



Offender Management Act 2007

2007 CHAPTER 21

PART 1

NEW ARRANGEMENTS FOR THE PROVISION OF PROBATION SERVICES

Miscellaneous

9 Officers of providers of probation services

- (1) In this Part “officer of a provider of probation services” means an individual who is for the time being authorised under subsection (2) (and “officer”, in relation to a particular provider of probation services, means a person so authorised to act as an officer of that provider).
- (2) An individual may be authorised to act as an officer of a particular provider of probation services (“the relevant provider”) by—
 - (a) the Secretary of State; or
 - (b) a provider of probation services (whether the relevant provider or any other provider) who is authorised to do so by the Secretary of State.
- (3) If the relevant provider is the Secretary of State, subsection (2) has effect with the omission of paragraph (b).

Commencement Information

II [S. 9](#) in force at 1.4.2008 by [S.I. 2008/504](#), [art. 3\(c\)](#)

10 National framework for qualifications of officers

- (1) The Secretary of State may publish guidelines about any qualifications, experience or training required to perform the work of an officer of a provider of probation services.

Changes to legislation: Offender Management Act 2007, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 29 November 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) View outstanding changes

- (2) The Secretary of State must publish guidelines under subsection (1) in relation to work involving the supervision of offenders and other work requiring direct contact with offenders (including offenders held in custody).
- (3) Guidelines under this section may make different provision for different purposes.
- (4) In exercising his powers under sections 3(2) and (5) and 9, the Secretary of State shall have regard to the need to secure, so far as practicable, that guidelines published under this section have the same effect in relation to every provider of probation services whose officers perform work to which they relate.

Commencement Information

- I2** S. 10 in force at 1.4.2008 for specified purposes by [S.I. 2008/504](#), [art. 4\(1\)\(h\)\(2\)](#)
I3 S. 10 in force at 1.4.2009 for specified purposes by [S.I. 2009/547](#), [art. 2\(1\)\(h\)\(2\)](#)
I4 S. 10 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/191](#), [art. 2\(8\)](#)

[^{F1}10A Duty to consult on unpaid work requirements

- (1) Each provider of probation services must, in each calendar year, consult the prescribed persons about the work to be performed by persons who—
 - (a) are subject to unpaid work requirements, and
 - (b) are supervised by that provider.
- (2) In this section “prescribed person” means a person, or a person of a description, prescribed by regulations made by the Secretary of State.
- (3) In this section “unpaid work requirement” means an unpaid work requirement as defined by—
 - (a) paragraph 10(1) of Schedule 6 to the Sentencing Code (youth rehabilitation orders),
 - (b) paragraph 1(1) of Schedule 9 to the Sentencing Code (community orders and suspended sentence orders), or
 - (c) paragraph 3A(1) of Schedule A1 to the Children Act 1989 (enforcement orders).
- (4) For the purposes of this section a person is supervised by a provider of probation services if an officer of that provider has functions relating to the person’s compliance with an unpaid work requirement.]

Textual Amendments

- F1** S. 10A inserted (28.6.2022) by [Police, Crime, Sentencing and Courts Act 2022 \(c. 32\)](#), [ss. 155](#), [208\(1\)](#); [S.I. 2022/520](#), [reg. 5\(r\)](#)

11 Abolition of local probation boards and transfers of property etc and staff

- (1) In consequence of the provisions of this Part, the local probation boards constituted under section 4 of the Criminal Justice and Court Services Act 2000 (c. 43) are abolished.

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- (2) Schedule 2 (which contains provisions relating to transfers of property etc or staff in connection with the abolition of local probation boards or the implementation or termination of arrangements under section 3) has effect.

Commencement Information

- I5** S. 11(1) in force at 1.4.2008 for specified purposes by S.I. 2008/504, **art. 4(1)(i)(2)**
I6 S. 11(1) in force at 1.4.2009 for specified purposes by S.I. 2009/547, **art. 2(1)(i)(2)**
I7 S. 11(1) in force at 1.4.2010 in so far as not already in force by S.I. 2010/191, **art. 2(9)**
I8 S. 11(2) in force at 1.3.2008 by S.I. 2008/504, **art. 2(b)**

12 The inspectorate

- (1) Her Majesty's Inspectorate of the National Probation Service for England and Wales is renamed "Her Majesty's Inspectorate of Probation for England and Wales" and Her Majesty's Chief Inspector of the National Probation Service for England and Wales is renamed "Her Majesty's Chief Inspector of Probation for England and Wales".
- (2) In section 6 of the Criminal Justice and Court Services Act 2000 (the inspectorate)—
- (a) in subsection (1), the words from "but" to the end are omitted; and
 - (b) in subsection (4), for "the National Probation Service" (in both places) there is substituted "Probation".
- (3) In section 7 of that Act (functions of the inspectorate)—
- (a) in subsection (1), for "each local probation board under section 5" there is substituted "the Secretary of State under section 3 of the Offender Management Act 2007 (power to make arrangements for the provision of probation services)"; and
 - (b) in subsection (6), after "section 1" there is inserted "of the Offender Management Act 2007".

