



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:—

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
 - (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.”

Status: Point in time view as at 01/12/2020.

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

Commencement Information

II S. 1 in force at 1.2.2015 by S.I. 2015/40, art. 2(a)

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.

Commencement Information

I2 S. 2 in force at 1.2.2015 by S.I. 2015/40, art. 2(b)

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

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- (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—
 - (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.

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(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.

Commencement Information

I3 S. 3 in force at 1.2.2015 by S.I. 2015/40, art. 2(c)

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).”

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(8) Omit subsection (10).

Commencement Information

I4 S. 4 in force at 1.2.2015 by S.I. 2015/40, art. 2(d)

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—

- (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

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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 ”.
- (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.”

Commencement Information

I5 S. 5 in force at 1.2.2015 by S.I. 2015/40, art. 2(e)

F16 **Supervision of certain young offenders after detention and training order**

Textual Amendments

F1 S. 6 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

7 **Minor and consequential provision**

- (1) Schedule 3 contains minor and consequential provision.

Status: Point in time view as at 01/12/2020.

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

- (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.

Commencement Information
I6 S. 7 in force at 1.2.2015 by S.I. 2015/40, art. 2(g)

Other provision about release and supervision of offenders

F28 Extended sentences: length of extension period

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Textual Amendments
F2 S. 8 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

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
 - (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—

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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)

- (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 ”.

Commencement Information

I7 S. 9 in force at 1.2.2015 by S.I. 2015/40, art. 2(i)

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.”

Commencement Information

I8 S. 10 in force at 1.6.2014 by S.I. 2014/1287, art. 2(a)

Status: Point in time view as at 01/12/2020.

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

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 ”.

Commencement Information

19 S. 11 in force at 1.2.2015 by S.I. 2015/40, art. 2(j)

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),

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- (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
 - (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,

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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)

- (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),
 - (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 ".

Commencement Information

I10 S. 12 in force at 1.2.2015 by S.I. 2015/40, art. 2(k)

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.”

Commencement Information

I11 S. 13 in force at 1.2.2015 by S.I. 2015/40, art. 2(l)

Status: Point in time view as at 01/12/2020.

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

Community orders and suspended sentence orders

14 Officers responsible for implementing orders

^{F3}(1)

(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.

Textual Amendments

F3 S. 14(1) repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Commencement Information

I12 S. 14 in force at 1.6.2014 by S.I. 2014/1287, **art. 2(b)**

^{F4}**15 Rehabilitation activity requirement**

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Textual Amendments

F4 Ss. 15-17 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F4}**16 Programme requirement**

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Textual Amendments

F4 Ss. 15-17 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F4}**17 Attendance centre requirement**

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Textual Amendments

F4 Ss. 15-17 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

18 Duty to obtain permission before changing residence

^{F5}(1)

Status: Point in time view as at 01/12/2020.

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

- F⁵(2)
- F⁵(3)
- F⁵(4)
- F⁵(5)
- F⁵(6)
- F⁵(7)
- F⁵(8)
- F⁵(9)

(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.””

- F⁶(12)

Textual Amendments

- F5 S. 18(1)-(9) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2
- F6 S. 18(12) repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Status: Point in time view as at 01/12/2020.

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Commencement Information

I13 S. 18(1)-(4) (6) (7) s. 18(9)-(12) in force at 1.2.2015 by [S.I. 2015/40](#), [art. 2\(p\)](#)

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.

Commencement Information

I14 [S. 19](#) in force at 1.6.2014 for specified purposes by [S.I. 2014/1287](#), [art. 2\(c\)](#)

I15 [S. 19](#) in force at 1.2.2015 in so far as not already in force by [S.I. 2015/40](#), [art. 2\(q\)](#)

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 01/12/2020.

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

- I16** S. 21 partly in force; s. 21(2)-(4) in force at Royal Assent, see s. 22(1)(2)
- I17** S. 21(1) in force at 1.2.2015 by S.I. 2015/40, art. 2(q)

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,

Status: Point in time view as at 01/12/2020.

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

- (b) the Isle of Man, or
 - (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.

Modifications etc. (not altering text)

- C1** By [Armed Forces Act 2016 \(c. 21\)](#), s. 19(2)(b), [Sch. para. 4](#) (with [Sch. para. 5](#)), it is provided that "powers under ... s. 21(5) (powers to extend provisions outside the United Kingdom)" are restricted (12.5.2016)

24 Short title

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

Status: Point in time view as at 01/12/2020.

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

SCHEDULES

SCHEDULE 1

Section 2

SUPERVISION REQUIREMENTS

PART 1

GENERAL

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

“256AB Supervision requirements under section 256AA

- (1) The only requirements that the Secretary of State may specify in a notice under section 256AA are—
- (a) a requirement to be of good behaviour and not to behave in a way which undermines the purpose of the supervision period;
 - (b) a requirement not to commit any offence;
 - (c) a requirement to keep in touch with the supervisor in accordance with instructions given by the supervisor;
 - (d) a requirement to receive visits from the supervisor in accordance with instructions given by the supervisor;
 - (e) a requirement to reside permanently at an address approved by the supervisor and to obtain the prior permission of the supervisor for any stay of one or more nights at a different address;
 - (f) a requirement not to undertake work, or a particular type of work, unless it is approved by the supervisor and to notify the supervisor in advance of any proposal to undertake work or a particular type of work;
 - (g) a requirement not to travel outside the British Islands, except with the prior permission of the supervisor or in order to comply with a legal obligation (whether or not arising under the law of any part of the British Islands);
 - (h) a requirement to participate in activities in accordance with any instructions given by the supervisor;
 - (i) a drug testing requirement (see section 256D);
 - (j) a drug appointment requirement (see section 256E).
- (2) Where a requirement is imposed under subsection (1)(h), section 200A (5) to (10) apply in relation to the requirement (reading references to the responsible officer as references to the supervisor).
- (3) Paragraphs (i) and (j) of subsection (1) have effect subject to the restrictions in sections 256D(2) and 256E(2).

