



Offender Rehabilitation Act 2014

2014 CHAPTER 11

An Act to make provision about the release, and supervision after release, of offenders; to make provision about the extension period for extended sentence prisoners; to make provision about community orders and suspended sentence orders; and for connected purposes. [13th March 2014]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

VALID FROM 01/02/2015

Release and supervision of offenders sentenced to less than 2 years

1 Reduction of cases in which prisoners released unconditionally

In section 243A of the Criminal Justice Act 2003 (duty to release prisoners serving less than 12 months unconditionally once one-half of sentence served), for subsection (1) substitute—

“(1) This section applies to a fixed-term prisoner if—

- (a) the prisoner is serving a sentence which is for a term of 1 day, or
- (b) the prisoner—
 - (i) is serving a sentence which is for a term of less than 12 months, and
 - (ii) is aged under 18 on the last day of the requisite custodial period.

(1A) This section also applies to a fixed-term prisoner if—

- (a) the prisoner is serving a sentence which is for a term of less than 12 months, and

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- (b) the sentence was imposed in respect of an offence committed before the day on which section 1 of the Offender Rehabilitation Act 2014 came into force.”

2 Supervision after end of sentence

- (1) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall) is amended as follows.
- (2) After section 256A insert—

“Supervision of offenders

256AA Supervision after end of sentence of prisoners serving less than 2 years

- (1) This section applies where a person (“the offender”) has served a fixed-term sentence which was for a term of more than 1 day but less than 2 years, except where—
 - (a) the offender was aged under 18 on the last day of the requisite custodial period (as defined in section 243A(3)),
 - (b) the sentence was an extended sentence imposed under section 226A or 226B, or
 - (c) the sentence was imposed in respect of an offence committed before the day on which section 2(2) of the Offender Rehabilitation Act 2014 came into force.
- (2) The offender must comply with the supervision requirements during the supervision period, except at any time when the offender is—
 - (a) in legal custody,
 - (b) subject to a licence under this Chapter or Chapter 2 of Part 2 of the 1997 Act, or
 - (c) subject to DTO supervision.
- (3) The supervision requirements are the requirements for the time being specified in a notice given to the offender by the Secretary of State (but see the restrictions in section 256AB).
- (4) “The supervision period” is the period which—
 - (a) begins on the expiry of the sentence, and
 - (b) ends on the expiry of the period of 12 months beginning immediately after the offender has served the requisite custodial period (as defined in section 244(3)).
- (5) The purpose of the supervision period is the rehabilitation of the offender.
- (6) The Secretary of State must have regard to that purpose when specifying requirements under this section.
- (7) The supervisor must have regard to that purpose when carrying out functions in relation to the requirements.

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- (8) In this Chapter, “the supervisor”, in relation to a person subject to supervision requirements under this section, means a person who is for the time being responsible for discharging the functions conferred by this Chapter on the supervisor in accordance with arrangements made by the Secretary of State.
- (9) In relation to a person subject to supervision requirements under this section following a sentence of detention under section 91 of the Sentencing Act, the supervisor must be—
- (a) an officer of a provider of probation services, or
 - (b) a member of the youth offending team established by the local authority in whose area the offender resides for the time being.
- (10) In relation to any other person, the supervisor must be an officer of a provider of probation services.
- (11) In this section “DTO supervision” means supervision under—
- (a) a detention and training order (including an order under section 211 of the Armed Forces Act 2006), or
 - (b) an order under section 104(3)(aa) of the Powers of Criminal Courts (Sentencing) Act 2002 (breach of supervision requirements of detention and training order).
- (12) This section has effect subject to section 264(3C)(b) and (3D).”
- (3) In section 237(1) (meaning of “fixed-term prisoner”), at the end insert—
- “and “fixed-term sentence” means a sentence falling within paragraph (a) or (b).”
- (4) In Schedule 1 to this Act—
- (a) Part 1 inserts section 256AB of the Criminal Justice Act 2003 which makes general provision about supervision requirements, and
 - (b) Part 2 inserts sections 256D and 256E of that Act which make provision about drug testing requirements and drug appointment requirements.

3 Breach of supervision requirements

- (1) In Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall), after section 256AB insert—

“256AC Breach of supervision requirements imposed under section 256AA

- (1) Where it appears on information to a justice of the peace that a person has failed to comply with a supervision requirement imposed under section 256AA, the justice may—
- (a) issue a summons requiring the offender to appear at the place and time specified in the summons, or
 - (b) if the information is in writing and on oath, issue a warrant for the offender's arrest.
- (2) Any summons or warrant issued under this section must direct the person to appear or be brought—

