



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)),

Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014, Section 3. (See end of Document for details)

- (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

II S. 3 in force at 1.2.2015 by [S.I. 2015/40](#), [art. 2\(c\)](#)

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