Status: Point in time view as at 01/12/2020.

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

- (4) The Secretary of State may by order—
 - (a) add requirements that may be specified in a notice under section 256AA,
 - (b) remove or amend such requirements,
 - (c) make provision about such requirements, including about the circumstances in which they may be imposed, and
 - (d) make provision about instructions given for the purposes of such requirements.
- (5) An order under subsection (4) may amend this Act.
- (6) In this section “work” includes paid and unpaid work.”

Commencement Information

I18 Sch. 1 para. 1 in force at 1.2.2015 by S.I. 2015/40, art. 2(r)

PART 2

DRUGS

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

“256D Drug testing requirements

- (1) “Drug testing requirement”, in relation to an offender subject to supervision under this Chapter, means a requirement that, when instructed to do so by the supervisor, the offender provide a sample mentioned in the instruction for the purpose of ascertaining whether the offender has a specified Class A drug or a specified Class B drug in his or her body.
- (2) A drug testing requirement may be imposed on an offender subject to supervision under this Chapter only if—
 - (a) the Secretary of State is satisfied of the matters in subsection (3), and
 - (b) the requirement is being imposed for the purpose of determining whether the offender is complying with any other supervision requirement.
- (3) Those matters are—
 - (a) that the misuse by the offender of a specified class A drug or a specified class B 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, and
 - (b) that the offender is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug.
- (4) An instruction given for the purpose of a drug testing requirement must be given in accordance with guidance given from time to time by the Secretary of State.

Status: Point in time view as at 01/12/2020.

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

- (5) The Secretary of State may make rules regulating the provision of samples in accordance with such an instruction.
- (6) In this section, “specified Class A drug” and “specified Class B drug” have the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000.

256E Drug appointment requirements

- (1) “Drug appointment requirement”, in relation to an offender subject to supervision under this Chapter, means a requirement that the offender, in accordance with instructions given by the supervisor, attend appointments with a view to addressing the offender's dependency on, or propensity to misuse, a controlled drug.
- (2) A drug appointment requirement may be imposed on an offender subject to supervision under this Chapter only if—
 - (a) the supervisor has recommended to the Secretary of State that such a requirement be imposed on the offender, and
 - (b) the Secretary of State is satisfied of the matters in subsection (3).
- (3) 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.
- (4) The requirement 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 the supervisor 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.”

Status: Point in time view as at 01/12/2020.

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

Commencement Information

I19 Sch. 1 para. 2 in force at 1.2.2015 by S.I. 2015/40, art. 2(r)

SCHEDULE 2

Section 3

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

Commencement Information

I20 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

PART 1

REQUIREMENTS ETC

Application of provisions of Chapter 4 of Part 12

- 1 The provisions of Chapter 4 of Part 12 listed in paragraph 2 apply in relation to a supervision default order as they apply in relation to a community order but with the modifications listed in paragraph 3.
- 2 Those provisions are—
 - (a) section 199(1) to (3) (unpaid work requirement);
 - (b) section 200(1) and (3) (obligations of person subject to unpaid work requirement);
 - (c) section 204(1), (2) and (6) (curfew requirement);
 - (d) section 215(1) to (3) and (4A) (electronic monitoring requirement);
 - (e) section 215A (data from electronic monitoring: code of practice);
 - (f) section 216(1) (local justice area to be specified in order);
 - (g) section 217(1) and (2) (requirement to avoid conflict with religious beliefs);
 - (h) section 218(1), (4) and (5) (availability of arrangements in local area);
 - (i) section 219(1)(a) and (b) and (2) and Schedule 14 (provision of copies).
- 3 (1) The modifications mentioned in paragraph 1 are as follows.
 - (2) Section 199 applies as if for paragraphs (a) and (b) of subsection (2) (limit on number of hours of unpaid work) there were substituted—
 - “(a) not less than 20 hours, and
 - (b) not more than 60 hours.”

Status: Point in time view as at 01/12/2020.

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

- (3) Section 200(1) applies—
- (a) as if the reference to the responsible officer were to the supervisor, and
 - (b) as if at the end there were inserted “and the work must be performed before the end of the supervision period.”
- (4) Section 204(2) applies as if for the words after “but” there were substituted—
- “(a) may not specify periods which amount to less than 2 hours or more than 16 hours in any day,
 - (b) may not specify periods which fall outside the supervision period, and
 - (c) must require the person to remain at the specified place or places on at least 20 days.”
- (5) Section 215(1)(a) applies as if the words “or determined by the responsible officer in accordance with the relevant order” were omitted.
- (6) Section 215(4A) applies as if the references to the responsible officer were to the supervisor.
- (7) Section 217(2) applies as if the reference to the responsible officer were to the supervisor.
- (8) Section 219(1)(b) applies as if the reference to the responsible officer were to the supervisor.

