



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART IV

COMMUNITY ORDERS AND REPARATION ORDERS

CHAPTER V

COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED UNDER 18

Action plan orders

69 Action plan orders.

- (1) Where a child or young person (that is to say, any person aged under 18) is convicted of an offence and the court by or before which he is convicted is of the opinion mentioned in subsection (3) below, the court may (subject to sections 34 to 36 above) make an order which—
 - (a) requires the offender, for a period of three months beginning with the date of the order, to comply with an action plan, that is to say, a series of requirements with respect to his actions and whereabouts during that period;
 - (b) places the offender for that period under the supervision of the responsible officer; and
 - (c) requires the offender to comply with any directions given by the responsible officer with a view to the implementation of that plan;and the requirements included in the order, and any directions given by the responsible officer, may include requirements authorised by section 70 below.
- (2) An order under subsection (1) above is in this Act referred to as an “action plan order”.

Status: Point in time view as at 01/04/2005.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Cross Heading: Action plan orders is up to date with all changes known to be in force on or before 07 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) The opinion referred to in subsection (1) above is that the making of an action plan order is desirable in the interests of—
- (a) securing the rehabilitation of the offender; or
 - (b) preventing the commission by him of further offences.
- (4) In this Act “responsible officer”, in relation to an offender subject to an action plan order, means one of the following who is specified in the order, namely—
- (a) [^{F1}an officer of a local probation board];
 - (b) a social worker of a local authority [^{F2}social services department];
 - (c) a member of a youth offending team.
- (5) The court shall not make an action plan order in respect of the offender if—
- (a) he is already the subject of such an order; or
 - (b) the court proposes to pass on him a custodial sentence or to make in respect of him a [^{F3}community rehabilitation order], a [^{F4}community punishment order], a [^{F5}community punishment and rehabilitation order], an attendance centre order, a supervision order or a referral order.
- (6) Before making an action plan order, the court shall obtain and consider—
- (a) a written report by [^{F1}an officer of a local probation board], a social worker of a local authority [^{F6}social services department] or a member of a youth offending team indicating—
 - (i) the requirements proposed by that person to be included in the order;
 - (ii) the benefits to the offender that the proposed requirements are designed to achieve; and
 - (iii) the attitude of a parent or guardian of the offender to the proposed requirements; and
 - (b) where the offender is aged under 16, information about the offender’s family circumstances and the likely effect of the order on those circumstances.
- (7) The court shall not make an action plan order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area proposed to be named in the order under subsection (8) below and the notice has not been withdrawn.
- (8) An action plan order shall name the [^{F7}local justice area] in which it appears to the court making the order (or to the court amending under Schedule 8 to this Act any provision included in the order in pursuance of this subsection) that the offender resides or will reside.
- (9) Where an action plan order specifies [^{F1}an officer of a local probation board] under subsection (4) above, the officer specified must be an officer appointed for or assigned to the [^{F7}local justice area] named in the order.
- (10) Where an action plan order specifies under that subsection—
- (a) a social worker of a local authority [^{F8}social services department], or
 - (b) a member of a youth offending team,
- the social worker or member specified must be a social worker of, or a member of a youth offending team established by, the local authority within whose area it appears to the court that the offender resides or will reside.

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- (11) Before making an action plan order, the court shall explain to the offender in ordinary language—
- (a) the effect of the order and of the requirements proposed to be included in it;
 - (b) the consequences which may follow (under Schedule 8 to this Act) if he fails to comply with any of those requirements; and
 - (c) that the court has power (under that Schedule) to review the order on the application either of the offender or of the responsible officer.

