

# OFFENDER REHABILITATION ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY

#### *Community orders and suspended sentence orders*

#### *Section 15: Rehabilitation activity requirement*

111. **Section 15** amends the 2003 Act to create, for community orders and suspended sentence orders, a new “rehabilitation activity requirement”. The rehabilitation activity requirement replaces the existing “activity” and “supervision” requirements, which are repealed (see section 15(4)).
112. Subsection (3) of section 15 inserts a new section 200A into the 2003 Act, which sets out the details of the new rehabilitation activity requirement.
113. Subsection (1) of new section 200A provides that an offender subject to this requirement must comply with instructions given by the responsible officer to attend appointments or participate in activities, or both. Subsection (2) requires the court imposing the requirement to specify in the order the maximum number of days for which the offender may be instructed to participate in activities. Subsection (3) makes clear that the instructions given under this requirement must be given with a view to promoting the rehabilitation of the offender, although they may also serve other purposes.
114. Subsection (4) of new section 200A allows the responsible officer to instruct the offender to attend appointments with the responsible officer or someone else. Subsection (5) makes clear that instructions may require the offender to participate in specified activities or go to a specified place and comply with instructions given by the person in charge of the activities or that place. Subsection (6) provides that the instructions given under subsection (5) can include instructions given by anyone acting under the person in charge’s authority.
115. Subsection (7) of new section 200A clarifies that activities under the requirement may include accredited programmes as set out in section 202(2) of the 2003 Act or include activities whose purpose is reparative, such as restorative justice activities. Subsection (8) defines restorative justice activities in this context, based on the definition set out in section 1ZA(2) of the Powers of Criminal Courts (Sentencing) Act 2000. Subsection (9) defines victim in this context.
116. Subsection (10) of new section 200A requires the responsible officer to obtain the agreement of any person, other than the offender, whose co-operation is necessary to comply with the requirement.
117. Subsection (11) of new section 200A defines the “relevant period” for both community orders and suspended sentence orders so that the requirement must last for the whole of the order. This means that appointments and activities can take place at any time during the order.
118. Subsection (5) of section 15 introduces Schedule 5 to the Act, which contains consequential amendments.