Powers of Secretary of State in relation to provisions of Chapter 4 of Part 12

- 4 The Secretary of State's power to make orders under section 217(3) (requirement to avoid conflict with religious beliefs etc) includes power to provide that section 217(1) and (2), as applied by this Schedule, have effect with additional restrictions specified in the order.
- 5 (1) The Secretary of State's power to make rules under section 222 (rules regulating the supervision of persons subject to community orders etc) may be exercised in relation to persons subject to supervision default orders.
- (2) For the purpose of sub-paragraph (1), section 222(1)(b) has effect as if the reference to the responsible officer were to the supervisor.
- 6 The Secretary of State may by order amend paragraph 3(2) or (4) by changing the number of hours or days for the time being specified there.

PART 2

BREACH, REVOCATION OR AMENDMENT

Proceedings for breach

- 7 (1) If the supervisor in relation to a person subject to supervision requirements under section 256AA—
- (a) is satisfied that the person has failed without reasonable excuse to comply with a requirement imposed by a supervision default order, and
 - (b) considers that the failure should be dealt with by a court,
- the supervisor must refer the matter to an enforcement officer.

Status: Point in time view as at 01/12/2020.

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

- (2) Where a matter is referred to an enforcement officer under this paragraph, it is the duty of the enforcement officer—
- (a) to consider the case, and
 - (b) where appropriate, to cause an information to be laid before a justice of the peace in respect of the person's failure to comply with the requirement.
- (3) In this paragraph “enforcement officer” means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.
- (4) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.
- (5) In sub-paragraph (4) “public sector provider” means—
- (a) a probation trust or other public body, or
 - (b) the Secretary of State.

Issue of summons or warrant by justice of the peace

- 8 (1) If at any time while a supervision default order is in force it appears on information to a justice of the peace that the person subject to the order has failed to comply with a requirement imposed by the order, the justice may—
- (a) issue a summons requiring the person to appear at the place and time specified in it, or
 - (b) if the information is in writing and on oath, issue a warrant for the person's arrest.
- (2) A summons or warrant issued under this paragraph must direct the person to appear or be brought before—
- (a) a magistrates' court acting for the local justice area in which the person resides, or
 - (b) if it is not known where the person resides, before a magistrates' court acting for the local justice area specified in the supervision default order.

Powers of magistrates' court to deal with breach

- 9 (1) This paragraph applies if it is proved to the satisfaction of a magistrates' court before which a person appears or is brought under paragraph 8 that the person has failed without reasonable excuse to comply with a requirement imposed by the supervision default order.
- (2) The court may revoke the order and deal with the person for the failure in any of the ways listed in section 256AC(4)(a) to (c) (and section 256AC(5) and (7) to (9) apply accordingly).
- (3) In dealing with a person under this paragraph, a magistrates' court must take into account the extent to which the person has complied with the supervision default order.
- (4) A person dealt with under this paragraph may appeal to the Crown Court against the order made by the court.

Status: Point in time view as at 01/12/2020.

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

Amendment or revocation of order by magistrates' court

- 10 (1) Where a person is subject to a supervision default order, the appropriate magistrates' court may on the application of the person or an officer of a provider of probation services—
- (a) revoke the order,
 - (b) amend the order, or
 - (c) revoke the order and deal with the person under section 256AC(4) in any way in which it could deal with the person if the order had never been made.
- (2) A magistrates' court acting under sub-paragraph (1)(b)—
- (a) may not increase the number of hours or days specified in the order;
 - (b) may reduce the number of hours or days so specified, but not so as to reduce them below the minimum specified in section 199(2) or 204(2) (as modified by paragraph 3).
- (3) In exercising its powers under sub-paragraph (1), a magistrates' court must take into account the extent to which the person has complied with the supervision default order.
- (4) Where a court exercises its powers under sub-paragraph (1)(b) or (c), the person may appeal to the Crown Court against the order made by the court.
- (5) Where a magistrates' court proposes to exercise its powers under this paragraph on an application of an officer of a provider of probation services, the court—
- (a) must summon the person subject to the supervision default order to appear before the court, and
 - (b) if the person does not appear in answer to the summons, may issue a warrant for the person's arrest.
- (6) Sub-paragraph (5) does not apply where the court proposes only to amend the order to reduce the number of hours or days specified in it.
- (7) Where an application under this paragraph is made by a person subject to a supervision default order, the magistrates' court may not hear the application unless satisfied that adequate notice has been given to any officer of a provider of probation services who the court thinks has an interest in the application.
- (8) No application may be made under this paragraph while an appeal against the supervision default order is pending.
- (9) In this paragraph “the appropriate magistrates' court” means a magistrates' court acting in the local justice area specified in the supervision default order.

Amendment of local justice area specified in order

- 11 (1) This paragraph applies where, at any time while a supervision default order is in force in respect of a person, the appropriate magistrates' court is satisfied that the person proposes to change, or has changed, residence from the local justice area specified in the order to another local justice area (“the new local justice area”).
- (2) The appropriate magistrates' court may amend the order to specify the new local justice area.
- (3) In this paragraph “the appropriate magistrates' court” has the same meaning as in paragraph 10.

Status: Point in time view as at 01/12/2020.