Textual Amendments

- F1** Words in s. 69(4)(a)(6)(a)(9) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. 1 para. 4(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F2** Words in s. 69(4)(b) repealed (1.4.2005 for E.) by Children Act 2004 (c. 31), **Sch. 5 Pt. 4**; S.I. 2005/394, **art. 2(2)(g)**
- F3** Words in s. 69(5)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. 1 para. 1(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F4** Words in s. 69(5)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. 1 para. 2(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F5** Words in s. 69(5)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. 1 para. 3(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**
- F6** Words in s. 69(6)(a) repealed (1.4.2005 for E.) by Children Act 2004 (c. 31), **Sch. 5 Pt. 4**; S.I. 2005/394, **art. 2(2)(g)**
- F7** Words in s. 69(8)(9) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), **art. 1, Sch. para. 76**
- F8** Words in s. 69(10)(a) repealed (1.4.2005 for E.) by Children Act 2004 (c. 31), **Sch. 5 Pt. 4**; S.I. 2005/394, **art. 2(2)(g)**

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

- (1) Requirements included in an action plan order, or directions given by a responsible officer, may require the offender to do all or any of the following things, namely—
- (a) to participate in activities specified in the requirements or directions at a time or times so specified;
 - (b) to present himself to a person or persons specified in the requirements or directions at a place or places and at a time or times so specified;
 - (c) subject to subsection (2) below, to attend at an attendance centre specified in the requirements or directions for a number of hours so specified;
 - (d) to stay away from a place or places specified in the requirements or directions;
 - (e) to comply with any arrangements for his education specified in the requirements or directions;
 - (f) to make reparation specified in the requirements or directions to a person or persons so specified or to the community at large; and
 - (g) to attend any hearing fixed by the court under section 71 below.
- (2) Subsection (1)(c) above applies only where the offence committed by the offender is an offence punishable with imprisonment.
- (3) In subsection (1)(f) above “make reparation”, in relation to an offender, means make reparation for the offence otherwise than by the payment of compensation.

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- (4) A person shall not be specified in requirements or directions under subsection (1)(f) above unless—
- (a) he is identified by the court or (as the case may be) the responsible officer as a victim of the offence or a person otherwise affected by it; and
 - (b) he consents to the reparation being made.
- [^{F9}(4A) Subsection (4B) below applies where a court proposing to make an action plan order is satisfied—
- (a) that the offender is dependent on, or has a propensity to misuse, drugs, and
 - (b) that his dependency or propensity is such as requires and may be susceptible to treatment.
- (4B) Where this subsection applies, requirements included in an action plan order may require the offender for a period specified in the order (“the treatment period”) to submit to treatment by or under the direction of a specified person having the necessary qualifications and experience (“the treatment provider”) with a view to the reduction or elimination of the offender’s dependency on or propensity to misuse drugs.
- (4C) The required treatment shall 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 at such institution or place, and at such intervals, as may be so specified;
- but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b) above.
- (4D) A requirement shall not be included in an action plan order by virtue of subsection (4B) above—
- (a) in any case, unless—
 - (i) the court is 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), and
 - (ii) the requirement has been recommended to the court as suitable for the offender by an officer of a local probation board or by a member of a youth offending team; and
 - (b) in the case of an order made or to be made in respect of a person aged 14 or over, unless he consents to its inclusion.
- (4E) Subject to subsection (4F), an action plan order which includes a requirement by virtue of subsection (4B) above may, if the offender is aged 14 or over, also include a requirement (“a testing requirement”) that, for the purpose of ascertaining whether he has any drug in his body during the treatment period, the offender shall during that period, at such times or in such circumstances as may (subject to the provisions of the order) be determined by the responsible officer or the treatment provider, provide samples of such description as may be so determined.
- (4F) A testing requirement shall not be included in an action plan order by virtue of subsection (4E) above unless—
- (a) the offender is aged 14 or over and consents to its inclusion, and

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- (b) the court has been notified by the Secretary of State that arrangements for implementing such requirements are in force in the area proposed to be specified in the order
- (4G) A testing requirement shall specify for each month the minimum number of occasions on which samples are to be provided.
- (4H) An action plan order including a testing requirement shall provide for 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 to be communicated to the responsible officer.]
- (5) Requirements included in an action plan order and directions given by a responsible officer shall, as far as practicable, be such as to avoid—
 - (a) any conflict with the offender’s religious beliefs or with the requirements of any other community order to which he may be subject; and
 - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.

Textual Amendments

- F9** S. 70(4A)-(4H) inserted (1.12.2004 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 24 para. 1](#); [S.I. 2004/3033](#), art. 2(1)(2) (with art. 2(3)(4))

71 Action plan orders: power to fix further hearings.

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

72 Breach, revocation and amendment of action plan orders.

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

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