



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART IV

#### COMMUNITY ORDERS AND REPARATION ORDERS

#### CHAPTER III

#### COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED 16 OR OVER

#### *Probation orders*

#### **41 Probation orders**

(1) Where a person aged 16 or over is convicted of an offence and the court by or before which he is convicted is of the opinion that his supervision is desirable in the interests of—

- (a) securing his rehabilitation, or
- (b) protecting the public from harm from him or preventing the commission by him of further offences,

the court may (subject to sections 34 to 36 above) make an order requiring him to be under supervision for a period specified in the order of not less than six months nor more than three years.

- (2) An order under subsection (1) above is in this Act referred to as a “probation order”.
- (3) A probation order shall specify the petty sessions area in which the offender resides or will reside.
- (4) If the offender is aged 18 or over at the time when the probation order is made, he shall, subject to paragraph 18 of Schedule 3 to this Act (offender’s change of area), be

required to be under the supervision of a probation officer appointed for or assigned to the petty sessions area specified in the order.

(5) If the offender is aged under 18 at that time, he shall, subject to paragraph 18 of Schedule 3, be required to be under the supervision of—

- (a) a probation officer appointed for or assigned to the petty sessions area specified in the order; or
- (b) a member of a youth offending team established by a local authority specified in the order;

and if an order specifies a local authority for the purposes of paragraph (b) above, the authority specified must be the local authority within whose area it appears to the court that the offender resides or will reside.

(6) In this Act, “responsible officer”, in relation to an offender who is subject to a probation order, means the probation officer or member of a youth offending team responsible for his supervision.

(7) Before making a probation 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 42 below);
- (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.

(8) On making a probation order, the court may, if it thinks it expedient for the purpose of the offender’s reformation, allow any person who consents to do so to give security for the good behaviour of the offender.

(9) The court by which a probation order is made shall forthwith give copies of the order to—

- (a) if the offender is aged 18 or over, a probation officer assigned to the court, or
- (b) if the offender is aged under 18, a probation officer or member of a youth offending team so assigned,

and he shall give a copy to the offender, to the responsible officer and to the person in charge of any institution in which the offender is required by the order to reside.

(10) The court by which such an order is made shall also, except where it itself acts for the petty sessions area specified in the order, send to the clerk to the justices for that area—

- (a) a copy of the order; and
- (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in the exercise of its functions in relation to the order.

(11) An offender in respect of whom a probation order is made shall keep in touch with the responsible officer in accordance with such instructions as he may from time to time be given by that officer, and shall notify him of any change of address.

## **42 Additional requirements which may be included in probation orders**

(1) Subject to subsection (3) below, a probation order may in addition require the offender to comply during the whole or any part of the probation period with such requirements

as the court, having regard to the circumstances of the case, considers desirable in the interests of—

- (a) securing the rehabilitation of the offender; or
  - (b) protecting the public from harm from him or preventing the commission by him of further offences.
- (2) Without prejudice to the generality of subsection (1) above, the additional requirements which may be included in a probation order shall include the requirements which are authorised by Schedule 2 to this Act.
- (3) Without prejudice to the power of the court under section 130 below to make a compensation order, the payment of sums by way of damages for injury or compensation for loss shall not be included among the additional requirements of a probation order.

#### **43 Breach, revocation and amendment of probation 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 probation orders.

#### **44 Offenders residing in Scotland or Northern Ireland**

Schedule 4 to this Act (which makes provision for and in connection with the making and amendment in England and Wales of certain community orders relating to persons residing in Scotland or Northern Ireland) shall have effect so far as relating to probation orders.

#### **45 Probation orders: supplementary**

- (1) The Secretary of State may by order direct that subsection (1) of section 41 above shall be amended by substituting, for the minimum or maximum period specified in that subsection as originally enacted or as previously amended under this subsection, such period as may be specified in the order.
- (2) An order under subsection (1) above may make in paragraph 19(2)(a) of Schedule 3 to this Act any amendment which the Secretary of State thinks necessary in consequence of any substitution made by the order.