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- (a) before a magistrates' court acting for the local justice area in which the offender resides, or
 - (b) if it is not known where the person resides, before a magistrates' court acting for the same local justice area as the justice who issued the summons or warrant.
- (3) Where the person does not appear in answer to a summons issued under subsection (1)(a), the court may issue a warrant for the person's arrest.
- (4) If it is proved to the satisfaction of the court that the person has failed without reasonable excuse to comply with a supervision requirement imposed under section 256AA, the court may—
- (a) order the person to be committed to prison for a period not exceeding 14 days (subject to subsection (7)),
 - (b) order the person to pay a fine not exceeding level 3 on the standard scale, or
 - (c) make an order (a “supervision default order”) imposing on the person—
 - (i) an unpaid work requirement (as defined by section 199), or
 - (ii) a curfew requirement (as defined by section 204).
- (5) Section 177(3) (obligation to impose electronic monitoring requirement) applies in relation to a supervision default order that imposes a curfew requirement as it applies in relation to a community order that imposes such a requirement.
- (6) If the court deals with the person under subsection (4), it must revoke any supervision default order which is in force at that time in respect of that person.
- (7) Where the person is under the age of 21—
- (a) an order under subsection (4)(a) in respect of the person must be for committal to a young offender institution instead of to prison, but
 - (b) the Secretary of State may from time to time direct that a person committed to a young offender institution by such an order is to be detained in a prison or remand centre instead.
- (8) A person committed to prison or a young offender institution by an order under subsection (4)(a) is to be regarded as being in legal custody.
- (9) A fine imposed under subsection (4)(b) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.
- (10) In Schedule 19A (supervision default orders)—
- (a) Part 1 makes provision about requirements of supervision default orders, and
 - (b) Part 2 makes provision about the breach, revocation and amendment of supervision default orders.
- (11) A person dealt with under this section may appeal to the Crown Court against the order made by the court.”

(2) Schedule 2 to this Act inserts a new Schedule 19A to the Criminal Justice Act 2003.

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4 Supervision of certain young offenders after release from detention

(1) Section 256B of the Criminal Justice Act 2003 (supervision of young offenders after release) is amended as follows.

(2) For subsection (1) substitute—

“(1) This section applies where a person (“the offender”) is released under this Chapter if—

- (a) the person is, at the time of the release, serving a sentence of detention under section 91 of the Sentencing Act which is for a term of less than 12 months, and
- (b) the person is aged under 18 on the last day of the requisite custodial period (as defined in section 243A(3)).

(1A) This section also applies where a person (“the offender”) is released under this Chapter if—

- (a) the person is, at the time of the release, serving a sentence of detention under section 91 or 96 of the Sentencing Act which is for a term of less than 12 months, and
- (b) the sentence was imposed in respect of an offence committed before the day on which section 1 of the Offender Rehabilitation Act 2014 came into force.”

(3) In subsection (2)(c), omit “if the offender is under the age of 18 years at the date of release,”.

(4) In subsection (7)—

(a) for paragraph (c) substitute—

“(c) where the offender is aged 18 or over—

- (i) drug testing requirements (see section 256D);
- (ii) drug appointment requirements (see section 256E).”

(5) After that subsection insert—

“(7A) Paragraph (c)(i) and (ii) of subsection (7) have effect subject to the restrictions in sections 256D(2) and 256E(2).”

(6) Omit subsection (8).

(7) For subsection (9) substitute—

“(9) The Secretary of State may make rules about the requirements that may be imposed by virtue of subsection (7)(a) or (b).”

(8) Omit subsection (10).

5 Consecutive terms

(1) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall) is amended as follows.

(2) In section 264 (consecutive terms), for subsections (3) and (3A) substitute—

“(3B) The offender's release under this Chapter is to be unconditional if—

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- (a) the aggregate length of the terms of imprisonment is less than 12 months, and
 - (b) section 243A so requires in respect of each of the sentences, but in any other case is to be on licence.
- (3C) If the offender is released on licence under this Chapter—
- (a) the offender is to be on licence, on and after the release, until the offender would, but for the release, have served a term equal in length to the aggregate length of the terms of imprisonment (but see section 264B);
 - (b) the offender is to be subject to supervision requirements under section 256AA if (and only if)—
 - (i) section 256AA so requires in respect of one or more of the sentences, and
 - (ii) the aggregate length of the terms of imprisonment is less than 2 years.
- (3D) If the offender is subject to supervision requirements under section 256AA, the supervision period for the purposes of that section begins on the expiry of the period during which the offender is on licence by virtue of subsection (3C)(a).
- (3E) When the offender is released under this Chapter (whether unconditionally or on licence), the offender is to be subject to supervision requirements under section 256B if that section so requires in respect of one or more of the sentences.”
- (3) Before section 265 (and the italic heading before it) insert—
- “264B Consecutive terms: supplementary**
- (1) This section applies in a case in which section 264 applies where—
 - (a) the offender is released on licence under this Chapter,
 - (b) the aggregate length of the terms of imprisonment mentioned in section 264(1)(a) is less than 12 months, and
 - (c) those terms include one or more terms of imprisonment (“short transitional terms”) which were imposed in respect of an offence committed before the day on which section 1 of the Offender Rehabilitation Act 2014 came into force, as well as one or more terms imposed in respect of an offence committed on or after that day.
 - (2) The offender is to be on licence until the offender would, but for the release, have served a term equal in length to the aggregate of—
 - (a) the custodial period in relation to each of the short transitional terms, and
 - (b) the full length of each of the other terms.
 - (3) In this section “custodial period” has the same meaning as in section 264.”
- (4) In section 249(3) (duration of licence)—
- (a) for “sections” substitute “ section ”, and
 - (b) for “and 264(3)” substitute “ and sections 264(3C)(a) and 264B ”.

