



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).

[^{F1}(3) In relation to a prisoner released under section 246 of the Criminal Justice Act 2003 (power to release prisoners on licence before required to do so), the monitoring

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referred to in subsection (2)(a) does not include the monitoring of his compliance with conditions imposed under section 253 of that Act (curfew condition).]

- (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 ^{M1}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,^{F2, F3} ...
 - (f) a sentence of detention under section 226 ^{F4}, 226B] or 228 of the Criminal Justice Act 2003 ^{F5}(including one passed as a result of section 221 ^{F6}, 221A] or 222 of the Armed Forces Act 2006)]
 - ^{F7}(g) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006, and
 - (h) an order under section 211 of that Act,]
- and “prison” shall be construed accordingly.

Textual Amendments

- F1** S. 62(3) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 136(2)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(36)** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F2** S. 62(5)(f) and word inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 136(3)**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 42(36)** (with **Sch. 2**) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))
- F3** Word in s. 62(5) repealed (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 17**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F4** Word in s. 62(5)(f) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 21 para. 17**; S.I. 2012/2906, art. 2(s)
- F5** Words in s. 62(5)(f) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 184(a)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F6** Word in s. 62(5)(f) inserted (3.12.2012) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 22 para. 18**; S.I. 2012/2906, art. 2(t)
- F7** S. 62(5)(g)(h) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 184(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Marginal Citations

- M1** [2000 c. 6](#).

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F⁸63 Supervision of young offenders after release.

Textual Amendments

F⁸ S. 63 repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 37 Pt. 7](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 44\(4\)\(t\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(l))

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 ^{F⁹}...
- (b) the release is subject to conditions (whether conditions of a licence or any other conditions, however expressed) [^{F¹⁰}, and
- (c) the Secretary of State is satisfied of the matters in subsection (1A).]

[^{F¹¹}(1A) Those matters are—

- (a) that the misuse by the person of a specified class A drug or a specified class B drug caused or contributed to an offence of which the person has been convicted or is likely to cause or contribute to the commission of further offences by the person, and
- (b) that the person is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug.]

(2) For the purpose of determining whether the person is complying with any of the conditions [^{F¹²}mentioned in subsection (1)(b)], 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 [^{F¹³}, an officer of a provider of probation services] 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 [^{F¹⁴}or specified Class B 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 [^{F¹⁵}rules] 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),
- (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,

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- [^{F16}(g) a sentence of detention under section 209 or 218 of the Armed Forces Act 2006, and
 (h) an order under section 211 of that Act,]
 and “prison” shall be construed accordingly.

Textual Amendments

- F9** Words in s. 64(1)(a) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 11(2)(a), 22(1)** (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(j)
- F10** S. 64(1)(c) and word immediately preceding it inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 11(2)(b), 22(1)** (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(j)
- F11** S. 64(1A) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 11(2)(c), 22(1)** (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(j)
- F12** Words in s. 64(2) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 11(2)(d), 22(1)** (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(j)
- F13** Words in s. 64(3) inserted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 1, **Sch. 1 para. 18(2)**
- F14** Words in s. 64(3) inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 11(2)(e), 22(1)** (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(j)
- F15** Word in s. 64(4) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 3 para. 13** (with [Sch. 7 para. 2](#)); S.I. 2015/40, art. 2(u)
- F16** S. 64(5)(g)(h) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 16 para. 185(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Modifications etc. (not altering text)

- C1** S. 64 amendment to earlier affecting provision 1997 c. 43 Sch. 1 para. 8(2)(4)(7) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 13(2)(b), 22(1)** (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(l)
- C2** S. 64 applied (with modifications) by 1997 c. 43, **Sch. 1 para. 8(2)(aa)(4)(aa)(7)** (as amended) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 13(2)(a), 22(1)** (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(l)
- C3** S. 64 applied (with modifications) by 1997 c. 43, **Sch. 1 para. 9(2)(aa)(4)(aa)(5A)** (as amended) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 13(3)(a), 22(1)** (with [Sch. 7 para. 6](#)); S.I. 2015/40, art. 2(l)

Commencement Information

- I1** 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)**

[^{F17}64A Release on licence etc: drug appointments

- (1) This section applies where—
- (a) the Secretary of State releases a person serving a sentence of imprisonment (“the offender”) who is aged 18 or over,
 - (b) the release is subject to conditions (whether conditions of a licence or any other conditions, however expressed),
 - (c) an officer of a provider of probation services has recommended to the Secretary of State that a condition authorised by this section be imposed on the offender, and

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- (d) the Secretary of State is satisfied of the matters in subsection (2).
- (2) Those matters are—
- (a) that the misuse by the offender of a controlled drug caused or contributed to an offence of which the offender has been convicted or is likely to cause or contribute to the commission of further offences by the offender,
 - (b) that the offender is dependent on, or has a propensity to misuse, a controlled drug,
 - (c) that the dependency or propensity requires, and may be susceptible to, treatment, and
 - (d) that arrangements have been made, or can be made, for the offender to have treatment.
- (3) The conditions mentioned in subsection (1)(b) may include a condition which requires the offender, in accordance with instructions given by an officer of a provider of probation services, to attend appointments with a view to addressing the offender's dependency on, or propensity to misuse, a controlled drug.
- (4) The condition must specify—
- (a) the person with whom the offender is to meet or under whose direction the appointments are to take place, and
 - (b) where the appointments are to take place.
- (5) The person specified under subsection (4)(a) must be a person who has the necessary qualifications or experience.
- (6) The only instructions that an officer of a provider of probation services may give for the purposes of the requirement are instructions as to—
- (a) the duration of each appointment, and
 - (b) when each appointment is to take place.
- (7) For the purposes of this section, references to a requirement to attend an appointment do not include a requirement to submit to treatment.
- (8) In this section—
- “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971;
- “sentence of imprisonment” does not include a detention and training order or an order under section 211 of the Armed Forces Act 2006 but does include—
- (a) a sentence of detention in a young offender institution,
 - (b) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty's pleasure),
 - (c) a sentence of detention under section 91 of that Act (detention of offenders under 18 convicted of certain serious offences),
 - (d) a sentence of custody for life under section 93 or 94 of that Act,
 - (e) a sentence of detention under section 226, 226B or 228 of the Criminal Justice Act 2003 (including one passed as a result of section 221, 221A or 222 of the Armed Forces Act 2006),
 - (f) a sentence of detention under section 209 of the Armed Forces Act 2006 (detention of offenders under 18 convicted of certain serious offences), and

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- (g) a sentence of detention under section 218 of that Act (detention at Her Majesty's pleasure).]

Textual Amendments

F17 S. 64A inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 12(1)**, 22(1) (with [Sch. 7 para. 6](#)); [S.I. 2015/40](#), art. 2(k)

Modifications etc. (not altering text)

- C4** S. 64A applied (with modifications) by 1997 c. 43, Sch. 1 para. 9(2)(aa)(4)(aa)(5A) (as amended) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 13(3)(a)**, 22(1) (with [Sch. 7 para. 6](#)); [S.I. 2015/40](#), art. 2(l)
- C5** S. 64A applied (with modifications) by 1997 c. 43, Sch. 1 para. 8(2)(aa)(4)(aa)(7) (as amended) (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 13(2)(a)**, 22(1) (with [Sch. 7 para. 6](#)); [S.I. 2015/40](#), art. 2(l)

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

In section 34A of the ^{M2}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 ^{M3}Sex Offenders Act 1997;”.

Marginal Citations

M2 1991 c. 53.

M3 1997 c. 51.

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