



# Criminal Justice and Courts Services Act 2000

## 2000 CHAPTER 43

### PART III

#### DEALING WITH OFFENDERS

### CHAPTER I

#### COMMUNITY SENTENCES

#### *Miscellaneous*

#### **49 Community sentences: drug abstinence requirements**

(1) In section 42 of the Powers of Criminal Courts (Sentencing) Act 2000 (additional requirements which may be included in community rehabilitation orders), in subsection (2)—

(a) after “above” there is inserted—

“a),

(b) at the end there is inserted—

“(b) subject to subsections (2D) and (2F) below, the order shall, if the first set of conditions is satisfied, include a drug abstinence requirement and may include such a requirement if the second set of conditions is satisfied.

(2A) For the purposes of this Part of this Act, a drug abstinence requirement is a requirement for the offender—

(a) to abstain from misusing specified Class A drugs; and

(b) to provide, when instructed to do so by the responsible officer, any sample mentioned in the instruction for the

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*Status: This is the original version (as it was originally enacted).*

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purpose of ascertaining whether he has any specified Class A drug in his body.

(2B) The first set of conditions is—

- (a) that the offender was aged 18 or over on the date of his conviction for the offence;
- (b) that, in the opinion of the court, the offender is dependent on or has a propensity to misuse specified Class A drugs; and
- (c) that the offence is a trigger offence.

(2C) The second set of conditions is—

- (a) that the offender was aged 18 or over on the date of his conviction for the offence; and
- (b) that, in the opinion of the court—
  - (i) the offender is dependent on or has a propensity to misuse specified Class A drugs; and
  - (ii) the misuse by the offender of any specified Class A drug caused or contributed to the offence.

(2D) The order may not include a drug abstinence requirement if—

- (a) the community rehabilitation order includes any requirement in respect of drugs under paragraph 6 of Schedule 2 to this Act; or
- (b) the community sentence includes a drug treatment and testing order or a drug abstinence order.

(2E) The function of giving instructions for the purposes of subsection (2A)(b) 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 for regulating the provision of samples in pursuance of such instructions.

(2F) The court shall not include a drug abstinence requirement in the order unless the court has been notified by the Secretary of State that arrangements for implementing such requirements are available in the area proposed to be specified under section 41(3) above and the notice has not been withdrawn.”

(2) In section 47 of that Act (obligations of person subject to community punishment order), after subsection (3) there is inserted—

“(3A) Subject to subsection (3B) below, the community punishment order shall, if the set of conditions in section 42(2B) above is satisfied, include a drug abstinence requirement and may include such a requirement if the set of conditions in section 42(2C) above is satisfied.

(3B) The order may not include a drug abstinence requirement if the community sentence includes a drug treatment and testing order or a drug abstinence order.

(3C) Subsections (2E) and (2F) of section 42 above apply for the purposes of this section as they apply for the purposes of that.”