



# Offender Rehabilitation Act 2014

## 2014 CHAPTER 11

### *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
  - (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),
- (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.”