

SCHEDULE

Regulations 3, 4 and 5

Persons excluded from direct payments

A person referred to in regulations 3(3)(c), 4(1)(b) and 5(1)(b) is a person who is—

- (a) subject to a drug rehabilitation requirement, as defined by section 209 of the Criminal Justice Act 2003 (drug rehabilitation requirement)(1), imposed by a community order within the meaning of section 177 of that Act (community orders)(2), or by a suspended sentence of imprisonment within the meaning of section 189 of that Act (suspended sentences of imprisonment)(3);
- (b) subject to an alcohol treatment requirement as defined by section 212 of the Criminal Justice Act 2003 (alcohol treatment requirement), imposed by a community order, within the meaning of section 177 of that Act, or by a suspended sentence of imprisonment, within the meaning of section 189 of that Act;
- (c) released on licence under Part 2 of the Criminal Justice Act 1991 (early release of prisoners)(4), Chapter 6 of Part 12 of the Criminal Justice Act 2003 (release, licences and recall)(5) or Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 (life sentences)(6) subject to a non-standard licence condition requiring the offender to undertake offending behaviour work to address drug or alcohol related behaviour;
- (d) required to submit to treatment for their drug or alcohol dependency by virtue of a community rehabilitation order within the meaning of section 41 of the Powers of Criminal Courts (Sentencing) Act 2000 (community rehabilitation orders)(7) or a community punishment and rehabilitation order within the meaning of section 51 of that Act (community punishment and rehabilitation orders)(8);
- (e) subject to a drug treatment and testing order imposed under section 52 of the Powers of Criminal Courts (Sentencing) Act 2000 (drug treatment and testing orders)(9);
- (f) subject to a youth rehabilitation order imposed in accordance with paragraph 22 (drug treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 (“the Criminal Justice Act 2008”)(10) which requires the person to submit to treatment pursuant to a drug treatment requirement;

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- (1) 2003 c.44. Section 209 has been amended by section 6(2) of, and paragraphs 71 and 88 of Schedule 4 to, the Criminal Justice and Immigration Act 2008 (c. 4) (“the Criminal Justice Act 2008”), and section 74(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the Legal Aid Act”).
 - (2) Section 177 has been amended by section 6(2) of, and paragraphs 71 and 82 of Schedule 4 to, the Criminal Justice Act 2008, and sections 66, 70, 72 and 76 of the Legal Aid Act.
 - (3) Section 189 has been amended by S.I. 2005/643, and section 68 of the Legal Aid Act.
 - (4) 1991 c.53. Sections 34A and 35 have been repealed, with savings, by sections 303 and 332 of, and Schedule 37 to, the Criminal Justice Act 2003 (c.44) (“the 2003 Act”).
 - (5) Heading to Chapter 6 of Part 12 substituted by section 111 of, and Schedule 14 to, the Legal Aid Act. Section 244 has been amended by section 31 of, and Schedule 6 to, the Domestic Violence and Crime Act 2004 (c.28); sections 89, 111, 114, 120, 121 and 125 of, and Schedules 10, 14, 15, and 17 to, the Legal Aid Act. Section 246, has been amended by section 378 of, and Schedule 16 to, the Armed Forces Act 2006 (c.52); section 24 of the Criminal Justice Act 2008; sections 89, 110, 111, 112, 120 and 125 of, and Schedules 10, 14, 15, and 20 to, the Legal Aid Act. Section 246A was inserted by section 125 of the Legal Aid Act. Section 247 has been amended by sections 25, 121 and 149 of, and Schedules 17 and 28 to, the Criminal Justice Act 2008.
 - (6) 1997 c.43. Subsections (1A), (1B) and (5)(a) of section 28 substituted, for subsections (1) to (5)(a) as originally enacted, by section 74 of, and Schedule 7 to, the Criminal Justice and Court Services Act 2000 (c.43) and further substituted by section 275 of the 2003 Act. Subsection (7)(c) has been amended by section 119 of, and Schedule 8 to, the Crime and Disorder Act 1998. Subsection (8A) was inserted by section 275 of the 2003 Act. Section 28(1B) has been modified by section 74 of, and paragraphs 146, 147 and 148 of Schedule 7 to, the Criminal Justice and Court Services Act 2000. Section 29 was repealed by sections 303 and 332 of, and Schedule 37 to, the 2003 Act.
 - (7) 2000 c. 6. Section 41 has been repealed, with savings, by sections 303 and 332 of, and Schedule 37 to, the 2003 Act.
 - (8) Section 51 has been repealed, with savings, by sections 303 and 332 of, and Schedule 37 to, the 2003 Act.
 - (9) Section 52 has been repealed, with savings, by sections 303 and 332 of, and Schedule 37 to, the 2003 Act.
 - (10) 2008 c.4.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (g) subject to a youth rehabilitation order imposed in accordance with paragraph 23 of Schedule 1 to the Criminal Justice Act 2008 (drug testing requirement) which includes a drug testing requirement;
- (h) subject to a youth rehabilitation order imposed in accordance with paragraph 24 of Schedule 1 to the Criminal Justice Act 2008 (intoxicating substance treatment requirement) which requires the person to submit to treatment pursuant to an intoxicating substance treatment requirement;
- (i) either—
 - (i) subject to a drug treatment and testing order within the meaning of section 234B of the Criminal Procedure (Scotland) Act 1995 (drug treatment and testing order)(**11**), or
 - (ii) subject to a community payback order under section 227A of that Act(**12**) imposing requirements relating to drug or alcohol treatment; or
- (j) released on licence under section 22 (release on licence of persons serving determinate sentences) or section 26 of the Prisons (Scotland) Act 1989 (release on licence of persons sentenced to imprisonment for life, etc.)(**13**) or under section 1 (release of short-term, long term and life prisoners) or section 1AA of the Prisoners and Criminal Proceedings (Scotland) Act 1993 (release of certain sexual offenders)(**14**) and subject to a condition that they submit to treatment for their drug or alcohol dependency.

(11) 1995 c. 46. Section 234B was inserted by section 89 of the Crime and Disorder Act 1998 (c.37).

(12) Section 227A was inserted by section 14(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13).

(13) 1989 c.45. Sections 22 and 26 are repealed by section 47(3) of, and Schedule 1 to, the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c.9).

(14) 1993 c.9. Section 1 has been amended by section 119 of, and Schedule 8 to, the Crime and Disorder Act 1998 (c.37). Section 1(4) to (7) has been repealed by section 1 of the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7). Section 1AA was inserted by sections 15(1) and (3) of the Management of Offenders etc. (Scotland) Act 2005 (asp 14) and was repealed by section 66(2) of, and Schedule 5 to, the Custodial Sentences and Weapons (Scotland) Act 2007 (asp 17).