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- (5) In section 250 (licence conditions), omit subsection (7).
- (6) Schedule 20B (modifications of Chapter 6 of Part 12 in certain transitional cases) is amended as follows.
- (7) In paragraph 22 (consecutive terms including 1991 Act sentence), after sub-paragraph (3) insert—
 - “(3A) If P is subject to supervision requirements under section 256AA (by virtue of section 264(3C)(b)), section 256AA(4)(b) (end of supervision period) applies in relation to P as if the reference to the requisite custodial period were to the period described in sub-paragraph (3) of this paragraph.”
- (8) In paragraph 33 (consecutive terms including 1967 Act sentence), after sub-paragraph (3) insert—
 - “(4) If P is subject to supervision requirements under section 256AA (by virtue of section 264(3C)(b)), section 256AA(4)(b) (end of supervision period) applies in relation to P as if the reference to the requisite custodial period were to the period described in sub-paragraph (3) of this paragraph.”

6 Supervision of certain young offenders after detention and training order

- (1) Chapter 2 of Part 5 of the Powers of Criminal Courts (Sentencing) Act 2000 (custodial sentences: detention and custody of young offenders) is amended as follows.
- (2) In section 101(13) (term of detention and training order where consecutive or concurrent orders imposed), after “105” insert “ and 106B ”.
- (3) In section 103 (period of supervision of offender subject to detention and training order)—
 - (a) in subsection (2), at the beginning insert “ Subject to subsection (2A), ”, and
 - (b) after subsection (2) insert—
 - “(2A) An order under subsection (2) may not include provision about cases in which—
 - (a) the offender is aged 18 or over at the half-way point of the term of the detention and training order, and
 - (b) the order was imposed in respect of an offence committed on or after the day on which section 6(4) of the Offender Rehabilitation Act 2014 came into force.”
- (4) After section 106A insert—

“106B Further supervision after end of term of detention and training order

- (1) This section applies where a detention and training order is made in respect of an offender if—
 - (a) the offender is aged 18 or over at the half-way point of the term of the order,
 - (b) the term of the order is less than 24 months, and

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- (c) the order was imposed in respect of an offence committed on or after the day on which section 6(4) of the Offender Rehabilitation Act 2014 came into force.
- (2) The following provisions of the Criminal Justice Act 2003 (which relate to supervision after end of sentence) apply as they apply in cases described in section 256AA(1) of that Act—
- (a) sections 256AA (2) to (11), 256AB and 256AC,
 - (b) sections 256D and 256E, and
 - (c) Schedule 19A,
- but with the following modifications.
- (3) “The supervision period”, in relation to the offender, is the period which—
- (a) begins on the expiry of the term of the detention and training order, and
 - (b) ends on the expiry of the period of 12 months beginning immediately after the half-way point of the term of the order.
- (4) “The supervisor”, in relation to the offender, must be—
- (a) an officer of a provider of probation services, or
 - (b) a member of the youth offending team established by the local authority in whose area the offender resides for the time being.
- (5) The power under section 256AB(4) includes power to make provision about the supervision requirements that may be imposed under section 256AA as applied by this section and to amend this Act.
- (6) Subsection (7) applies where the term of the detention and training order is determined by section 101(13) (consecutive and concurrent orders).
- (7) The offender is subject to supervision under section 256AA (as applied by this section) if that section (as applied) so requires in respect of one or more of the consecutive or concurrent orders.”

7 Minor and consequential provision

- (1) Schedule 3 contains minor and consequential provision.
- (2) The Secretary of State may by order made by statutory instrument amend the Powers of Criminal Courts (Sentencing) Act 2000 and the Criminal Justice Act 2003 so as to—
- (a) replace a reference to a date on which a provision of this Act came into force with a reference to the actual date on which it did so, and
 - (b) insert provision explaining the date.