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

Revocation of order on imposition of further sentence

- 12 (1) This paragraph applies where—
- (a) the Crown Court or a magistrates' court is sentencing a person for an offence, and
 - (b) a supervision default order is in force in respect of the person.
- (2) If the court imposes a sentence of imprisonment or detention (other than a suspended sentence) it must revoke the supervision default order.
- (3) If the court makes a community order or suspended sentence order it may revoke the supervision default order and deal with the person under section 256AC(4) in any way in which the person could be dealt with under section 256AC(4) if the supervision default order had never been made.
- 13 Where—
- (a) the Crown Court or a magistrates' court orders that a suspended sentence or any part of it is to take effect in relation to a person, and
 - (b) a supervision default order is in force in respect of the person,
- the court must revoke the supervision default order.”

SCHEDULE 3

Section 7

RELEASE AND SUPERVISION: MINOR AND CONSEQUENTIAL PROVISION

Crime (Sentences) Act 1997 (c. 43)

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

Commencement Information

I21 Sch. 3 para. 1 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 2 (1) Paragraph 6 (effect of transfers: preliminary) is amended as follows.
- (2) In sub-paragraph (2)(b), for “and possible recall following his release” substitute “, possible recall following release and any supervision default order”.
 - (3) In sub-paragraph (2)(c), for “and possible recall” substitute “, possible recall and any supervision default order”.
 - (4) In sub-paragraph (3), at the end insert—
 - “(c) in relation to a person who is supervised under section 256AA of the 2003 Act, being ordered to be committed to prison or detention for failure to comply with a requirement imposed under that section or by a supervision default order;
 - (d) in relation to a person who is supervised under section 256B of the 2003 Act, being ordered to be detained for failure to comply with a supervision requirement imposed under that section.”
 - (5) In sub-paragraph (4), at the appropriate place insert—

Status: Point in time view as at 01/12/2020.

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

““supervision default order” has the meaning given in section 268(1) of the 2003 Act;”.

Commencement Information

I22 Sch. 3 para. 2 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 3 (1) Paragraph 8 (restricted transfers from England and Wales to Scotland) is amended as follows.
- (2) In sub-paragraph (2)(a)—
- (a) for “264A” substitute “ 264B ”,
 - (b) after “267B of” insert “ , and Schedules 19A, 20A and 20B to, ” and
 - (c) after “104” insert “ and 106B ”.
- (3) In sub-paragraph (4)(a)—
- (a) for “264A” substitute “ 264B ”,
 - (b) after “267B of” insert “ , and Schedules 19A, 20A and 20B to, ” and
 - (c) after “104” insert “ and 106B ”.
- (4) In sub-paragraph (6)(f), for “paragraphs (b) and (c)” substitute “ paragraph (c) ”.
- (5) At the end (after the sub-paragraph (7) inserted by section 13 of this Act) insert—
- “ (8) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—
- (a) as if any reference to something listed in the first column of the Table in sub-paragraph (10) were a reference to whatever is opposite it in the second column of that Table,
 - (b) with the modifications in sub-paragraph (11), and
 - (c) in a case falling within section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, with the further modifications in sub-paragraph (12),
- (and see also paragraphs 8A, 19A and 19B).
- (9) In this paragraph “the supervision provisions” means—
- (a) sections 256AA to 256E of, and Schedule 19A to, the 2003 Act,
 - (b) the provisions of the 2003 Act mentioned in section 256AC of, and Schedule 19A to, that Act, as applied by that section and that Schedule, and
 - (c) section 106B of the Powers of Criminal Courts (Sentencing) Act 2000.
- (10) The references mentioned in sub-paragraph (8)(a) are—

TABLE

<i>Reference</i>	<i>Substituted reference</i>
Crown Court	High Court of Justiciary
Justice of the peace	Sheriff court

Status: Point in time view as at 01/12/2020.

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

Local justice area	Local government area within the meaning of the Local Government etc (Scotland) Act 1994
Magistrates' court	Sheriff court
Officer of a provider of probation services	Relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993
Summons	Citation
Young offender institution	Young offenders institution provided under section 19(1)(b) of the Prisons (Scotland) Act 1989

- (11) The modifications mentioned in sub-paragraph (8)(b) are—
- (a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to a licence under the Prisons (Scotland) Act 1989 or the Prisoners and Criminal Proceedings (Scotland) Act 1993,
 - (b) section 256AC(7)(b) of the 2003 Act has effect as if for “the Secretary of State” there were substituted “the Scottish Ministers”,
 - (c) paragraph 2 of Schedule 19A to the 2003 Act has effect as if—
 - (i) sub-paragraph (d) referred only to section 215(1) and (2) of the 2003 Act, and
 - (ii) sub-paragraph (e) were omitted,
 - (d) paragraph 3 of Schedule 19A to the 2003 Act has effect as if, after sub-paragraph (7), there were inserted—

“(7A) Section 218(4)(a) applies as if for the words “has been notified by the Secretary of State” there were substituted “is satisfied”,
 - (e) paragraph 7 of Schedule 19A to the 2003 Act has effect as if—
 - (i) in sub-paragraph (1), for “the supervisor must refer the matter to the enforcement officer” there were substituted “the supervisor may cause an information to be laid before a sheriff court in respect of the person's failure to comply with the requirement”, and
 - (ii) sub-paragraphs (2) to (5) were omitted, and
 - (f) paragraph 12(3) of Schedule 19A to the 2003 Act has effect as if for “makes a community order or suspended sentence order” there were substituted “imposes any other sentence”.
- (12) The further modifications mentioned in sub-paragraph (8)(c) are that section 106B of the Powers of Criminal Courts (Sentencing) Act 2000 has effect as if—
- (a) in subsection (4), for paragraph (b) there were substituted a reference to an officer of a local authority constituted under the Local Government etc (Scotland) Act 1994 for the local government area in which the offender resides for the time being, and
 - (b) after subsection (3) there were inserted—

Status: Point in time view as at 01/12/2020.

