



# Legal Aid, Sentencing and Punishment of Offenders Act 2012

## 2012 CHAPTER 10

### PART 3

#### SENTENCING AND PUNISHMENT OF OFFENDERS

#### CHAPTER 1

#### SENTENCING

#### *Requirements under community orders and suspended sentence orders*

#### **77 Piloting of alcohol abstinence and monitoring requirements**

- (1) The Secretary of State may by order provide for the coming into force of section 76.
- (2) The Secretary of State may not make an order under subsection (1) with the effect that section 76 is in force for the whole of England and Wales (a “general commencement order”) without having previously made a piloting order.
- (3) Subsection (2) does not prevent an order under subsection (1) from bringing section 76 into force for the purpose only of making orders under section 212A or 223 of the Criminal Justice Act 2003 or rules under section 222 of that Act (and such an order is not a general commencement order for the purposes of this section).
- (4) A “piloting order” is an order under subsection (1) with the effect that section 76 is force only—
  - (a) in relation to the area or areas specified in the order, and
  - (b) for the period specified in the order,but otherwise for all purposes, or for all purposes other than application by the Armed Forces Act 2006.

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*Status: This is the original version (as it was originally enacted).*

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- (5) If, having made one or more piloting orders, the Secretary of State decides to make a general commencement order, the Secretary of State may by order—
- (a) amend section 76 so as to enable the general commencement order to bring it into force with those amendments;
  - (b) amend or repeal any provision of this Act in consequence of provision made under paragraph (a).
- (6) Amendments under subsection (5)(a)—
- (a) may confer power on the Secretary of State to make an order or rules;
  - (b) may not enable a court to provide for an alcohol abstinence and monitoring requirement to be complied with in Scotland or Northern Ireland.
- (7) If, having made one or more piloting orders, the Secretary of State decides not to make a general commencement order, the Secretary of State may by order—
- (a) repeal section 76;
  - (b) amend the Criminal Justice Act 2003 so as to reverse the effect of that section on that Act;
  - (c) make other consequential amendments or repeals.
- (8) An order under this section may make transitional, transitory or saving provision (including, in the case of a piloting order, provision relating to section 76 ceasing to be in force at the end of the period specified in the order).
- (9) An order under this section is to be made by statutory instrument.
- (10) A statutory instrument containing—
- (a) a general commencement order, or
  - (b) an order under subsection (5) or (7),
- may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.