Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART IV

[[F1]YOUTH COMMUNITY ORDERS] AND REPARATION ORDERS

CHAPTER V

COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED UNDER 18

Supervision orders

63 Supervision orders.

(1) Where a child or young person (that is to say, any person aged under 18) is convicted of an offence, the court by or before which he is convicted may (subject to [[F1]sections 148, 150 and 156 of the Criminal Justice Act 2003]) make an order placing him under the supervision of—

(a) a local authority designated by the order;

(b) [[F2]an officer of a local probation board][[F3]or an officer of a provider of probation services (as the case may be)]; or

(c) a member of a youth offending team.

(2) An order under subsection (1) above is in this Act referred to as a "supervision order".

(3) In this Act "supervisor", in relation to a supervision order, means the person under whose supervision the offender is placed or to be placed by the order.

(4) Schedule 6 to this Act (which specifies requirements that may be included in supervision orders) shall have effect.

(5) A court shall not make a supervision order unless it is satisfied that the offender resides or will reside in the area of a local authority; and a court shall be entitled to be satisfied that the offender will so reside if he is to be required so to reside by a provision to be included in the order in pursuance of paragraph 1 of Schedule 6 to this Act.

(6) A supervision order—

(a) shall name the area of the local authority and the **[**[F4]local justice area**]** in which it appears to the court making the order (or to the court amending under Schedule 7 to this Act any provision included in the order in pursuance of this paragraph) that the offender resides or will reside; and

(b) may contain such prescribed provisions as the court making the order (or amending it under that Schedule) considers appropriate for facilitating the performance by the supervisor of his functions under section 64(4) below, including any prescribed provisions for requiring visits to be made by the offender to the supervisor;

and in paragraph (b) above "prescribed" means prescribed by **[**[F5]Criminal Procedure Rules**]**.

(7) A supervision order shall, unless it has previously been revoked, cease to have effect at the end of the period of three years, or such shorter period as may be specified in the order, beginning with the date on which the order was originally made.

(8) A court which makes a supervision order shall forthwith send a copy of its order—

(a) to the offender and, if the offender is aged under 14, to his parent or guardian;

(b) to the supervisor;

(c) to any local authority who are not entitled by virtue of paragraph (b) above to such a copy and whose area is named in the supervision order in pursuance of subsection (6) above;

(d) where the offender is required by the order to reside with an individual or to undergo treatment by or under the direction of an individual or at any place, to the individual or the person in charge of that place; and

[[F6](e) where a local justice area named in the order in pursuance of subsection (6) above is not that in which the court acts, to the designated officer for the local justice area so named;**]**

and, in a case falling within paragraph (e) above, shall also send to the **[**[F7]designated officer**]** in question such documents and information relating to the case as the court considers likely to be of assistance to them.

(9) If a court makes a supervision order while another such order made by any court is in force in respect of the offender, the court making the new order may revoke the earlier order (and paragraph 10 of Schedule 7 to this Act (supplementary provision) shall apply to the revocation).

Textual Amendments

F1 Words in s. 63(1) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 103**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(34) (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 Words in s. 63(1)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**

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F3 Words in s. 63(1)(b) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 14(9)**

F4 Words in s. 63(6)(a) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 73(a)**

F5 Words in s. 63(6) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 2(1), **Sch. para. 41** (with art. 2(2))

F6 S. 63(8)(e) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 73(b)**

F7 Words in s. 63(8) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 73(b)**

64 Selection and duty of supervisor and certain expenditure of his.

(1) A court shall not designate a local authority as the supervisor by a provision of a supervision order unless—

(a) the authority agree; or

(b) it appears to the court that the offender resides or will reside in the area of the authority.

(2) Where a provision of a supervision order places the offender under the supervision of **[**[F8]an officer of a local probation board**]**, the supervisor shall be **[**[F8]an officer of a local probation board**]** appointed for or assigned to the **[**[F9]local justice area**]** named in the order in pursuance of section 63(6) above [F10]. . ..

[[F11](2A) Where a provision of a supervision order places the offender under the supervision of an officer of a provider of probation services, the supervisor shall be an officer of a provider of probation services acting in the local justice area named in the order in pursuance of section 63(6) above.**]**

(3) Where a provision of a supervision order places the offender under the supervision of a member of a youth offending team, the supervisor shall be a member of a team established by the local authority within whose area it appears to the court that the offender resides or will reside.

(4) While a supervision order is in force, the supervisor shall advise, assist and befriend the offender.

(5) Where a supervision order—

(a) requires compliance with directions given by virtue of paragraph 2(1) of Schedule 6 to this Act, or

(b) includes by virtue of paragraph 3(2) of that Schedule a requirement which involves the use of facilities for the time being specified in a scheme in force under section 66 below for an area in which the offender resides or will reside,

any expenditure incurred by the supervisor for the purposes of the directions or requirements shall be defrayed by the local authority whose area is named in the order in pursuance of section 63(6) above.

Textual Amendments

F8 Words in s. 64(2) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. I para. 4(1)(a)(2)**; S.I. 2001/919, **art. 2(f)(i)**

F9 Words in s. 64(2) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 74**

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F10 Words in s. 64(2) repealed (1.4.2001) by 2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 174, **Sch. 8**; S.I. 2001/919, **art. 2(f)(ii)(g)**

F11 S. 64(2A) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 14(10)**

[F12 64A Supervision orders and curfew orders

Nothing in this Chapter prevents a court which makes a supervision order in respect of an offender from also making a curfew order in respect of him.]

