

SCHEDULES

SCHEDULE 6

Section 63.

REQUIREMENTS WHICH MAY BE INCLUDED IN SUPERVISION ORDERS

Requirement to reside with named individual

- 1 A supervision order may require the offender to reside with an individual named in the order who agrees to the requirement, but a requirement imposed by a supervision order in pursuance of this paragraph shall be subject to any such requirement of the order as is authorised by paragraph 2, 3, 6 or 7 below.

Requirement to comply with directions of supervisor

- 2 (1) Subject to sub-paragraph (2) below, a supervision order may require the offender to comply with any directions given from time to time by the supervisor and requiring him to do all or any of the following things—
- (a) to live at a place or places specified in the directions for a period or periods so specified;
 - (b) to present himself to a person or persons specified in the directions at a place or places and on a day or days so specified;
 - (c) to participate in activities specified in the directions on a day or days so specified.
- (2) A supervision order shall not require compliance with directions given by virtue of sub-paragraph (1) above unless the court making it is satisfied that a scheme under section 66 of this Act (local authority schemes) is in force for the area where the offender resides or will reside; and no such directions may involve the use of facilities which are not for the time being specified in a scheme in force under that section for that area.
- (3) A requirement imposed by a supervision order in pursuance of sub-paragraph (1) above shall be subject to any such requirement of the order as is authorised by paragraph 6 below (treatment for offender's mental condition).
- (4) It shall be for the supervisor to decide—
- (a) whether and to what extent he exercises any power to give directions conferred on him by virtue of sub-paragraph (1) above; and
 - (b) the form of any directions.
- (5) The total number of days in respect of which an offender may be required to comply with directions given by virtue of paragraph (a), (b) or (c) of sub-paragraph (1) above shall not exceed 90 or such lesser number, if any, as the order may specify for the purposes of this sub-paragraph.
- (6) For the purpose of calculating the total number of days in respect of which such directions may be given, the supervisor shall be entitled to disregard any day in

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respect of which directions were previously given in pursuance of the order and on which the directions were not complied with.

- (7) Directions given by the supervisor by virtue of sub-paragraph (1)(b) or (c) above 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.

Requirements as to activities, reparation, night restrictions etc.

- 3 (1) This paragraph applies to a supervision order unless the order requires the offender to comply with directions given by the supervisor under paragraph 2(1) above.
- (2) Subject to the following provisions of this paragraph and paragraph 4 below, a supervision order to which this paragraph applies may require the offender—
- (a) to live at a place or places specified in the order for a period or periods so specified;
 - (b) to present himself to a person or persons specified in the order at a place or places and on a day or days so specified;
 - (c) to participate in activities specified in the order on a day or days so specified;
 - (d) to make reparation specified in the order to a person or persons so specified or to the community at large;
 - (e) to remain for specified periods between 6 p.m. and 6 a.m.—
 - (i) at a place specified in the order; or
 - (ii) at one of several places so specified;
 - (f) to refrain from participating in activities specified in the order—
 - (i) on a specified day or days during the period for which the supervision order is in force; or
 - (ii) during the whole of that period or a specified portion of it;
 and in this paragraph “make reparation” means make reparation for the offence otherwise than by the payment of compensation.
- (3) The total number of days in respect of which an offender may be subject to requirements imposed by virtue of paragraph (a), (b), (c), (d) or (e) of sub-paragraph (2) above shall not exceed 90.
- (4) The court may not include requirements under sub-paragraph (2) above in a supervision order unless—
- (a) it has first consulted the supervisor as to—
 - (i) the offender’s circumstances, and
 - (ii) the feasibility of securing compliance with the requirements,
 and is satisfied, having regard to the supervisor’s report, that it is feasible to secure compliance with them;
 - (b) having regard to the circumstances of the case, it considers the requirements necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences; and

