
STATUTORY INSTRUMENTS

2015 No. 40 (C. 5)

**CRIMINAL LAW
DEFENCE**

**The Offender Rehabilitation Act 2014
(Commencement No. 2) Order 2015**

Made - - - - 20th January 2015

The Secretary of State makes the following Order in exercise of the power conferred by section 22(1) of the Offender Rehabilitation Act 2014⁽¹⁾:

Citation

1. This Order may be cited as the Offender Rehabilitation Act 2014 (Commencement No. 2) Order 2015.

Provisions coming into force on 1st February 2015

2. The following provisions of the Offender Rehabilitation Act 2014 come into force on 1st February 2015—

- (a) section 1 (reduction of cases in which prisoners released unconditionally);
- (b) section 2 (supervision after end of sentence);
- (c) section 3 (breach of supervision requirements);
- (d) section 4 (supervision of certain young offenders after release from detention);
- (e) section 5 (consecutive terms);
- (f) section 6 (supervision of certain young offenders after detention and training order);
- (g) section 7 (minor and consequential provision);
- (h) section 8 (extended sentences: length of extension period);
- (i) section 9 (recall and further release of offenders);
- (j) section 11 (drug testing);
- (k) section 12 (drug appointments);
- (l) section 13 (drug testing and appointments: transfer within the British Islands);

- (m) section 15 (rehabilitation activity requirement);
- (n) section 16 (programme requirement);
- (o) section 17 (attendance centre requirement);
- (p) section 18 (duty to obtain permission before changing residence), except in so far as—
 - (i) subsection (5) inserts new paragraph 16(3) of Schedule 8 to the Criminal Justice Act 2003⁽²⁾, and
 - (ii) subsection (8) inserts new paragraph 14(3) of Schedule 12 to the Criminal Justice Act 2003⁽³⁾;
- (q) section 19 (amendments of Armed Forces Act 2006), in so far as it is not already in force;
- (r) section 21(1) (transitional provision etc);
- (s) Schedule 1 (supervision requirements);
- (t) Schedule 2 (supervision default orders: new Schedule 19A to Criminal Justice Act 2003);
- (u) Schedule 3 (release and supervision: minor and consequential provision);
- (v) Schedule 5 (rehabilitation activity requirement: consequential provision);
- (w) Schedule 6 (offenders sentenced by service courts), in so far as it is not already in force, and
- (x) Schedule 7 (cases to which this Act applies).

20th January 2015

Chris Grayling
Secretary of State
Ministry of Justice

(2) 2003 c. 44. Paragraph 16 of Schedule 8 was amended by S.I. 2005/886.

(3) 2003 c. 44. Paragraph 14 of Schedule 12 was amended by S.I. 2005/886.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the second commencement order made under the Offender Rehabilitation Act 2014 (c. 11) (“the Act”). This Order brings into force on 1st February 2015 those provisions of the Act which are not already in force, except in relation to section 18 of the Act to the extent that it inserts new paragraph 16(3) into Schedule 8, and new paragraph 14(3) into Schedule 12, to the Criminal Justice Act 2003 (c. 44).

Article 2(a) to (i) and (s) to (u) commences sections 1 to 9 of and Schedules 1 to 3 to the Act, relating to the release and supervision of offenders. These provisions introduce a licence period for offenders with a sentence of more than 1 day but less than 12 months; and create a new period of supervision for offenders with a sentence of more than 1 day but less than 2 years. Provision is made about the requirements which may be imposed during the supervision period, and breach of those requirements. Provision for certain young offenders and various consequential provision is also made.

Article 2(j) to (l) commences sections 11 to 13 of the Act, which amend the drug testing requirements which may be imposed when an offender is released on licence, and introduce a new requirement which may be imposed that the offender attend drug appointments.

Article 2(m) to (o) and (v) commences sections 15 to 17 of and Schedule 5 to the Act, which relate to requirements which may be imposed on an offender as part of a community order or suspended sentence order. These provisions introduce a new ‘rehabilitation activity requirement’ and amend the ‘programme requirement’ and ‘attendance centre requirement’. Various consequential provision is also made.

Article 2(p) partially commences section 18 of the Act, relating to the duty on offenders subject to a community order or suspended sentence order to obtain permission before changing residence. The provisions not commenced are those which would impose a duty on responsible officers to apply to the appropriate court for an amended order once permission has been given to the offender to change residence.

Article 2(q) and (w) commences the remaining provisions of section 19 of and Schedule 6 to the Act, which make consequential amendments to the Armed Forces Act 2006 (c. 52) relating to offenders sentenced by service courts. Section 19 and Schedule 6 were partially commenced by the Offender Rehabilitation Act 2014 (Commencement No. 1) Order 2014 (S.I. 2014/1287).

Article 2(r) commences section 21(1) of and Schedule 7 to the Act, which make transitional provision about the cases to which the amendments made by the Act apply.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Offender Rehabilitation Act 2014 (c. 11) have been brought into force by commencement order made before the date of this Order:

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

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------------|-----------------------------|---------------------------|
| Section 10 | 1.6.2014 | 2014/1287 |
| Section 14 | 1.6.2014 | 2014/1287 |
| Section 19 (partially) | 1.6.2014 | 2014/1287 |
| Schedule 4 | 1.6.2014 | 2014/1287 |
| Schedule 6 (partially) | 1.6.2014 | 2014/1287 |