

CRIMINAL JUSTICE AND COURT SERVICES ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part III: Dealing with Offenders

Chapter II: Miscellaneous

Section 69: Duties of local probation boards in connection with victims of certain offences

A.

Duties imposed by Section 69

159. Where a court imposes a relevant sentence on a sexual or violent offender (see B: Application of Section 69 below), duties are imposed on the local probation board.
160. The first duty (Section 69(2)) for the local probation board in the area in which the offender is sentenced, is to take all reasonable steps to ascertain whether the victim wishes to make representations about any conditions or requirements attached to any licence to which the offender should be subject to when he is released.
161. Where the victim does wish to make representations the local probation board is under a duty to forward those representations to the person responsible for determining the offenders release conditions or requirements – normally the governor at the prison where the offender is detained.
162. There is also a duty (Section 69(2)(b)) on the same board to take all reasonable steps to ascertain if the victim wishes to be informed about any conditions or requirements that apply to the offender's release .
163. If the victim has requested information, the local probation board for the area where the offender is to be supervised or institution from which he is to be released, is under a duty to provide details of whether the offender is to be subject to any conditions/requirements (Section 69(5)). If so the victim is to be informed of any conditions or requirements which relate to contact with the victim or family and any other information which seems to the local probation board to be appropriate. So, for example, victims will be informed if the licence contains a condition not to go within a certain radius of the victim's home.
164. It will remain open to the probation service, as at present, to provide information to the victim, or victim's family as appropriate, in cases falling outside the scope of Section 69.

B:

Application of **Section 69**

These notes refer to the Criminal Justice and Court Services Act 2000 (c.43) which received Royal Assent on 30 November 2000

165. The new statutory duties on local probation board in Section 69 are in respect of offenders sentenced to a “relevant sentence” for a “sexual or violent offence”.
166. A “relevant sentence” is defined in Section 69(7) as including:
- a sentence of imprisonment of 12 months or more;
 - a sentence of detention in a young offenders institution institution for 12 months or more;
 - a sentence of detention during Her Majesty’s pleasure;
 - a sentence of 12 months or more where an offender under 18 has been convicted for certain serious offences; and
 - a detention and training order for a term of 12 months or more.
- A “sexual or violent offence” has the meaning given to it by Section 69(8). That is
- (i) a “sexual or violent offence” within the meaning the Powers of the Criminal Courts (Sentencing) Act 2000 or
 - (ii) an offence where the offender is subject to the notification provisions of the Sex Offenders Act 1997 or
 - (iii) an offence against a child with the meaning of Part II of the Act
167. For explanations of a sexual or violent offence under the Powers of the Criminal Courts (Sentencing) Act 2000 and an offence where the offender is subject to the notification provisions of the Sex Offenders Act 1997, see explanation of Section 68 above.
168. For the explanation of an offence against a child with the meaning of Part II of the Act, see paragraphs 79 and 80 of this Explanatory Note above.