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- (c) if the offender is aged under 16, it has obtained and considered information about his family circumstances and the likely effect of the requirements on those circumstances.
- (5) The court shall not by virtue of sub-paragraph (2) above include in a supervision order—
- (a) any requirement that would involve the co-operation of a person other than the supervisor and the offender, unless that other person consents to its inclusion;
 - (b) any requirement to make reparation to any person unless that person—
 - (i) is identified by the court as a victim of the offence or a person otherwise affected by it; and
 - (ii) consents to the inclusion of the requirement;
 - (c) any requirement requiring the offender to reside with a specified individual; or
 - (d) any such requirement as is mentioned in paragraph 6(2) below (treatment for offender’s mental condition).
- (6) Requirements included in a supervision order by virtue of sub-paragraph (2)(b) or (c) above 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;
- and sub-paragraphs (7) and (8) below are without prejudice to this sub-paragraph.
- (7) Subject to sub-paragraph (8) below, a supervision order may not by virtue of sub-paragraph (2) above include—
- (a) any requirement that would involve the offender in absence from home—
 - (i) for more than two consecutive nights, or
 - (ii) for more than two nights in any one week, or
 - (b) if the offender is of compulsory school age, any requirement to participate in activities during normal school hours,
- unless the court making the order is satisfied that the facilities whose use would be involved are for the time being specified in a scheme in force under section 66 of this Act for the area in which the offender resides or will reside.
- (8) Sub-paragraph (7)(b) above does not apply to activities carried out in accordance with arrangements made or approved by the local education authority in whose area the offender resides or will reside.
- (9) Expressions used in sub-paragraphs (7) and (8) above and in the Education Act 1996 have the same meaning in those sub-paragraphs as in that Act.
- 4 (1) The place, or one of the places, specified in a requirement under paragraph 3(2)(e) above (“a night restriction”) shall be the place where the offender lives.
- (2) A night restriction shall not require the offender to remain at a place for longer than ten hours on any one night.
- (3) A night restriction shall not be imposed in respect of any day which falls outside the period of three months beginning with the date when the supervision order is made.

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- (4) A night restriction shall not be imposed in respect of more than 30 days in all.
- (5) A night restriction imposed in respect of a period of time beginning in the evening and ending in the morning shall be treated as imposed only in respect of the day upon which the period begins.
- (6) An offender who is required by a night restriction to remain at a place may leave it if he is accompanied—
 - (a) by his parent or guardian;
 - (b) by his supervisor; or
 - (c) by some other person specified in the supervision order.

Requirement to live for specified period in local authority accommodation

- 5 (1) Where the conditions mentioned in sub-paragraph (2) below are satisfied, a supervision order may impose a requirement (“a local authority residence requirement”) that the offender shall live for a specified period in local authority accommodation (as defined by section 163 of this Act).
- (2) The conditions are that—
 - (a) a supervision order has previously been made in respect of the offender;
 - (b) that order imposed—
 - (i) a requirement under paragraph 1, 2, 3 or 7 of this Schedule; or
 - (ii) a local authority residence requirement;
 - (c) the offender fails to comply with that requirement, or is convicted of an offence committed while that order was in force; and
 - (d) the court is satisfied that—
 - (i) the failure to comply with the requirement, or the behaviour which constituted the offence, was due to a significant extent to the circumstances in which the offender was living; and
 - (ii) the imposition of a local authority residence requirement will assist in his rehabilitation;

except that sub-paragraph (i) of paragraph (d) above does not apply where the condition in paragraph (b)(ii) above is satisfied.
- (3) A local authority residence requirement shall designate the local authority who are to receive the offender, and that authority shall be the authority in whose area the offender resides.
- (4) The court shall not impose a local authority residence requirement without first consulting the designated authority.
- (5) A local authority residence requirement may stipulate that the offender shall not live with a named person.
- (6) The maximum period which may be specified in a local authority residence requirement is six months.
- (7) A court shall not impose a local authority residence requirement in respect of an offender who is not legally represented at the relevant time in that court unless—
 - (a) he was granted a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service for the purposes of the proceedings but the right was withdrawn because of his conduct; or

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- (b) he has been informed of his right to apply for such representation for the purposes of the proceedings and has had the opportunity to do so, but nevertheless refused or failed to apply.
- (8) In sub-paragraph (7) above—
- (a) “the relevant time” means the time when the court is considering whether or not to impose the requirement; and
 - (b) “the proceedings” means—
 - (i) the whole proceedings; or
 - (ii) the part of the proceedings relating to the imposition of the requirement.
- (9) A supervision order imposing a local authority residence requirement may also impose any of the requirements mentioned in paragraphs 2, 3, 6 and 7 of this Schedule.

