



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART IV

COMMUNITY ORDERS AND REPARATION ORDERS

CHAPTER II

COMMUNITY ORDERS AVAILABLE FOR OFFENDERS OF ANY AGE

Curfew orders

37 Curfew orders.

- (1) Where a person is convicted of an offence, the court by or before which he is convicted may (subject to sections 34 to 36 above) make an order requiring him to remain, for periods specified in the order, at a place so specified.
- (2) An order under subsection (1) above is in this Act referred to as a “curfew order”.
- (3) A curfew order may specify different places or different periods for different days, but shall not specify—
 - (a) periods which fall outside the period of six months beginning with the day on which it is made; or
 - (b) periods which amount to less than two hours or more than twelve hours in any one day.
- (4) In relation to an offender aged under 16 on conviction, subsection (3)(a) above shall have effect as if the reference to six months were a reference to three months.
- (5) The requirements in a curfew order shall, as far as practicable, be such as to avoid—

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- (a) any conflict with the offender’s religious beliefs or with the requirements of any other community order to which he may be subject; and
 - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.
- (6) A curfew order shall include provision for making a person responsible for monitoring the offender’s whereabouts during the curfew periods specified in the order; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (7) A court shall not make a curfew order unless the court has been notified by the Secretary of State that arrangements for monitoring the offender’s whereabouts are available in the area in which the place proposed to be specified in the order is situated and the notice has not been withdrawn.
- (8) Before making a curfew order, the court shall obtain and consider information about the place proposed to be specified in the order (including information as to the attitude of persons likely to be affected by the enforced presence there of the offender).
- (9) Before making a curfew order in respect of an offender who on conviction is under 16, the court shall obtain and consider information about his family circumstances and the likely effect of such an order on those circumstances.
- (10) Before making a curfew order, the court shall explain to the offender in ordinary language—
- (a) the effect of the order (including any additional requirements proposed to be included in the order in accordance with [^{F1}section 36B above] (electronic monitoring));
 - (b) the consequences which may follow (under Part II of Schedule 3 to this Act) if he fails to comply with any of the requirements of the order; and
 - (c) that the court has power (under Parts III and IV of that Schedule) to review the order on the application either of the offender or of the responsible officer.
- (11) The court by which a curfew order is made shall give a copy of the order to the offender and to the responsible officer.
- (12) In this Act, “responsible officer”, in relation to an offender subject to a curfew order, means the person who is responsible for monitoring the offender’s whereabouts during the curfew periods specified in the order.

Textual Amendments

F1 Words in s. 37(10)(a) substituted (20.6.2001 for specified purposes otherwise 2.7.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 162**; S.I. 2001/2232, **art. 2(k)(m)(iv)**

Modifications etc. (not altering text)

C1 S. 37(1)(3)(5)-(8)(10)-(12) applied (with modifications) (25.8.2000) by 1997 c. 43, **s. 35(7)(8)** (as substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 184(4)**)

^{F2}38 **Electronic monitoring of curfew orders.**

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Textual Amendments

- F2** S. 38 repealed (20.6.2001 for specified purposes, otherwise 2.7.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 163, Sch. 8; S.I. 2001/2232, art. 2(k)(m)(iv)(n)

39 Breach, revocation and amendment of curfew orders.

Schedule 3 to this Act (which makes provision for dealing with failures to comply with the requirements of certain community orders, for revoking such orders with or without the substitution of other sentences and for amending such orders) shall have effect so far as relating to curfew orders.

40 Curfew orders: supplementary.

- (1) The Secretary of State may make rules for regulating—
- (a) the monitoring of the whereabouts of persons who are subject to curfew orders^{F3} . . . ; and
 - (b) without prejudice to the generality of paragraph (a) above, the functions of the responsible officers of persons who are subject to curfew orders.
- (2) The Secretary of State may by order direct—
- (a) that subsection (3) of section 37 above shall have effect with the substitution, for any period there specified, of such period as may be specified in the order; or
 - (b) that subsection (5) of that section shall have effect with such additional restrictions as may be so specified.

[^{F4}(3) An order under subsection (2)(a) above may make in paragraphs 2A(4) and (5) and 19(3) of Schedule 3 to this Act any amendment which the Secretary of State thinks necessary in consequence of any substitution made by the order.]

