



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

[^{F1}Exclusion orders

[^{F1}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

Status: Point in time view as at 02/09/2004. This version of this provision has been superseded.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 40A is up to date with all changes known to be in force on or before 09 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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available in the area in which the place proposed to be specified in the order is situated and the notice has not been withdrawn.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

Textual Amendments

F1 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

Status:

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