VALID FROM 01/06/2014

Other provision about release and supervision of offenders

VALID FROM 01/02/2015

8 Extended sentences: length of extension period

- (1) Chapter 5 of Part 12 of the Criminal Justice Act 2003 (sentencing: dangerous offenders) is amended as follows.
- (2) In section 226A (extended sentence for certain violent or sexual offences: persons 18 or over)—
 - (a) in subsection (7), for “subsections (8) and (9)” substitute “subsections (7A) to (9)”, and
 - (b) after that subsection insert—

“(7A) The extension period must be at least 1 year.”
- (3) In section 226B (extended sentence for certain violent or sexual offences: persons under 18)—
 - (a) in subsection (5), for “subsections (6) and (7)” substitute “subsections (5A) to (7)”, and
 - (b) after that subsection insert—

“(5A) The extension period must be at least 1 year.”

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9 Recall and further release of offenders

- (1) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall) is amended as follows.
- (2) In section 244(1A) (disapplication of that section following recall), after “246” insert “ or 248 ”.
- (3) In section 255(1)(a) (recall of prisoners released early under section 246), for “any condition included in his licence” substitute “ the curfew condition included in the licence ”.
- (4) In section 255A (further release after recall)—
 - (a) omit subsection (3),
 - (b) in subsection (4), for “that period” substitute “ the automatic release period ”,
 - (c) in subsection (5), after paragraph (b) insert—

“but that is subject, where applicable, to section 243A(2) (unconditional release).”, and

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(d) at the end insert—

- “(8) Automatic release” means release at the end of the automatic release period.
- (9) In the case of a person recalled under section 254 while on licence under a provision of this Chapter other than section 246, “the automatic release period” means—
- (a) where the person is serving a sentence of less than 12 months, the period of 14 days beginning with the day on which the person returns to custody;
 - (b) where the person is serving a sentence of 12 months or more, the period of 28 days beginning with that day.
- (10) In the case of a person recalled under section 254 while on licence under section 246, “the automatic release period” means whichever of the following ends later—
- (a) the period described in subsection (9)(a) or (b) (as appropriate);
 - (b) the requisite custodial period which the person would have served under section 243A or 244 but for the earlier release.”
- (5) In section 255B(1)(b) (automatic release), for “the 28 day period mentioned in section 255A(3)” substitute “ the automatic release period (as defined in section 255A(9) and (10)) ”.
- (6) In section 240ZA(6) (time remanded in custody not to count as time served for purposes of automatic release), for “period of 28 days served by the offender before automatic release” substitute “ automatic release period served by the offender ”.
- (7) In section 240A(3B) (time remanded on bail not to count as time served for purposes of automatic release), for “period of 28 days served by the offender before automatic release” substitute “ automatic release period served by the offender ”.

10 Arrangements for supervision and rehabilitation: female offenders

In section 3 of the Offender Management Act 2007 (power to make arrangements for the provision of probation services), after subsection (6) insert—

- “(6A) The Secretary of State must ensure that arrangements under subsection (2) or (5) for the supervision or rehabilitation of persons convicted of offences—
- (a) state that the Secretary of State has, in making the arrangements, complied with the duty under section 149 of the Equality Act 2010 (public sector equality duty) as it relates to female offenders, and
 - (b) identify anything in the arrangements that is intended to meet the particular needs of female offenders.”

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Drugs and offenders released during custodial sentence

11 Drug testing

- (1) The Criminal Justice and Court Services Act 2000 is amended as follows.
- (2) In section 64 (release on licence: drug testing requirements)—
 - (a) in subsection (1)(a), omit “for a trigger offence, and”,
 - (b) in that subsection, at the end insert “, and
 - (c) the Secretary of State is satisfied of the matters in subsection (1A).”,
 - (c) after that subsection insert—

“(1A) Those matters are—

 - (a) that the misuse by the person of a specified class A drug or a specified class B drug caused or contributed to an offence of which the person has been convicted or is likely to cause or contribute to the commission of further offences by the person, and
 - (b) that the person is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug.”,
 - (d) in subsection (2), after “conditions” insert “ mentioned in subsection (1)(b)”, and
 - (e) in subsection (3), after “specified Class A drug” insert “ or specified Class B drug ”.
- (3) In section 70(1) (interpretation)—
 - (a) for “ “Class A drug” has” substitute “ “Class A drug” and “Class B drug” have”, and
 - (b) in the definition of “ “specified””, after “Class A drug” insert “ or Class B drug ”.

