Offender Rehabilitation Act 2014

2014 CHAPTER 11

Release and supervision of offenders sentenced to less than 2 years

3 Breach of supervision requirements

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

"**256AC Breach of supervision requirements imposed under section 256AA**

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

(2) Any summons or warrant issued under this section must direct the person to appear or be brought—
   (a) before a magistrates' court acting for the local justice area in which the offender resides, or
   (b) if it is not known where the person resides, before a magistrates' court acting for the same local justice area as the justice who issued the summons or warrant.

(3) Where the person does not appear in answer to a summons issued under subsection (1)(a), the court may issue a warrant for the person's arrest.

(4) If it is proved to the satisfaction of the court that the person has failed without reasonable excuse to comply with a supervision requirement imposed under section 256AA, the court may—
   (a) order the person to be committed to prison for a period not exceeding 14 days (subject to subsection (7)),

(b) order the person to pay a fine not exceeding level 3 on the standard scale, or

(c) make an order (a "supervision default order") imposing on the person—

(i) an unpaid work requirement (as defined by section 199), or

(ii) a curfew requirement (as defined by section 204).

(5) Section 177(3) (obligation to impose electronic monitoring requirement) applies in relation to a supervision default order that imposes a curfew requirement as it applies in relation to a community order that imposes such a requirement.

(6) If the court deals with the person under subsection (4), it must revoke any supervision default order which is in force at that time in respect of that person.

(7) Where the person is under the age of 21—

(a) an order under subsection (4)(a) in respect of the person must be for committal to a young offender institution instead of to prison, but

(b) the Secretary of State may from time to time direct that a person committed to a young offender institution by such an order is to be detained in a prison or remand centre instead.

(8) A person committed to prison or a young offender institution by an order under subsection (4)(a) is to be regarded as being in legal custody.

(9) A fine imposed under subsection (4)(b) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.

(10) In Schedule 19A (supervision default orders)—

(a) Part 1 makes provision about requirements of supervision default orders, and

(b) Part 2 makes provision about the breach, revocation and amendment of supervision default orders.

(11) A person dealt with under this section may appeal to the Crown Court against the order made by the court."

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

Commencement Information

I1 S. 3 in force at 1.2.2015 by S.I. 2015/40, **art. 2(c)**

Changes to legislation:
There are currently no known outstanding effects for the Offender Rehabilitation Act 2014, Section 3.