



Criminal Justice and Courts Act 2015

2015 CHAPTER 2

PART 1

CRIMINAL JUSTICE

Offences involving ill-treatment or wilful neglect

23 Care provider offence: penalties

- (1) A person guilty of an offence under section 21 is liable, on conviction on indictment or summary conviction, to a fine.
- (2) A court before which a person is convicted of an offence under section 21 may make either or both of the following orders—
 - (a) a remedial order;
 - (b) a publicity order;(whether instead of or as well as imposing a fine).
- (3) A “remedial order” is an order requiring the person to take specified steps to remedy one or more of the following—
 - (a) the breach mentioned in section 21(1)(b) (“the relevant breach”);
 - (b) any matter that appears to the court to have resulted from the relevant breach and to be connected with the ill-treatment or neglect;
 - (c) any deficiency in the person’s policies, systems or practices of which the relevant breach appears to the court to be an indication.
- (4) A “publicity order” is an order requiring the person to publicise in a specified manner—
 - (a) the fact that the person has been convicted of the offence;
 - (b) specified particulars of the offence;
 - (c) the amount of any fine imposed;
 - (d) the terms of any remedial order made.

Status: This is the original version (as it was originally enacted).

- (5) A remedial order—
- (a) may be made only on an application by the prosecution which specifies the terms of the proposed order,
 - (b) must be made on such terms as the court considers appropriate having regard to any representations made, and any evidence adduced, in relation to its terms by the prosecution or by or on behalf of the person convicted, and
 - (c) must specify a period within which the steps specified in the order must be taken.
- (6) A publicity order must specify a period within which the requirements specified in the order must be complied with.
- (7) A person who fails to comply with a remedial order or a publicity order commits an offence and is liable, on conviction on indictment or summary conviction, to a fine.
- (8) In relation to an offence committed before section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 comes into force, subsections (1) and (7) have effect as if they provided for a fine on summary conviction not exceeding the statutory maximum.