12 Drug appointments

- (1) In Chapter 2 of Part 3 of the Criminal Justice and Court Services Act 2000 (dealing with offenders), after section 64 insert—

“64A Release on licence etc: drug appointments

- (1) This section applies where—
 - (a) the Secretary of State releases a person serving a sentence of imprisonment (“the offender”) who is aged 18 or over,
 - (b) the release is subject to conditions (whether conditions of a licence or any other conditions, however expressed),
 - (c) an officer of a provider of probation services has recommended to the Secretary of State that a condition authorised by this section be imposed on the offender, and

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- (d) the Secretary of State is satisfied of the matters in subsection (2).
- (2) Those matters are—
- (a) that the misuse by the offender of a controlled drug caused or contributed to an offence of which the offender has been convicted or is likely to cause or contribute to the commission of further offences by the offender,
 - (b) that the offender is dependent on, or has a propensity to misuse, a controlled drug,
 - (c) that the dependency or propensity requires, and may be susceptible to, treatment, and
 - (d) that arrangements have been made, or can be made, for the offender to have treatment.
- (3) The conditions mentioned in subsection (1)(b) may include a condition which requires the offender, in accordance with instructions given by an officer of a provider of probation services, to attend appointments with a view to addressing the offender's dependency on, or propensity to misuse, a controlled drug.
- (4) The condition must specify—
- (a) the person with whom the offender is to meet or under whose direction the appointments are to take place, and
 - (b) where the appointments are to take place.
- (5) The person specified under subsection (4)(a) must be a person who has the necessary qualifications or experience.
- (6) The only instructions that an officer of a provider of probation services may give for the purposes of the requirement are instructions as to—
- (a) the duration of each appointment, and
 - (b) when each appointment is to take place.
- (7) For the purposes of this section, references to a requirement to attend an appointment do not include a requirement to submit to treatment.
- (8) In this section—
- “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971;
 - “sentence of imprisonment” does not include a detention and training order or an order under section 211 of the Armed Forces Act 2006 but does include—
 - (a) a sentence of detention in a young offender institution,
 - (b) a sentence of detention under section 90 of the Powers of Criminal Courts (Sentencing) Act 2000 (detention at Her Majesty's pleasure),
 - (c) a sentence of detention under section 91 of that Act (detention of offenders under 18 convicted of certain serious offences),
 - (d) a sentence of custody for life under section 93 or 94 of that Act,
 - (e) a sentence of detention under section 226, 226B or 228 of the Criminal Justice Act 2003 (including one passed as a result of section 221, 221A or 222 of the Armed Forces Act 2006),

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- (f) a sentence of detention under section 209 of the Armed Forces Act 2006 (detention of offenders under 18 convicted of certain serious offences), and
- (g) a sentence of detention under section 218 of that Act (detention at Her Majesty's pleasure)."

- (2) In section 250 of the Criminal Justice Act 2003 (licence conditions), in subsection (4)(b)(i), for "or 64" substitute " , 64 or 64A ".

13 Drug testing and appointments: transfer within the British Islands

- (1) Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.

- (2) In paragraph 8 (restricted transfers from England and Wales to Scotland)—
 - (a) in sub-paragraphs (2)(aa) and (4)(aa), for "and 64" substitute " , 64 and 64A ", and
 - (b) at the end insert—

"(7) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if any reference to an officer of a provider of probation services were a reference to a relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993."

- (3) In paragraph 9 (restricted transfers from England and Wales to Northern Ireland)—
 - (a) in sub-paragraphs (2)(aa) and (4)(aa), for "and 64" substitute " , 64 and 64A ", and
 - (b) after sub-paragraph (5) insert—

"(5A) Sections 64 and 64A of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug appointments), as applied by sub-paragraph (2) or (4) above, have effect as if any reference to an officer of a provider of probation services were a reference to a probation officer."

VALID FROM 01/06/2014

Community orders and suspended sentence orders

14 Officers responsible for implementing orders

- (1) For section 197 of the Criminal Justice Act 2003 substitute—

"197 Meaning of "the responsible officer"

- (1) For the purposes of this Part, "the responsible officer", in relation to an offender to whom a relevant order relates, means the person who is for the time being responsible for discharging the functions conferred by this Part

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on the responsible officer in accordance with arrangements made by the Secretary of State.

- (2) The responsible officer must be—
- (a) an officer of a provider of probation services, or
 - (b) a person responsible for monitoring the offender in accordance with an electronic monitoring requirement imposed by the relevant order.”

- (2) In Schedule 4 to this Act—
- (a) Part 1 contains amendments which confine certain functions of responsible officers to the public sector, and
 - (b) Part 2 contains consequential provision.

VALID FROM 01/02/2015

15 Rehabilitation activity requirement

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In sections 177(1) and 190(1) (requirements that may be imposed as part of a community order or suspended sentence order) after paragraph (a) insert—
- “(aa) a rehabilitation activity requirement (as defined by section 200A).”.
- (3) After section 200 insert—

“200A Rehabilitation activity requirement

- (1) In this Part “rehabilitation activity requirement”, in relation to a relevant order, means a requirement that, during the relevant period, the offender must comply with any instructions given by the responsible officer to attend appointments or participate in activities or both.
- (2) A relevant order imposing a rehabilitation activity requirement must specify the maximum number of days for which the offender may be instructed to participate in activities.
- (3) Any instructions given by the responsible officer must be given with a view to promoting the offender's rehabilitation; but this does not prevent the responsible officer giving instructions with a view to other purposes in addition to rehabilitation.
- (4) The responsible officer may instruct the offender to attend appointments with the responsible officer or with someone else.
- (5) The responsible officer, when instructing the offender to participate in activities, may require the offender to—
- (a) participate in specified activities and, while doing so, comply with instructions given by the person in charge of the activities, or
 - (b) go to a specified place and, while there, comply with any instructions given by the person in charge of the place.