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

“(3A) Sections 256AA(3) and (6), 256AB(1) and 256E(2) have effect as if the references to the Secretary of State were references to the Scottish Ministers.””

Commencement Information

I23 Sch. 3 para. 3 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

4 After paragraph 8 insert—

“Restricted transfers between England and Wales and Scotland: further provision about supervision default orders

- 8A (1) This paragraph applies if—
- (a) a person's supervision is transferred to Scotland under paragraph 4 of this Schedule by means of a restricted transfer or transferred back to England and Wales under paragraph 7 of this Schedule, and
 - (b) at the time of the transfer, or transfer back, a supervision default order is in force in respect of the person.
- (2) The supervision default order has effect as if, at the time of the transfer or transfer back, it specified the relevant area in which the person resides or proposes to reside in the new jurisdiction (rather than a relevant area in the jurisdiction from which the person is transferring).
- (3) The court acting for that relevant area in the new jurisdiction may amend the supervision default order to specify that area.
- (4) In this paragraph—
- “relevant area” means—
 - (a) in England and Wales, a local justice area, and
 - (b) in Scotland, a local government area within the meaning of the Local Government etc (Scotland) Act 1994;
 - “supervision default order” has the meaning given in section 268(1) of the 2003 Act.”

Commencement Information

I24 Sch. 3 para. 4 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

5 (1) Paragraph 9 (restricted transfers from England and Wales to Northern Ireland) is amended as follows.

- (2) In sub-paragraph (2)(a)—
- (a) for “264A” substitute “ 264B ”,
 - (b) after “267B of” insert “ , and Schedules 20A and 20B to, ” and
 - (c) after “104” insert “ and 106B ”.
- (3) In sub-paragraph (4)(a)—
- (a) for “264A” substitute “ 264B ”,
 - (b) after “267B of” insert “ , and Schedules 20A and 20B to, ” and

Status: Point in time view as at 01/12/2020.

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

- (c) after “104” insert “ and 106B ”.
- (4) Omit sub-paragraph (8).
- (5) At the end insert—
- “(9) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—
- (a) as if any reference to something listed in the first column of the Table in sub-paragraph (11) were a reference to whatever is opposite it in the second column of that Table, and
- (b) with the other modifications in sub-paragraph (12).
- (10) In this paragraph “the supervision provisions” means—
- (a) sections 256AA to 256AC, 256D and 256E of the 2003 Act, and
- (b) section 106B of the Powers of Criminal Courts (Sentencing) Act 2000.
- (11) The references mentioned in sub-paragraph (9)(a) are—

TABLE

<i>Reference</i>	<i>Substituted reference</i>
Crown Court	County court
Justice of the peace	Lay magistrate
Information	Complaint
Local justice area	Petty sessions district
Magistrates' court	Court of summary jurisdiction
Officer of a provider of probation services	Probation officer
Young offender institution	Young offender centre

- (12) The other modifications mentioned in sub-paragraph (9)(b) are—
- (a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to—
- (i) a custody probation order or licence under Part 2 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (N.I. 24), and
- (ii) a licence under the Northern Ireland (Sentences) Act 1998, Part 3 of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)),
- (b) section 256AC of the 2003 Act has effect as if subsections (4)(c), (5) and (10) (provision for supervision default orders) were omitted, and
- (c) subsection (7)(b) of that section has effect as if for “the Secretary of State” there were substituted “ the Department of Justice in Northern Ireland ”.”

Status: Point in time view as at 01/12/2020.

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

Commencement Information

I25 Sch. 3 para. 5 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 6 (1) Paragraph 15 (unrestricted transfers: general) is amended as follows.
- (2) In sub-paragraph (4A), for “This paragraph has” substitute “ Sub-paragraphs (3) and (4) have ”.
- (3) After sub-paragraph (4A) insert—
- “(4B) A person who is subject to a period of supervision of a type or length which could not have been imposed on an offender in the place to which the person has been transferred is to be treated for the relevant purposes as the receiving authority may direct.
- (4C) In sub-paragraph (4B), “the receiving authority” means—
- (a) in relation to a person transferred to Scotland, the Scottish Ministers,
 - (b) in relation to a person transferred to Northern Ireland, the Department of Justice in Northern Ireland, and
 - (c) in relation to any other person, the Secretary of State.”

Commencement Information

I26 Sch. 3 para. 6 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 7 After paragraph 19 insert—
- “Service of process issued in Scotland*
- 19A(1) Section 4 of the Summary Jurisdiction (Process) Act 1881 (service in England and Wales of Scottish process etc) applies to any process issued by a court in Scotland under the supervision provisions.
- (2) “The supervision provisions” means the provisions listed in paragraph 8(9), as they are applied by paragraph 8(2) or (4).
- Electronic monitoring in Scotland*
- 19B(1) Section 245C of the Criminal Procedure (Scotland) Act 1995 (remote monitoring), and regulations under that section, apply in relation to the electronic monitoring of compliance with a curfew requirement in a supervision default order imposed under the supervision provisions as they apply in relation to the remote monitoring of compliance with a restriction of liberty order.
- (2) “The supervision provisions” means the provisions listed in paragraph 8(9), as they are applied by paragraph 8(2) or (4).”

