



# Criminal Justice and Court Services Act 2000

## 2000 CHAPTER 43

### PART III

#### DEALING WITH OFFENDERS

### CHAPTER II

#### MISCELLANEOUS

#### *Release of prisoners on licence etc.*

#### **62 Release on licence etc: conditions as to monitoring.**

- (1) This section applies where a sentence of imprisonment has been imposed on a person and, by virtue of any enactment—
  - (a) the Secretary of State is required to, or may, release the person from prison, and
  - (b) the release is required to be, or may be, subject to conditions (whether conditions of a licence or any other conditions, however expressed).
- (2) The conditions may include—
  - (a) conditions for securing the electronic monitoring of his compliance with any other conditions of his release,
  - (b) conditions for securing the electronic monitoring of his whereabouts (otherwise than for the purpose of securing his compliance with other conditions of his release).
- (3) In relation to a prisoner released under section 34A(3) of the <sup>M1</sup>Criminal Justice Act 1991 (power to release short-term prisoners on licence) the monitoring referred to in

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subsection (2)(a) does not include the monitoring of his compliance with conditions imposed under section 37A of that Act (curfew conditions).

- (4) The Secretary of State may make rules about the conditions that may be imposed by virtue of this section.
- (5) In this section, “sentence of imprisonment” includes—
- (a) a detention and training order,
  - (b) a sentence of detention in a young offender institution,
  - (c) a sentence of detention under section 90 of the <sup>M2</sup>Powers of Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty’s pleasure),
  - (d) a sentence of detention under section 91 of that Act (detention of offenders under 18 convicted of certain serious offences),
  - (e) a sentence of custody for life under section 93 or 94 of that Act,
- and “prison” shall be construed accordingly.

#### Marginal Citations

**M1** 1991 c. 53.

**M2** 2000 c. 6.

### 63 Supervision of young offenders after release.

- (1) Section 65 of the <sup>M3</sup>Criminal Justice Act 1991 is amended as follows.
- (2) After subsection (5) there is inserted—
- “(5A) The requirements that may be specified in a notice under subsection (5) above include—
- (a) requirements for securing the electronic monitoring of the person’s compliance with any other requirements specified in the notice;
  - (b) requirements for securing the electronic monitoring of his whereabouts (otherwise than for the purpose of securing his compliance with requirements specified in the notice);
  - (c) in the circumstances mentioned in subsection (5B) below, requirements to provide, when instructed to do so by an officer of a local probation board or a person authorised by the Secretary of State, any sample mentioned in the instruction for the purpose of ascertaining whether the person has any specified Class A drug in his body.
- (5B) The circumstances referred to in subsection (5A)(c) above are that—
- (a) the person has attained the age of 18 years;
  - (b) his term of detention was imposed for a trigger offence; and
  - (c) the requirements to provide samples are being imposed for the purpose of determining whether he is complying with any other requirements specified in the notice.
- (5C) Requirements imposed by virtue of subsection (5A) above shall not have effect on or after the day on which the person would (but for his release) have served his term in full.

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(5D) The function of giving such an instruction as is mentioned in subsection (5A) (c) above shall be exercised in accordance with guidance given from time to time by the Secretary of State; and the Secretary of State may make rules about the requirements that may be imposed by virtue of subsection (5A) above and the provision of samples in pursuance of such an instruction.”

(3) After subsection (8) there is inserted—

“(9) The power to make rules under this section—

- (a) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament;
- (b) shall include power to make different provision for different cases or classes of case.

(10) In this section, “specified Class A drug” and “trigger offence” have the same meanings as in Part III of the Criminal Justice and Court Services Act 2000.”

#### Commencement Information

- II** S. 63 partly in force: S. 63 not in force at Royal Assent see s. 80(1); s. 63(2) in force for certain purposes at 1.2.2001 by S.I. 2000/3302, art. 3; s. 63 in force for specified purposes at 20.6.2001 and 2.7.2001 by S.I. 2001/2232, art. 2(h)

#### Marginal Citations

- M3** 1991 c. 53.

## 64 Release on licence etc: drug testing requirements.

(1) This section applies where—

- (a) the Secretary of State releases from prison a person aged 18 or over on whom a sentence of imprisonment has been imposed for a trigger offence, and
- (b) the release is subject to conditions (whether conditions of a licence or any other conditions, however expressed).

(2) For the purpose of determining whether the person is complying with any of the conditions, they may include the following requirement.

(3) The requirement is that the person must provide, when instructed to do so by an officer of a local probation board or a person authorised by the Secretary of State, any sample mentioned in the instruction for the purpose of ascertaining whether he has any specified Class A drug in his body.

(4) The function of giving such an instruction is to be exercised in accordance with guidance given from time to time by the Secretary of State; and regulations made by the Secretary of State may regulate the provision of samples in pursuance of such an instruction.

(5) In this section, “sentence of imprisonment” includes—

- (a) a detention and training order,
- (b) a sentence of detention in a young offender institution,
- (c) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty’s pleasure),

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- (d) a sentence of detention under section 91 of that Act (detention of offenders under 18 convicted of certain serious offences),
  - (e) a sentence of custody for life under section 93 or 94 of that Act,
- and “prison” shall be construed accordingly.

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**Commencement Information**

- I2** S. 64 wholly in force at 2.7.2001; s. 64 not in force at Royal Assent see s. 80; s. 64 in force for specified purposes at 20.6.2001 and 2.7.2001 insofar as not already in force by [S.I. 2001/2232](#), [art. 2\(i\)](#)

**65 Short-term prisoners: release subject to curfew conditions.**

In section 34A of the <sup>M4</sup>Criminal Justice Act 1991 (power to release short-term prisoners on licence), after subsection (2)(d) there is inserted—

- “(da) the prisoner is subject to the notification requirements of Part I of the <sup>M5</sup>Sex Offenders Act 1997;”.

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**Marginal Citations**

- M4** 1991 c. 53.  
**M5** 1997 c. 51.

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**Changes to legislation:**

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