Status: Point in time view as at 13/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)

- (6) The references in subsection (5)(a) and (b) to instructions given by a person include instructions given by anyone acting under the person's authority.
- (7) The activities that responsible officers may instruct offenders to participate in include—
 - (a) activities forming an accredited programme (see section 202(2));
 - (b) activities whose purpose is reparative, such as restorative justice activities.
- (8) For the purposes of subsection (7)(b) an activity is a restorative justice activity if—
 - (a) the participants consist of, or include, the offender and one or more of the victims,
 - (b) the aim of the activity is to maximise the offender's awareness of the impact of the offending concerned on the victims, and
 - (c) the activity gives a victim or victims an opportunity to talk about, or by other means express experience of, the offending and its impact.
- (9) In subsection (8) “victim” means a victim of, or other person affected by, the offending concerned.
- (10) Where compliance with an instruction would require the co-operation of a person other than the offender, the responsible officer may give the instruction only if that person agrees.
- (11) In this section “the relevant period” means—
 - (a) in relation to a community order, the period for which the community order remains in force, and
 - (b) in relation to a suspended sentence order, the supervision period as defined by section 189(1A).”
- (4) Sections 201 and 213 (activity requirements and supervision requirements) are repealed.
- (5) Schedule 5 to this Act contains consequential provision.

VALID FROM 01/02/2015

16 Programme requirement

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 202 (programme requirement) omit subsection (7) (person may be required to participate in accredited programmes only at approved places).
- (3) In Schedule 9 (transfer of community orders to Scotland or Northern Ireland)—
 - (a) in paragraph 2(3), omit paragraph (b);
 - (b) in paragraph 4(3), omit paragraph (b).
- (4) In Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland)—

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- (a) in paragraph 4(3), omit paragraph (b);
- (b) in paragraph 9(3), omit paragraph (b).

VALID FROM 01/02/2015

17 Attendance centre requirement

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) Section 214 (attendance centre requirement) is amended as follows.
- (3) In subsection (1)—
 - (a) omit “specified in the relevant order”, and
 - (b) for “so specified” substitute “ specified in the relevant order ”.
- (4) In subsection (3), for “the attendance centre to be specified in it” substitute “ an attendance centre which is available for persons of the offender's description ”.
- (5) After subsection (3) insert—
 - “(3A) The attendance centre at which the offender is required to attend is to be notified to the offender by the responsible officer from time to time.
 - (3B) When choosing an attendance centre, the responsible officer must consider—
 - (a) the accessibility of the attendance centre to the offender, having regard to the means of access available to the offender and any other circumstances, and
 - (b) the description of persons for whom it is available.”
- (6) Section 218 (availability of arrangements in local area) is amended as follows.
- (7) In subsection (4)(a), for “the relevant areas mentioned in subsections (5) to (7)” substitute “ the relevant area (see subsections (5) to (7)) ”.
- (8) In subsection (6), for “the area in which the attendance centre proposed to be specified in the order is situated” substitute “ an area in which there is an attendance centre which is available for persons of the offender's description and which the court is satisfied is reasonably accessible to the offender ”.
- (9) In Schedule 14 (persons to whom copies of requirements to be provided in particular cases), in the table, omit the entry relating to an attendance centre requirement.

VALID FROM 01/02/2015

18 Duty to obtain permission before changing residence

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) After section 220 insert—

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Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)

“220A Duty to obtain permission before changing residence

- (1) An offender in respect of whom a relevant order is in force must not change residence without permission given in accordance with this section by—
 - (a) the responsible officer, or
 - (b) a court.
 - (2) The appropriate court may, on an application by the offender, give permission in a case in which the responsible officer has refused.
 - (3) A court may also give permission in any proceedings before it under Schedule 8 or 12 (breach or amendment of orders etc).
 - (4) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—
 - (a) is likely to prevent the offender complying with a requirement imposed by the relevant order, or
 - (b) would hinder the offender's rehabilitation.
 - (5) The obligation imposed by subsection (1) is enforceable as if it were a requirement imposed by the relevant order.
 - (6) This section does not apply if the relevant order includes a residence requirement imposed under section 206.
 - (7) For cases in which a relevant order has to be amended because of permission given under this section, see paragraph 16 of Schedule 8 and paragraph 14 of Schedule 12 (amendment to reflect change in local justice area).
 - (8) In this section “the appropriate court” has the same meaning as in paragraph 16 of Schedule 8 or paragraph 14 of Schedule 12.”
- (3) In section 220(1), omit paragraph (b) and the “and” before it (duty to notify responsible officer of change of address).
 - (4) In Schedule 8 (breach, revocation or amendment of community order), in paragraph 9, omit sub-paragraph (5A).
 - (5) For paragraph 16 of Schedule 8 substitute—
 - “16 (1) This paragraph applies where at any time while a community order is in force in respect of an offender—
 - (a) the offender is given permission under section 220A to change residence, and
 - (b) the local justice area in which the new residence is situated (“the new local justice area”) is different from the local justice area specified in the order.
 - (2) If the permission is given by a court, the court must amend the order to specify the new local justice area.
 - (3) If the permission is given by the responsible officer—