Requirements as to treatment for mental condition

- 6 (1) This paragraph applies where a court which proposes to make a supervision order is satisfied, on the evidence of a registered medical practitioner approved for the purposes of section 12 of the Mental Health Act 1983, that the mental condition of the offender—
- (a) is such as requires and may be susceptible to treatment; but
 - (b) is not such as to warrant the making of a hospital order or guardianship order within the meaning of that Act.
- (2) Where this paragraph applies, the court may include in the supervision order a requirement that the offender shall, for a period specified in the order, submit to treatment of one of the following descriptions so specified, that is to say—
- (a) treatment as a resident patient in a hospital or mental nursing home within the meaning of the Mental Health Act 1983, but not a hospital at which high security psychiatric services within the meaning of that Act are provided;
 - (b) treatment as a non-resident patient at an institution or place specified in the order;
 - (c) treatment by or under the direction of a registered medical practitioner specified in the order; or
 - (d) treatment by or under the direction of a chartered psychologist specified in the order.
- (3) A requirement shall not be included in a supervision order by virtue of sub-paragraph (2) above—
- (a) in any case, unless the court is satisfied that arrangements have been or can be made for the treatment in question and, in the case of treatment as a resident patient, for the reception of the patient;
 - (b) in the case of an order made or to be made in respect of a person aged 14 or over, unless he consents to its inclusion;
- and a requirement so included shall not in any case continue in force after the offender attains the age of 18.
- (4) Subsections (2) and (3) of section 54 of the Mental Health Act 1983 shall have effect with respect to proof for the purposes of sub-paragraph (1) above of an offender’s

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mental condition as they have effect with respect to proof of an offender's mental condition for the purposes of section 37(2)(a) of that Act.

- (5) In sub-paragraph (2) above "chartered psychologist" means a person for the time being listed in the British Psychological Society's Register of Chartered Psychologists.

Requirements as to education

- 7 (1) This paragraph applies to a supervision order unless the order requires the offender to comply with directions given by the supervisor under paragraph 2(1) above.
- (2) Subject to the following provisions of this paragraph, a supervision order to which this paragraph applies may require the offender, if he is of compulsory school age, to comply, for as long as he is of that age and the order remains in force, with such arrangements for his education as may from time to time be made by his parent, being arrangements for the time being approved by the local education authority.
- (3) The court shall not include such a requirement in a supervision order unless—
- (a) it has consulted the local education authority with regard to its proposal to include the requirement; and
 - (b) it is satisfied that in the view of the local education authority arrangements exist for the offender to receive efficient full-time education suitable to his age, ability and aptitude and to any special educational need he may have.
- (4) Expressions used in sub-paragraphs (2) and (3) above and in the Education Act 1996 have the same meaning in those sub-paragraphs as in that Act.
- (5) The court may not include a requirement under sub-paragraph (2) above unless it has first consulted the supervisor as to the offender's circumstances and, having regard to the circumstances of the case, it considers the requirement necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences.

Exercise of powers under paragraphs 3, 6 and 7

- 8 (1) Any power to include a requirement in a supervision order which is exercisable in relation to a person by virtue of paragraph 3, 6 or 7 above may be exercised in relation to him whether or not any other such power is exercised.
- (2) Sub-paragraph (1) above is without prejudice to the power to include in a supervision order any other combination of requirements under different paragraphs of this Schedule that is authorised by this Schedule.