Textual Amendments

F12 S. 64A inserted (30.9.2004) by Anti-social Behaviour Act 2003 (c. 38), s. 93, **Sch. 2 para. 3**; S.I. 2004/2168, art. 2(a)(iii)

65 Breach, revocation and amendment of supervision orders.

Schedule 7 to this Act (which makes provision for dealing with failures to comply with supervision orders and for revoking and amending such orders) shall have effect.

66 Facilities for implementing supervision orders.

(1) A local authority shall, acting either individually or in association with other local authorities, make arrangements with such persons as appear to them to be appropriate for the provision by those persons of facilities for enabling—

(a) directions given by virtue of paragraph 2(1) of Schedule 6 to this Act to persons resident in their area, and

(b) requirements that (because of paragraph 3(7) of that Schedule) may only be included in a supervision order by virtue of paragraph 3(2) of that Schedule if they are for the time being specified in a scheme,

to be carried out effectively.

(2) The authority or authorities making any arrangements in accordance with subsection (1) above shall consult each relevant [F13 local probation board] [F14 and each relevant provider of probation services] as to the arrangements.

(3) Any such arrangements shall be specified in a scheme made by the authority or authorities making them.

(4) A scheme shall come into force on a date to be specified in it.

(5) The authority or authorities making a scheme shall send copies of it to the [F15 designated officer for each local justice area] of which any part is included in the area to which the scheme relates.

(6) A copy of the scheme shall be kept available at the principal office of every authority who are a party to it for inspection by members of the public at all reasonable hours; and any such authority shall on demand by any person supply him with a copy of the scheme free of charge.

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(7) The authority or authorities who made a scheme may at any time make a further scheme altering the arrangements or specifying arrangements to be substituted for those previously specified.

(8) A scheme which specifies arrangements to be substituted for those specified in a previous scheme shall revoke the previous scheme.

(9) The powers conferred by subsection (7) above shall not be exercisable by an authority or authorities unless they have first consulted each relevant **[**[F13]local probation board**][**[F16]and each relevant provider of probation services**]**.

(10) The authority or authorities who made a scheme shall send to the **[**[F17]designated officer for each local justice area**]** of which any part is included in the area for which arrangements under this section have been specified in the scheme notice of any exercise of a power conferred by subsection (7) above, specifying the date for the coming into force, and giving details of the effect, of the new or altered arrangements; and the new or altered arrangements shall come into force on that date.

(11) Arrangements shall not be made under this section for the provision of any facilities unless the facilities are approved or are of a kind approved by the Secretary of State for the purposes of this section.

(12) In this section "relevant **[**[F13]local probation board**]**" means a **[**[F13]local probation board**]** for an area of which any part is included in the area to which a scheme under this section relates.

[[F18](13) In this section "relevant provider of probation services" means a provider operating in the area to which a scheme under this section relates that is identified as such for the purposes of this section by arrangements under section 3 of the Offender Management Act 2007.**]**

Textual Amendments

F13 Words in s. 66(2)(9)(12) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 175**; S.I. 2001/919, **art. 2(f)(ii)**

F14 Words in s. 66(2) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 14(11)(a)**

F15 Words in s. 66(5) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 75**

F16 Words in s. 66(9) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 14(11)(b)**

F17 Words in s. 66(10) substituted (1.4.2005) by The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 1, **Sch. para. 75**

F18 S. 66(13) inserted (1.4.2008) by The Offender Management Act 2007 (Consequential Amendments) Order 2008 (S.I. 2008/912), art. 1, **Sch. 1 para. 14(11)(c)**

67 Meaning of "local authority", "reside" and "parent".

(1) Unless the contrary intention appears, in sections 63 to 66 above and Schedules 6 and 7 to this Act—

"local authority" means the council of a county or of a county borough, metropolitan district or London borough or the Common Council of the City of London;

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"reside" means habitually reside, and cognate expressions shall be construed accordingly except in paragraph 6(2) and (3) of Schedule 6.

(2) In the case of a child or young person—

(a) whose father and mother were not married to each other at the time of his birth, and

(b) with respect to whom a residence order is in force in favour of the father,

any reference in sections 63 to 66 and Schedules 6 and 7 to the parent of the child or young person includes a reference to the father.

(3) In subsection (2) above "residence order" has the meaning given by section 8(1) of the [M1]Children Act 1989, and subsection (2) above is without prejudice to the operation of section 1(1) of the [M2]Family Law Reform Act 1987 (construction of references to relationships) in relation to the provisions of this Act other than those mentioned in subsection (2).

Marginal Citations

M1 1989 c. 41.

M2 1987 c. 42.

68 Isles of Scilly.

(1) In their application to the Isles of Scilly, the following provisions of this Act, namely—

(a) sections 63 to 67 and Schedules 6 and 7, and

(b) section 163 (definitions) in its application to those sections and Schedules,

shall have effect with such modifications as the Secretary of State may by order specify.

(2) An order under this section may—

(a) make different provision for different circumstances;

(b) provide for exemptions from any provisions of the order; and

(c) contain such incidental and supplemental provisions as the Secretary of State considers expedient for the purposes of the order.

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