Commencement Information

I27 Sch. 3 para. 7 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

Status: Point in time view as at 01/12/2020.

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

- 8 In paragraph 20(1) (interpretation), for the definition of “supervision” substitute—
- ““supervision” means—
- (a) supervision under an order made for the purpose,
 - (b) supervision under a detention and training order,
 - (c) in the case of a person released from prison on licence, supervision under a condition contained in the licence,
 - (d) supervision under section 256AA of the Criminal Justice Act 2003 (supervision after end of sentence), including supervision under that section as applied by section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, or
 - (e) supervision under section 256B of the Criminal Justice Act 2003 (supervision after release of certain young offenders serving less than 12 months).”

Commencement Information

I28 Sch. 3 para. 8 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

Crime and Disorder Act 1998 (c. 37)

- 9 (1) Section 38(4) of the Crime and Disorder Act 1998 (meaning of “youth justice services”) is amended as follows.
- (2) After paragraph (h) (supervision as part of detention and training order) insert—
- “(ha) supervision after the end of the term of such an order under section 256AA of the Criminal Justice Act 2003 (as applied by section 106B of the Powers of Criminal Courts (Sentencing) Act 2000);”.
- (3) For paragraph (i) substitute—
- “(i) post-release supervision in accordance with a licence under section 31 of the Crime (Sentences) Act 1997 or section 250 of the Criminal Justice Act 2003 of a person sentenced to detention under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000, section 226, 226B or 228 of the Criminal Justice Act 2003 or section 209, 218, 221, 221A or 222 of the Armed Forces Act 2006;
- (ia) post-release supervision under section 256B of the Criminal Justice Act 2003;
- (ib) supervision under section 256AA of the Criminal Justice Act 2003 of a person sentenced to detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or section 209 of the Armed Forces Act 2006;”.

Commencement Information

I29 Sch. 3 para. 9 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

Status: Point in time view as at 01/12/2020.

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

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

F710

Textual Amendments

F7 Sch. 3 paras. 10-12 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F711

Textual Amendments

F7 Sch. 3 paras. 10-12 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F712

Textual Amendments

F7 Sch. 3 paras. 10-12 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Criminal Justice and Court Services Act 2000 (c. 43)

13 In section 64(4) of the Criminal Justice and Court Services Act 2000 (release on licence: regulation of provision of samples given pursuant to drug testing condition), for “regulations” substitute “rules”.

Commencement Information

I30 [Sch. 3 para. 13](#) in force at 1.2.2015 by [S.I. 2015/40](#), **art. 2(t)**

Criminal Justice Act 2003 (c. 44)

14 The Criminal Justice Act 2003 is amended as follows.

Commencement Information

I31 [Sch. 3 para. 14](#) in force at 1.2.2015 by [S.I. 2015/40](#), **art. 2(t)**

15 In the heading of Chapter 6 of Part 12, after “licences” insert “, supervision”.

Commencement Information

I32 [Sch. 3 para. 15](#) in force at 1.2.2015 by [S.I. 2015/40](#), **art. 2(t)**

16 In the heading of section 243A, after “release” insert “ certain”.

Status: Point in time view as at 01/12/2020.

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

Commencement Information

I33 Sch. 3 para. 16 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 17 In section 243A(3)(a) (duty to release prisoners serving less than 12 months unconditionally: definition of requisite custodial period), for the words from “in relation to” to “such a term” substitute “in relation to a person serving one sentence”.

Commencement Information

I34 Sch. 3 para. 17 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 18 In section 244(3)(a) (duty to release prisoners on licence: definition of requisite custodial period), for the words from “in relation to” to “such a term” substitute “in relation to a prisoner serving one sentence”.

Commencement Information

I35 Sch. 3 para. 18 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 19 Omit the italic heading before section 256B.

Commencement Information

I36 Sch. 3 para. 19 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 20 For the heading of that section substitute “Supervision after release of certain young offenders serving less than 12 months”.

Commencement Information

I37 Sch. 3 para. 20 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 21 In section 256C(4)(b) (breach of supervision requirements), for “impose on the offender” substitute “order the offender to pay”.

Commencement Information

I38 Sch. 3 para. 21 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 22 In the heading of that section, at the end insert “imposed under section 256B”.

Commencement Information

I39 Sch. 3 para. 22 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 23 (1) Section 268 (interpretation of Chapter 6) is amended as follows.
(2) The existing text is re-numbered as subsection (1).

Status: Point in time view as at 01/12/2020.