Textual Amendments

- F3** Words in s. 40(1)(a) repealed (1.6.2001 for specified purposes otherwise 2.7.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 164(a), Sch. 8; S.I. 2001/2232, art. 2(k)(m)(v)(n)
- F4** S. 40(3) inserted (20.6.2001 for certain purposes and 2.7.2001 for certain further purposes and otherwise *prosp.*) by 2000 c. 43, ss. 74, 80(1), Sch. 7 Pt. II para. 164(b); S.I. 2001/2232, art. 2(m)(v)

[^{F5}Exclusion orders

Textual Amendments

- F5** Ss. 40A-40C and cross-heading inserted (2.9.2004) by Criminal Justice and Courts Services Act 2000 (c. 43), ss. 46, 80(1); S.I. 2004/2171, art. 2

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40A Exclusion orders.

- (1) Where a person is convicted of an offence, the court by or before which he is convicted may (subject to sections 34 to 36 above) make an order prohibiting him from entering a place specified in the order for a period so specified of not more than two years.
- (2) An order under subsection (1) above is in this Act referred to as an “exclusion order”.
- (3) An exclusion order—
 - (a) may provide for the prohibition to operate only during the periods specified in the order;
 - (b) may specify different places for different periods or days.
- (4) In relation to an offender aged under 16 on conviction, subsection (1) above shall have effect as if the reference to two years were a reference to three months.
- (5) The requirements in an exclusion order shall, as far as practicable, be such as to avoid—
 - (a) any conflict with the offender’s religious beliefs or with the requirements of any other community order to which he may be subject; and
 - (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.
- (6) An exclusion order shall include provision for making a person responsible for monitoring the offender’s whereabouts during the periods when the prohibition operates; and a person who is made so responsible shall be of a description specified in an order made by the Secretary of State.
- (7) An exclusion order shall specify the petty sessions area in which the offender resides or will reside.
- (8) A court shall not make an exclusion order unless the court has been notified by the Secretary of State that arrangements for monitoring the offender’s whereabouts are available in the area in which the place proposed to be specified in the order is situated and the notice has not been withdrawn.
- (9) Before making an exclusion order in respect of an offender who on conviction is under 16, the court shall obtain and consider information about his family circumstances and the likely effect of such an order on those circumstances.
- (10) Before making an exclusion order, the court shall explain to the offender in ordinary language—
 - (a) the effect of the order (including any additional requirements proposed to be included in the order in accordance with section 36B above (electronic monitoring));
 - (b) the consequences which may follow (under Part II of Schedule 3 to this Act) if he fails to comply with any of the requirements of the order; and
 - (c) that the court has power (under Parts III and IV of that Schedule) to review the order on the application of the offender, the responsible officer or any affected person.
- (11) The court by which an exclusion order is made shall—
 - (a) give a copy of the order to the offender and the responsible officer; and
 - (b) give to any affected person any information relating to the order which the court considers it appropriate for him to have.

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- (12) In this section, “place” includes an area.
- (13) For the purposes of this Act, a person is an affected person in relation to an exclusion order if—
- (a) a requirement under section 36B(1) above is included in the order by virtue of his consent; or
 - (b) a prohibition is included in the order for the purpose (or partly for the purpose) of protecting him from being approached by the offender.
- (14) In this Act, “responsible officer”, in relation to an offender subject to an exclusion order, means the person who is responsible for monitoring the offender’s whereabouts during the periods when the prohibition operates.

40B Breach, revocation and amendment of exclusion orders.

Schedule 3 to this Act (which makes provision for dealing with failures to comply with the requirements of certain community orders, for revoking such orders with or without the substitution of other sentences and for amending such orders) shall have effect so far as relating to exclusion orders.

40C Exclusion orders: supplementary.

- (1) The Secretary of State may make rules for regulating—
- (a) the monitoring of the whereabouts of persons who are subject to exclusion orders; and
 - (b) without prejudice to the generality of paragraph (a) above, the functions of persons who are responsible officers in relation to offenders subject to exclusion orders.
- (2) The Secretary of State may by order direct that section 40A(5) above shall have effect with such additional restrictions as may be specified in the order.]

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