



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART IV

COMMUNITY ORDERS AND REPARATION ORDERS

CHAPTER V

COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED UNDER 18

Action plan orders

70 Requirements which may be included in action plan orders and directions.

- (1) Requirements included in an action plan order, or directions given by a responsible officer, may require the offender to do all or any of the following things, namely—
- (a) to participate in activities specified in the requirements or directions at a time or times so specified;
 - (b) to present himself to a person or persons specified in the requirements or directions at a place or places and at a time or times so specified;
 - (c) subject to subsection (2) below, to attend at an attendance centre specified in the requirements or directions for a number of hours so specified;
 - (d) to stay away from a place or places specified in the requirements or directions;
 - (e) to comply with any arrangements for his education specified in the requirements or directions;
 - (f) to make reparation specified in the requirements or directions to a person or persons so specified or to the community at large; and
 - (g) to attend any hearing fixed by the court under section 71 below.

Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.

Changes to legislation: Powers of Criminal Courts (Sentencing) Act 2000, Section 70 is up to date with all changes known to be in force on or before 28 May 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)

- (2) Subsection (1)(c) above applies only where the offence committed by the offender is an offence punishable with imprisonment.
- (3) In subsection (1)(f) above “make reparation”, in relation to an offender, means make reparation for the offence otherwise than by the payment of compensation.
- (4) A person shall not be specified in requirements or directions under subsection (1)(f) above unless—
- (a) he is identified by the court or (as the case may be) the responsible officer as a victim of the offence or a person otherwise affected by it; and
 - (b) he consents to the reparation being made.
- [^{F1}(4A) Subsection (4B) below applies where a court proposing to make an action plan order is satisfied—
- (a) that the offender is dependent on, or has a propensity to misuse, drugs, and
 - (b) that his dependency or propensity is such as requires and may be susceptible to treatment.
- (4B) Where this subsection applies, requirements included in an action plan order may require the offender for a period specified in the order (“the treatment period”) to submit to treatment by or under the direction of a specified person having the necessary qualifications and experience (“the treatment provider”) with a view to the reduction or elimination of the offender’s dependency on or propensity to misuse drugs.
- (4C) The required treatment shall be—
- (a) treatment as a resident in such institution or place as may be specified in the order, or
 - (b) treatment as a non-resident at such institution or place, and at such intervals, as may be so specified;
- but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b) above.
- (4D) A requirement shall not be included in an action plan order by virtue of subsection (4B) above—
- (a) in any case, unless—
 - (i) the court is satisfied that arrangements have been or can be made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as a resident), and
 - (ii) the requirement has been recommended to the court as suitable for the offender by an officer of a local probation board or by a member of a youth offending team; and
 - (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.
- (4E) Subject to subsection (4F), an action plan order which includes a requirement by virtue of subsection (4B) above may, if the offender is aged 14 or over, also include a requirement (“a testing requirement”) that, for the purpose of ascertaining whether he has any drug in his body during the treatment period, the offender shall during that period, at such times or in such circumstances as may (subject to the provisions of the order) be determined by the responsible officer or the treatment provider, provide samples of such description as may be so determined.

Status: Point in time view as at 01/04/2005. This version of this provision has been superseded.

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- (4F) A testing requirement shall not be included in an action plan order by virtue of subsection (4E) above unless—
- (a) the offender is aged 14 or over and consents to its inclusion, and
 - (b) the court has been notified by the Secretary of State that arrangements for implementing such requirements are in force in the area proposed to be specified in the order
- (4G) A testing requirement shall specify for each month the minimum number of occasions on which samples are to be provided.
- (4H) An action plan order including a testing requirement shall provide for the results of tests carried out on any samples provided by the offender in pursuance of the requirement to a person other than the responsible officer to be communicated to the responsible officer.]
- (5) Requirements included in an action plan order and directions given by a responsible officer 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.

Textual Amendments

- F1** S. 70(4A)-(4H) inserted (1.12.2004 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 24 para. 1](#); [S.I. 2004/3033](#), art. 2(1)(2) (with art. 2(3)(4))

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