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

- (3) In subsection (1), in the definition of “fixed-term prisoner”, for “ “fixed-term prisoner” has” substitute “ “fixed-term prisoner” and “fixed-term sentence” have”.
- (4) In subsection (1), at the appropriate places insert—
- ““offender subject to supervision under this Chapter” means a person who is subject to supervision requirements under section 256AA or 256B;”;
- ““supervision default order” means an order described in section 256AC(4) (c), whether made under that provision or under paragraph 9 of Schedule 19A;”;
- ““the supervision period”, in relation to an offender subject to supervision under this Chapter, has the meaning given in section 256AA or 256B (as appropriate);”;
- ““the supervisor”—
- (a) in relation to an offender subject to supervision requirements under section 256AA, has the meaning given in that section, and
- (b) in relation to an offender subject to supervision requirements under section 256B, means the person who provides supervision under that section;”.
- (5) At the end insert—
- “(2) For the purposes of sections 243A(1A), 256AA(1), 256B(1A) and 264B(1), where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken to have been committed on the last of those days.”

Commencement Information

I40 Sch. 3 para. 23 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 24 (1) Section 302 (execution of process between England and Wales and Scotland) is amended as follows.
- (2) After “under—” insert—
- “section 256AC(1) or (3),
section 256C(1) or (3),”.
- (3) Omit the “or” before “paragraph 6(2) or (4)”.
- (4) After “Schedule 12” insert “or
paragraph 8(1) or 10(5) of Schedule 19A,”.

Commencement Information

I41 Sch. 3 para. 24 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 25 In section 330(5)(a) (orders subject to affirmative procedure) at the appropriate place insert— “ section 256AB(4), ”; “ paragraph 6 of Schedule 19A, ”.

Status: Point in time view as at 01/12/2020.

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

Commencement Information

I42 Sch. 3 para. 25 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

SCHEDULE 4

Section 14

OFFICERS RESPONSIBLE FOR IMPLEMENTING ORDERS

PART 1

FUNCTIONS CONFINED TO THE PUBLIC SECTOR

Criminal Justice Act 2003 (c. 44)

1 The Criminal Justice Act 2003 is amended as follows.

Commencement Information

I43 Sch. 4 para. 1 in force at 1.6.2014 by S.I. 2014/1287, art. 2(d)

^{F8}₂

Textual Amendments

F8 Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F8}₃

Textual Amendments

F8 Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F8}₄

Textual Amendments

F8 Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

^{F8}₅

Status: Point in time view as at 01/12/2020.

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

Textual Amendments

F8 Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F8 6

Textual Amendments

F8 Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F8 7

Textual Amendments

F8 Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Offender Management Act 2007 (c. 21)

8 In section 4 of the Offender Management Act 2007 (probation provision that may only be made with a probation trust or other public body), after subsection (2) insert—

- “(3) The provision described in subsection (2)(b) includes provision which relates to the making of an application by an officer to a court under—
- (a) paragraph 13, 14, 17, 19A or 20 of Schedule 8 to the Criminal Justice Act 2003 (revocation or amendment of community orders),
- (b) paragraph 13, 15, 17 or 18 of Schedule 12 to that Act (amendment of suspended sentence orders), or
- (c) paragraph 10 of Schedule 19A to that Act (revocation or amendment of supervision default orders).”

Commencement Information

I44 Sch. 4 para. 8 in force at 1.6.2014 by S.I. 2014/1287, art. 2(d)

PART 2

CONSEQUENTIAL PROVISION

Children Act 1989 (c. 41)

9 In Schedule A1 to the Children Act 1989 (enforcement orders), in paragraph 3, omit sub-paragraphs (1) and (2)(a).

Status: Point in time view as at 01/12/2020.

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

Commencement Information

I45 Sch. 4 para. 9 in force at 1.6.2014 by [S.I. 2014/1287](#), **art. 2(d)**

Criminal Justice Act 2003 (c. 44)

10 The Criminal Justice Act 2003 is amended as follows.

Commencement Information

I46 Sch. 4 para. 10 in force at 1.6.2014 by [S.I. 2014/1287](#), **art. 2(d)**

^{F9}11

Textual Amendments

F9 Sch. 4 paras. 11-15 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

^{F9}12

Textual Amendments

F9 Sch. 4 paras. 11-15 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

^{F9}13

Textual Amendments

F9 Sch. 4 paras. 11-15 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

^{F9}14

Textual Amendments

F9 Sch. 4 paras. 11-15 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

^{F9}15

Textual Amendments

F9 Sch. 4 paras. 11-15 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

Status: Point in time view as at 01/12/2020.

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

F10 SCHEDULE 5

Section 15

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Textual Amendments
F10 Sch. 5 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

SCHEDULE 6

Section 19

OFFENDERS SENTENCED BY SERVICE COURTS

1 The Armed Forces Act 2006 is amended as follows.

Commencement Information
I47 Sch. 6 para. 1 in force at 1.2.2015 by S.I. 2015/40, art. 2(w)

Supervision and release of offenders sentenced to less than 2 years

2 In section 213(1) (application of provisions relating to civilian detention and training orders to service detention and training orders), for “106A and 107” substitute “ 106A to 107 ”.

Commencement Information
I48 Sch. 6 para. 2 in force at 1.2.2015 by S.I. 2015/40, art. 2(w)

Recall and further release of offenders

3 In section 246(2C) (time in service 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 ”.

Commencement Information
I49 Sch. 6 para. 3 in force at 1.2.2015 by S.I. 2015/40, art. 2(w)

Service community orders, overseas community orders and suspended sentence orders: officers responsible for implementing

4 (1) Section 183 (overseas community orders: modifications of Criminal Justice Act 2003) is amended as follows.

(2) In subsection (1), omit “section 197(1) and (2) (meaning of “the responsible officer”);”.

Status: Point in time view as at 01/12/2020.

