



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*Status: This is the original version (as it was originally enacted).*

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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available in the area in which the place proposed to be specified in the order is situated and the notice has not been withdrawn.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 section 38 below (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.

### **38 Electronic monitoring of curfew orders**

- (1) Subject to subsection (2) below, a curfew order may in addition include requirements for securing the electronic monitoring of the offender’s whereabouts during the curfew periods specified in the order.
- (2) A court shall not make a curfew order which includes such requirements unless the court—
- (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the area in which the place proposed to be specified in the order is situated; and
  - (b) is satisfied that the necessary provision can be made under those arrangements.

- (3) Electronic monitoring arrangements made by the Secretary of State under this section may include entering into contracts with other persons for the electronic monitoring by them of offenders' whereabouts.

### **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 (including electronic monitoring in cases where arrangements for such monitoring are available); 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.