

Draft Order laid before Parliament under section 76(5)(a) of the Criminal Justice and Court Services Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice and Court Services
Act 2000 (Amendment) Order 2007

Made - - - -

Coming into force - -

The Secretary of State makes the following Order in exercise of the powers conferred by section 70(2) of the Criminal Justice and Court Services Act 2000⁽¹⁾.

In accordance with section 76(5) of that Act, a draft of this Order was laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Criminal Justice and Court Services Act 2000 (Amendment) Order 2007 and shall come into force on the seventh day after the day on which it is made.

(2) This Order extends to England and Wales only.

Amendment of the Criminal Justice and Court Services Act 2000

2.—(1) Schedule 6 to the Criminal Justice and Court Services Act 2000 (which specifies trigger offences for the purposes of section 70 of that Act) shall be amended as follows.

(2) For the paragraph 3 inserted by the Criminal Justice and Court Services Act 2000 (Amendment) Order 2004⁽²⁾, substitute—

“**3A.** An offence under section 1(1) of the Criminal Attempts Act 1981⁽³⁾ is a trigger offence, if committed in respect of an offence under—

(a) any of the following provisions of the Theft Act 1968⁽⁴⁾:

(1) 2000 c.43.

(2) S.I. 2004/1892; article 2(1) and (3) of which inserted paragraph 3 into Schedule 6 to the Criminal Justice and Court Services Act 2000.

(3) 1981 c.47.

(4) 1968 c.60.

section 1 (theft)
section 8 (robbery)
section 9 (burglary)
section 22 (handling stolen goods), or
(b) section 1 of the Fraud Act 2006⁽⁵⁾ (fraud).”

Home Office
Date

Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order corrects omissions in consequential amendments made to Schedule 6 to the Criminal Justice and Courts Services Act 2000 (“the CJCSA”) by the Fraud Act 2006 (“the Fraud Act”).

Schedule 6 to the CJCSA specifies certain offences as “trigger offences” which trigger the drug testing provisions in section 63B of the Police and Criminal Evidence Act 1984⁽⁶⁾ (testing for presence of Class A drugs); section 65 of the Criminal Justice Act 1991⁽⁷⁾ (supervision of young offenders after release); section 42 of the Powers of Criminal Courts (Sentencing) Act 2000⁽⁸⁾ (“the PCC(S)A”) (additional requirements which may be included in community rehabilitation orders); section 47 of the PCC(S)A (obligations of person subject to community punishment order); 58A of the PCC(S)A (drug abstinence orders); and section 64 of the CJCSA (release on licence etc: drug testing requirements).

The Fraud Act mistakenly introduced a second paragraph 3 into Schedule 6 to the CJCSA and omitted to make consequential amendments to the existing paragraph 3 (which was introduced by the Criminal Justice and Court Services Act 2000 (Amendment) Order 2004). Article 2(2) rectifies these errors by substituting a new paragraph 3A for the paragraph 3 introduced by that Order. The new paragraph 3A omits reference to the offence under section 15 of the Theft Act 1968 (obtaining property by deception) as this offence was repealed with effect from 15th January 2007 by the Fraud Act, and it includes reference to the offence of fraud under section 1 of the Fraud Act which was introduced on the same date.

(6) 1984 c.60.

(7) 1991 c.53.

(8) 2000 c.6. Sections 42, 47 and 58A of this Act were repealed by sections 303(d)(i) and 332 of and Part 7 of Schedule 37 to the Criminal Justice Act 2003, subject to savings and transitional provisions contained in paragraphs 5(2)(c)(xii) and 7 to 13 of Schedule 2 to S.I. 2005/950.