Commencement Information

- I9** S. 12(1)(2) in force at 1.4.2008 by S.I. 2008/504, **art. 3(d)**
I10 S. 12(3) in force at 1.4.2008 for specified purposes by S.I. 2008/504, **art. 4(1)(j)(2)**
I11 S. 12(3) in force at 1.4.2009 for specified purposes by S.I. 2009/547, **art. 2(1)(j)(2)**
I12 S. 12(3) in force at 1.4.2010 in so far as not already in force by S.I. 2010/191, **art. 2(10)**

13 Approved premises

- (1) The Secretary of State may approve premises in which accommodation is provided—
- (a) for persons granted bail in criminal proceedings (within the meaning of the Bail Act 1976 (c. 63)); or
 - (b) for, or in connection with, the supervision or rehabilitation of persons convicted of offences;
- and in this section [F2 and section 13A] "approved premises" means premises which are for the time being approved under this subsection.
- (2) The Secretary of State may make regulations for the regulation, management and inspection of approved premises.

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- (3) The Secretary of State may make payments in connection with —
- (a) the operation of approved premises, or
 - (b) constructing, enlarging or improving premises, if they are approved premises or the works are being carried out with a view to the premises becoming approved premises,
- to any person who incurs expenditure on the activities in question.
- (4) Payments under subsection (3) may be made on conditions (including conditions requiring repayment in specified circumstances).
- (5) The power to make payments under subsection (3) is without prejudice to the powers of the Secretary of State under sections 2 to 6.
- (6) References in any Act or subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)) to an approved bail hostel or an approved probation hostel are to be read as a reference to approved premises.
- (7) In paragraph 2(7) of Schedule 2 to the Private Security Industry Act 2001 (c. 12) (activities not liable to control under the Act), after paragraph (l) there is inserted—
- “(m) activities of a person who is acting as a manager of any approved premises (within the meaning of section 13 of the Offender Management Act 2007).”

Textual Amendments

F2 Words in s. 13(1) inserted (3.10.2022) by [Approved Premises \(Substance Testing\) Act 2022 \(c. 27\)](#), **ss. 1(2), 2(2)**; S.I. 2022/1013, reg. 3

Commencement Information

I13 S. 13 in force at 1.4.2008 by S.I. 2008/504, art. 3(e)

[^{F3}13A Approved premises: substance testing

- (1) Subsection (2) applies if—
- (a) the manager of any approved premises has given an authorisation that specifies when the power in that subsection may be exercised at those premises, and
 - (b) that authorisation is in force.
- (2) A member of staff may, at the approved premises and in accordance with the authorisation given under subsection (1), require any resident of those premises to provide a sample of urine for the purpose of ascertaining whether the resident has in their body any—
- (a) controlled drug,
 - (b) prescription only medicine, or
 - (c) psychoactive substance.
- (3) The power in subsection (2) includes power to require a resident to provide a sample of any other description, except an intimate sample, whether instead of or in addition to a sample of urine.

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- (4) The Secretary of State may use any residents' samples to test, on an anonymised basis, for the prevalence of the following substances in approved premises—
- (a) controlled drugs,
 - (b) medicinal products, or
 - (c) psychoactive substances.
- (5) In giving, or deciding whether to give, an authorisation under subsection (1), the manager must have regard to any guidance regarding the giving of authorisations issued by the Secretary of State.
- (6) In exercising the power in subsection (2), a member of staff must have regard to any guidance regarding the exercise of that power issued by the Secretary of State.
- (7) In this section—
- “approved premises” has the meaning given by section 13(1);
 - “controlled drug” means any drug which is a controlled drug for the purposes of the Misuse of Drugs Act 1971 (see section 2 of that Act);
 - “intimate sample” has the same meaning as in Part 5 of the Police and Criminal Evidence Act 1984 (see section 65 of that Act);
 - “medicinal product” has the meaning given in regulation 2 of the Human Medicines Regulations 2012 ([S.I. 2012/1916](#));
 - “prescription only medicine” has the meaning given in regulation 8 of the Human Medicines Regulations 2012 ([S.I. 2012/1916](#));
 - “psychoactive substance” has the same meaning as in the Psychoactive Substances Act 2016 (see section 2 of that Act);
 - “resident” means a person who lives in approved premises other than a member of staff;
 - “residents' sample” means any sample—
 - (a) provided under subsection (2) or (3), or
 - (b) provided voluntarily;
 - “the manager” means, in relation to approved premises, the individual in general control over the management of the approved premises.
- (8) The Secretary of State may by regulations make such amendments of this section as the Secretary of State considers appropriate in consequence of—
- (a) the amendment or revocation of the Human Medicines Regulations 2012 ([S.I. 2012/1916](#)), or
 - (b) the making, amendment or revocation of any other subordinate legislation (whenever made) which relates to human medicines.
- (9) In subsection (8) “subordinate legislation” has the same meaning as in the Interpretation Act 1978.]

