), art. 2(w))

Powers of Secretary of State

221 Provision of attendance centres

- (1) The Secretary of State may continue to provide attendance centres.
- (2) In this Part “attendance centre” means a place at which offenders aged under 25 may be required to attend and be given under supervision appropriate occupation or instruction in pursuance of—
 - (a) attendance centre requirements of relevant orders, or
 - ^{F86}(aa) attendance centre requirements of youth rehabilitation orders, within the meaning of Part 1 of the Criminal Justice and Immigration Act 2008,]
 - (b) attendance centre orders under section 60 of the Sentencing Act.
 - ^{F87}(c) default orders under section 300 of this Act, or
 - (d) youth default orders under section 39 of the Criminal Justice and Immigration Act 2008.]

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- (3) For the purpose of providing attendance centres, the Secretary of State may make arrangements with any local authority or [^{F88}local policing body] for the use of premises of [^{F89}that authority or body].

Textual Amendments

- F86** S. 221(2)(aa) inserted (30.11.2009) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 6, 153, **Sch. 4 para. 92(b)** (with Sch. 27 paras. 1, 5); S.I. 2009/3074, **art. 2(p)(xiv)**
- F87** S. 221(2)(c)(d) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 148, 153, **Sch. 26 para. 2(2)**; S.I. 2008/1586, **art. 2(1)**, Sch. 1 para. 48(a)
- F88** Words in s. 221(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 313(a)**; S.I. 2011/3019, art. 3, Sch. 1
- F89** Words in s. 221(3) substituted (16.1.2012) by Police Reform and Social Responsibility Act 2011 (c. 13), s. 157(1), **Sch. 16 para. 313(b)**; S.I. 2011/3019, art. 3, Sch. 1

Commencement Information

- I24** S. 221 wholly in force at 4.4.2005; s. 221 not in force at Royal Assent, see s. 336(3); s. 221 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, **art. 2, Sch.**; s. 221 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 17 (subject to **art. 2(2)**, Sch. 2)

222 Rules

- (1) The Secretary of State may make rules for regulating—
- (a) the supervision of persons who are subject to relevant orders,
 - (b) without prejudice to the generality of paragraph (a), the functions of responsible officers in relation to offenders subject to relevant orders,
 - (c) the arrangements to be made by local probation boards [^{F90}or providers of probation services] for persons subject to unpaid work requirements to perform work and the performance of such work,
 - (d) the provision and carrying on of attendance centres ^{F91} ...,
 - (e) the attendance of persons subject to [^{F92}rehabilitation activity requirements] or attendance centre requirements [^{F93}, or to attendance centre requirements imposed by youth rehabilitation orders under Part 1 of the Criminal Justice and Immigration Act 2008,] at the places at which they are required to attend, including hours of attendance, reckoning days of attendance and the keeping of attendance records,
 - (f) electronic monitoring in pursuance of an electronic monitoring requirement, and
 - (g) without prejudice to the generality of paragraph (f), the functions of persons made responsible for securing electronic monitoring in pursuance of such a requirement.
- (2) Rules under subsection (1)(c) may, in particular, make provision—
- (a) limiting the number of hours of work to be done by a person on any one day,
 - (b) as to the reckoning of hours worked and the keeping of work records, and
 - (c) for the payment of travelling and other expenses in connection with the performance of work.

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Textual Amendments

- F90** Words in s. 222(1)(c) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 3, **Sch. 1 para. 19(13)**
- F91** Words in s. 222(1)(d) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 5 para. 5(a)** (with [Sch. 7 para. 7](#)); S.I. 2015/40, art. 2(v)
- F92** Words in s. 222(1)(e) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 5 para. 5(b)** (with [Sch. 7 para. 7](#)); S.I. 2015/40, art. 2(v)
- F93** Words in s. 222(1)(e) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, **Sch. 4 para. 93** (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, **art. 2(p)(xv)**

Commencement Information

- I25** S. 222 wholly in force at 7.3.2005; s. 222 not in force at Royal Assent, see s. 336(3); s. 222 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), **art. 2**, **Sch.**; s. 222 in force in so far as not already in force at 7.3.2005 by [S.I. 2005/373](#), **art. 2**

223 Power to amend limits

- (1) The Secretary of State may by order amend—
- (a) subsection (2) of section 199 (unpaid work requirement), or
 - (b) subsection (2) of section 204 (curfew requirement),
- by substituting, for the maximum number of hours for the time being specified in that subsection, such other number of hours as may be specified in the order.
- (2) The Secretary of State may by order amend any of the provisions mentioned in subsection (3) by substituting, for any period for the time being specified in the provision, such other period as may be specified in the order.
- (3) Those provisions are—
- (a) section 204(3) (curfew requirement);
 - (b) section 205(2) (exclusion requirement);
 - [^{F94}(ba) section 212A(2) (alcohol abstinence and monitoring requirement)]
 - ^{F95}(c)
 - ^{F96}(d)

Textual Amendments

- F94** [S. 223\(3\)\(ba\)](#) inserted (31.7.2014 only in relation to the South London local justice area for specified purposes until 31.3.2016, 1.4.2016 for specified local justice areas for all purposes other than application by the [Armed Forces Act 2006](#) until 31.3.2018, 1.5.2017 in relation to specified local justice areas for specified purposes until the end of 30.4.2019, 19.5.2020 in so far as not already in force) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 76(7), 77, 151(3)**; [S.I. 2014/1777](#), **arts. 2, 3, 4(1)** (with [art. 4\(2\)](#)) (as amended (30.7.2015) by [S.I. 2015/1480](#), **arts. 1, 2** and (30.1.2016) by [S.I. 2016/1](#), **arts. 1, 2**); [S.I. 2016/286](#), **arts. 2, 3, 4(1)** (with [art. 4\(2\)](#)) (as amended (31.3.2017) by [S.I. 2017/225](#), **arts. 1, 2**); [S.I. 2017/525](#), **arts. 2, 3, 4(1)** (with [art. 4\(2\)](#)); [S.I. 2020/478](#), **art. 2**
- F95** S. 223(3)(c) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 74(3), 151(1)**; [S.I. 2012/2906](#), art. 2(a)
- F96** S. 223(3)(d) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), **ss. 75(2), 151(1)**; [S.I. 2012/2906](#), art. 2(a)

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Modifications etc. (not altering text)

- C23** S. 223 modified (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006](#) (c. 52), ss. 182(3), 383, [Sch. 6 para. 8](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

- I26** S. 223 wholly in force at 7.3.2005; s. 223 not in force at Royal Assent, see s. 336(3); s. 223(1)(2)(3)(a) (b) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 223 in force in so far as not already in force at 7.3.2005 by [S.I. 2005/373](#), [art. 2](#)

Status:

Point in time view as at 19/05/2020.

Changes to legislation:

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