Status: Point in time view as at 13/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)

- (a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and
 - (b) the court must make that amendment.
- (4) In this paragraph “the appropriate court” means—
- (a) in relation to a community order imposing a drug rehabilitation requirement which is subject to review, the court responsible for the order,
 - (b) in relation to a community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates' court, the Crown Court, and
 - (c) in relation to any other community order, a magistrates' court acting in the local justice area specified in the order.
- 16A (1) This paragraph applies where at any time while a community order is in force in respect of an offender—
- (a) a court amends the order,
 - (b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and
 - (c) the local justice area in which that place is situated (“the new local justice area”) is different from the local justice area specified in the order.
- (2) The court must amend the order to specify the new local justice area.”
- (6) In Schedule 8, in paragraph 24, omit “No order may be made under paragraph 16, and”.
- (7) In Schedule 12 (breach, revocation or amendment of suspended sentence order, and effect of further conviction), in paragraph 8, omit sub-paragraph (4A).
- (8) For paragraph 14 of Schedule 12 substitute—
- “14 (1) This paragraph applies where at any time while a suspended sentence order is in force in respect of an offender—
- (a) the offender is given permission under section 220A to change residence, and
 - (b) the local justice area in which the new residence is situated (“the new local justice area”) is different from the local justice area specified in the order.
- (2) If the permission is given by a court, the court must amend the order to specify the new local justice area.
- (3) If the permission is given by the responsible officer—
- (a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and
 - (b) the court must make that amendment.

Status: Point in time view as at 13/03/2014. This version of this Act contains provisions that are not valid for this point in time.
Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)

(4) In this paragraph “the appropriate court” has the same meaning as in paragraph 13.

14A (1) This paragraph applies where at any time while a suspended sentence order is in force in respect of an offender—

- (a) a court amends the order,
- (b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and
- (c) the local justice area in which that place is situated (“the new local justice area”) is different from the local justice area specified in the order.

(2) The court must amend the order to specify the new local justice area.”

(9) In Schedule 12, in paragraph 19(1), omit “, and no order may be made under paragraph 14,”.

(10) In Schedule 31 (fine default orders), after paragraph 3A insert—

“Change of residence

3B (1) In its application to a default order, section 220(1) (duty of offender to keep in touch with responsible officer) is modified as follows.

- (2) At the end of paragraph (a) there is inserted “and
 - (b) must notify the responsible officer of any change of address.”

3C Section 220A (duty to obtain permission before changing residence) does not apply in relation to a default order.”

(11) In Schedule 31, in paragraph 4, after sub-paragraph (4) insert—

“(4A) For paragraphs 16 and 16A there is substituted—

“16 (1) This paragraph applies where, at any time while a default order is in force in respect of a person, the appropriate court is satisfied that the person proposes to change, or has changed, residence from the local justice area concerned to another local justice area (“the new local justice area”).

(2) The appropriate court may amend the default order to specify the new local justice area.

(3) In this paragraph “the appropriate court” means a magistrates' court acting in the local justice area specified in the order.””

(12) In Schedule A1 to the Children Act 1989 (enforcement orders), in paragraph 3, after sub-paragraph (7) insert—

“(7A) In section 220(1) (duty of offender to keep in touch with responsible officer), at the end of paragraph (a) insert “and

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Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)

(b) must notify the responsible officer of any change of address.”

(7B) Section 220A (duty to obtain permission before changing residence) is omitted.”

VALID FROM 01/06/2014

Offenders sentenced by service courts

19 Amendments of Armed Forces Act 2006

Schedule 6 contains amendments of the Armed Forces Act 2006 relating to the release and supervision of offenders, service community orders, overseas community orders and suspended sentence orders.

General

20 Consequential and supplementary provision etc

- (1) The Secretary of State may by order make consequential, supplementary or incidental provision in relation to any provision of this Act.
- (2) An order under this section may—
 - (a) make different provision for different purposes, and
 - (b) amend, repeal or revoke legislation.
- (3) An order under this section making provision in relation to any of sections 1 to 7, Schedules 1, 2 and 3 and paragraph 2 of Schedule 6 may make different provision for different areas.
- (4) An order under this section is to be made by statutory instrument.
- (5) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of either House of Parliament, subject to subsection (6).
- (6) A statutory instrument containing an order under this section that amends or repeals an Act (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) In this section—

“Act” includes an Act or Measure of the National Assembly for Wales;

“legislation”, in relation to an order made in relation to a provision of this Act, means—

 - (a) an Act passed before or in the same Session as this Act, or
 - (b) an instrument made under an Act before the provision comes into force.