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

(3) After subsection (1) insert—

“(1A) Section 198(1) (duties of responsible officer) has effect as if at the end there were inserted—

“(c) where appropriate, to take steps to enforce those requirements.””

(4) Omit subsections (2), (4) and (5).

Commencement Information

I50 Sch. 6 para. 4 in force at 1.6.2014 by S.I. 2014/1287, art. 2(e)

5 (1) Part 1 of Schedule 5 (breach, revocation and amendment of service community orders) is amended as follows.

(2) In paragraph 1(2) (provisions of Schedule 8 to Criminal Justice Act 2003 disapplied), after “6(2),” insert “ 6A(2), ”.

(3) Omit paragraph 2.

(4) After that paragraph insert—

“2A Paragraph 6A(1) of that Schedule (role of enforcement officer) has effect in relation to a service community order under this Act as if the reference to a justice of the peace were to the Crown Court.”

Commencement Information

I51 Sch. 6 para. 5 in force at 1.6.2014 by S.I. 2014/1287, art. 2(e)

6 (1) Part 2 of Schedule 5 (breach, revocation and amendment of overseas community orders) is amended as follows.

(2) In paragraph 10(2)(b) (provisions of Schedule 8 to Criminal Justice Act 2003 disapplied)—

(a) after “paragraphs” insert “ 1A, ”, and

(b) after “6(2),” insert “ 6A, ”.

(3) For paragraph 12 (breach of requirement of order: warning and laying of information) substitute—

“12A Paragraph 5(1) of that Schedule (duty to give warning) has effect as if for paragraph (b) there were substituted—

“(b) the officer applies to the court that made the order for the exercise of its powers in relation to the failure.”

12B Paragraph 6(1) of that Schedule (breach of order after warning) has effect as if for the words from “must refer” to the end there were substituted “ must apply to the court that made the order for the exercise of its powers in relation to the failure in question ”.”

Status: Point in time view as at 01/12/2020.

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

Commencement Information

I52 Sch. 6 para. 6 in force at 1.6.2014 by S.I. 2014/1287, art. 2(e)

- 7 (1) Schedule 7 (suspended prison sentence: further conviction or breach of requirement) is amended as follows.
- (2) In paragraph 1(a) (provisions of Schedule 12 to Criminal Justice Act 2003 disapplied), after “5(2),” insert “ 5A(2), ”.
- (3) Omit paragraph 4.
- (4) After that paragraph insert—
 - “4A Paragraph 5A(1) of Schedule 12 to the 2003 Act (role of enforcement officer) has effect in relation to a suspended sentence order with community requirements made by a relevant service court as if the reference to a justice of the peace were to the Crown Court.”

Commencement Information

I53 Sch. 6 para. 7 in force at 1.6.2014 by S.I. 2014/1287, art. 2(e)

Service community orders, overseas community orders and suspended sentence orders: duty to obtain permission before changing residence

F118

Textual Amendments

F11 Sch. 6 paras. 8-11 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F119

Textual Amendments

F11 Sch. 6 paras. 8-11 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F1110

Textual Amendments

F11 Sch. 6 paras. 8-11 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F1111

Status: Point in time view as at 01/12/2020.

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

Textual Amendments

- F11** Sch. 6 paras. 8-11 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

SCHEDULE 7

Section 21

CASES TO WHICH THIS ACT APPLIES

Commencement day

- 1 In this Schedule, “the commencement day”, in relation to an amendment made by a provision of this Act, means the day on which that provision comes into force.

Commencement Information

- I54** Sch. 7 para. 1 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

Release and supervision of offenders sentenced to less than 2 years

- 2 The amendments made by sections 1 to 3, 4(2), 5 and 6, Part 1 of Schedule 1, Schedules 2 and 3 and paragraph 2 of Schedule 6 apply in relation to—
- any person who falls to be released under Chapter 6 of Part 12 of the Criminal Justice Act 2003 on or after the commencement day, and
 - any person who falls to be released under a detention and training order (including an order under section 211 of the Armed Forces Act 2006) on or after the commencement day.

Commencement Information

- I55** Sch. 7 para. 2 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

- 3 The amendments made by section 4(3) to (8) and Part 2 of Schedule 1 apply where a person was released before the commencement day (as well as where a person is released on or after that day).

Commencement Information

- I56** Sch. 7 para. 3 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

Extended sentences

- 4 The amendments made by section 8 do not apply in relation to an offence committed before the commencement day.

Status: Point in time view as at 01/12/2020.

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

Commencement Information

I57 Sch. 7 para. 4 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

Recall and further release of prisoners

- 5 The amendments made by section 9 and paragraph 3 of Schedule 6 apply only where an offender is recalled on or after the commencement day.

Commencement Information

I58 Sch. 7 para. 5 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

Drugs and offenders released during custodial sentence

- 6 The amendments made by sections 11, 12 and 13 apply where a person was released before the commencement day (as well as where a person is released on or after that day).

Commencement Information

I59 Sch. 7 para. 6 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

Community orders and suspended sentences

- F127

Textual Amendments

F12 Sch. 7 para. 7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

Interpretation: offences committed over a period

- 8 Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this Schedule to have been committed on the last of those days.

Commencement Information

I60 Sch. 7 para. 8 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

Status:

Point in time view as at 01/12/2020.

Changes to legislation:

There are currently no known outstanding effects for the Offender Rehabilitation Act 2014.