Textual Amendments

- F3** [S. 13A](#) inserted (3.10.2022) by [Approved Premises \(Substance Testing\) Act 2022 \(c. 27\)](#), **ss. 1(3)**, 2(2); [S.I. 2022/1013](#), **reg. 3**

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14 Disclosure for offender management purposes

- (1) This section applies to—
- (a) the Secretary of State;
 - (b) a provider of probation services (other than the Secretary of State);
 - (c) an officer of a provider of probation services; and
 - (d) a person carrying out activities in pursuance of arrangements made by a provider of probation services as mentioned in section 3(3)(c).
- (2) In this section “listed person” means—
- (a) a government department;
 - (b) a relevant local authority;
 - (c) the Youth Justice Board for England and Wales;
 - (d) the Parole Board for England and Wales;
 - (e) a relevant contractor;
 - (f) a chief officer of police;
 - (g) a person who is responsible for securing the electronic monitoring of an individual; and
 - (h) any other person specified or described in regulations made by the Secretary of State.
- (3) Information may be disclosed—
- (a) by a person to whom this section applies—
 - (i) to another person to whom this section applies, or
 - (ii) to a listed person, or
 - (b) by a listed person to a person to whom this section applies, but only if the disclosure is necessary or expedient for any of the purposes mentioned in subsection (4).
- (4) Those purposes are—
- (a) the probation purposes;
 - (b) the performance of functions relating to prisons or prisoners of—
 - (i) the Secretary of State;
 - (ii) any other person to whom this section applies; or
 - (iii) any listed person; and
 - (c) any other purposes connected with the management of offenders (including the development or assessment of policies relating to matters connected with the management of offenders).
- (5) In subsection (4)(b)—
- (a) the reference to prisons or prisoners includes a reference to—
 - (i) young offender institutions or persons detained in such institutions;
F4 ...
 - (ii) secure training centres or persons detained in such centres; F5 and
 - F6(iii) secure colleges or persons detained in them;
 - (b) the reference to functions, in relation to a listed person who is a relevant contractor, includes activities connected with the making or performance of a contract mentioned in subsection (9).
- (6) Nothing in this section—

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- (a) affects any power to disclose information that exists apart from this section; or
 - (b) authorises the disclosure of any information in contravention of any provision contained in an enactment (whenever passed or made) which prevents disclosure of the information.
- (7) But the Secretary of State may by order amend or repeal any provision mentioned in subsection (6)(b) which is contained in an enactment passed or made before the end of the Session in which this Act is passed so as to enable disclosures that would otherwise be permitted under this section.
- (8) In this section “relevant local authority” means a county council in England, a Welsh county council or county borough council, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly.
- (9) In this section “relevant contractor” means—
- (a) a person who has entered into a contract for the running of, or of part of—
 - (i) a prison or young offender institution under section 84 of the Criminal Justice Act 1991 (c. 53);
 - (ii) a secure training centre under section 7 of the Criminal Justice and Public Order Act 1994 (c. 33);
 - [^{F7}(iii) a secure college under paragraph 1 of Schedule 10 to the Criminal Justice and Courts Act 2015;]or a sub-contractor of such a person (within the meaning of the [^{F8}provision in question]); or
 - (b) a person who has entered into a contract with the Secretary of State—
 - (i) under section 80 of the Criminal Justice Act 1991 for the purposes of prisoner escort arrangements (see subsection (2) of that section); or
 - (ii) under paragraph 1 of Schedule 1 to the Criminal Justice and Public Order Act 1994 for the purposes of escort arrangements ^{F9}....
- (10) In this section “enactment” includes any subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

Textual Amendments

- F4** Word in s. 14(5)(a)(i) omitted (20.3.2015) by virtue of [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 26\(a\)](#); S.I. 2015/778, art. 2(1)(c)
- F5** Word in s. 14(5)(a)(ii) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 26\(b\)](#); S.I. 2015/778, art. 2(1)(c)
- F6** S. 14(5)(a)(iii) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 26\(c\)](#); S.I. 2015/778, art. 2(1)(c)
- F7** S. 14(9)(a)(iii) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 10 para. 37\(a\)](#); S.I. 2015/778, art. 2(1)(d)
- F8** Words in s. 14(9)(a) substituted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 10 para. 37\(b\)](#); S.I. 2015/778, art. 2(1)(d)
- F9** Words in s. 14(9)(b)(ii) substituted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 10 para. 37\(c\)](#); S.I. 2015/778, art. 2(1)(d)

Commencement Information

- I14** S. 14 in force at 1.4.2008 by [S.I. 2008/504](#), [art. 3\(f\)](#)

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15 Power to repeal section 4

- (1) The Secretary of State may by order repeal section 4.
- (2) The power under this section includes power to provide for that section to cease to have effect for such purposes as may be specified in the order.

Commencement Information

- I15** S. 15 in force at 1.4.2008 for specified purposes by [S.I. 2008/504](#), [art. 4\(1\)\(k\)\(2\)](#)
I16 S. 15 in force at 1.4.2009 for specified purposes by [S.I. 2009/547](#), [art. 2\(1\)\(k\)\(2\)](#)
I17 S. 15 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/191](#), [art. 2\(11\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(2)(da) inserted by [2015 c. 2 Sch. 3 para. 15](#)