Status: Point in time view as at 13/03/2014. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)

21 Transitional provision etc

- (1) Schedule 7 makes provision about the cases to which the amendments made by this Act apply.
- (2) The Secretary of State may by order make other transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (3) An order under this section—
 - (a) may make different provision for different purposes, and
 - (b) in connection with sections 1 to 7, Schedules 1, 2 and 3 and paragraph 2 of Schedule 6 may make different provision for different areas.
- (4) An order under this section is to be made by statutory instrument.

Commencement Information

II S. 21 partly in force; s. 21(2)-(4) in force at Royal Assent, see s. 22(1)(2)

22 Commencement

- (1) This Act comes into force on such day or days as the Secretary of State may appoint by order, subject to subsection (2).
- (2) This section and sections 20, 21(2) to (4), 23 and 24 come into force on the day on which this Act is passed.
- (3) An order under this section—
 - (a) may appoint different days for different purposes, and
 - (b) in relation to sections 1 to 7, Schedules 1, 2 and 3 and paragraph 2 of Schedule 6, may appoint different days for different areas.
- (4) An order under this section is to be made by statutory instrument.

23 Extent

- (1) An amendment or repeal made by this Act, other than an armed forces amendment or repeal, has the same extent as the provision amended or repealed (ignoring extent by virtue of an Order in Council).
- (2) Subject to subsection (1), this Act extends to England and Wales, Scotland and Northern Ireland.
- (3) So far as sections 20, 21 and 22 confer power to make provision amending or otherwise relating to Schedule 1 to the Crime (Sentences) Act 1997, they also extend to the Channel Islands.
- (4) Section 385 of the Armed Forces Act 2006 (extent of enactments applied by that Act) does not apply in relation to an armed forces amendment or repeal.
- (5) Her Majesty may by Order in Council provide for an armed forces amendment or repeal to extend, with or without modifications, to—
 - (a) any of the Channel Islands,
 - (b) the Isle of Man, or

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Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)

- (c) any of the British overseas territories
- (6) The power conferred by paragraph 19 of Schedule 1 to the Crime (Sentences) Act 1997 (power to extend to Isle of Man) is exercisable in relation to any amendment of that Act that is made by this Act.
- (7) The power conferred by section 338 of the Criminal Justice Act 2003 (power to extend to Channel Islands etc) is exercisable in relation to any amendment of that Act that is made by this Act.
- (8) “Armed forces amendment or repeal” means—
 - (a) an amendment or repeal made by Schedule 6 (amendments of the Armed Forces Act 2006), and
 - (b) where a provision amended or repealed by this Act is applied by or under the Armed Forces Act 2006, the amendment or repeal of the provision as so applied.

24 Short title

This Act may be cited as the Offender Rehabilitation Act 2014.

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Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)

VALID FROM 01/06/2014

SCHEDULES

VALID FROM 01/02/2015

SCHEDULE 1

Section 2

SUPERVISION REQUIREMENTS

.....
.....

VALID FROM 01/02/2015

SCHEDULE 2

Section 3

SUPERVISION DEFAULT ORDERS: NEW SCHEDULE 19A TO CRIMINAL JUSTICE ACT 2003

Commencement Information

12 Sch. 2 in force at 1.2.2015 by [S.I. 2015/40](#), [art. 2\(s\)](#)

In Chapter 6 of Part 12 of the Criminal Justice Act 2003, after Schedule 19 insert the following Schedule.

“SCHEDULE 19A

SUPERVISION DEFAULT ORDERS

.....
.....

VALID FROM 01/02/2015

SCHEDULE 3

Section 7

RELEASE AND SUPERVISION: MINOR AND CONSEQUENTIAL PROVISION

.....

Status: Point in time view as at 13/03/2014. This version of this Act contains provisions that are not valid for this point in time.

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SCHEDULE 4	Section 14
OFFICERS RESPONSIBLE FOR IMPLEMENTING ORDERS	
.....	
VALID FROM 01/02/2015	
SCHEDULE 5	Section 15
REHABILITATION ACTIVITY REQUIREMENT: CONSEQUENTIAL PROVISION	
.....	
SCHEDULE 6	Section 19
OFFENDERS SENTENCED BY SERVICE COURTS	
.....	
VALID FROM 01/02/2015	
SCHEDULE 7	Section 21
CASES TO WHICH THIS ACT APPLIES	
.....	

Status:

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Changes to legislation:

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