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STATUTORY INSTRUMENTS

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**2003 No. 3337**

**CRIMINAL LAW, ENGLAND AND WALES**

**The Criminal Justice (Sentencing)  
(Licence Conditions) Order 2003**

*Made* - - - - *20th December 2003*  
*22nd December*  
*Laid before Parliament* *2003*  
*Coming into force* - - *26th January 2004*

The Secretary of State, in exercise of the powers conferred upon him by section 250(1) and (2)(b) (ii) and (4)(b)(ii) of the Criminal Justice Act 2003<sup>(1)</sup>, and in relation to the first and last of those provisions having regard to the purposes of the supervision of offenders set out in section 250(8) of that Act, hereby makes the following Order:

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Criminal Justice (Sentencing) (Licence Conditions) Order 2003 and shall come into force on 26th January 2004.

(2) In this Order—

“the Act” means the Criminal Justice Act 2003;

“a social services authority” means a local authority for the purposes of section 1 of the Local Authority Social Services Act 1970<sup>(2)</sup>.

**Standard conditions of licence**

**2.**—(1) The conditions set out in paragraph (2) are the standard conditions prescribed for the purpose of section 250 of the Act.

(2) The prisoner must—

(a) keep in touch with the responsible officer in accordance with instructions;

(b) receive visits from the responsible officer in accordance with instructions;

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(1) 2003 c. 44.

(2) 1970 c. 42. Section 1 has been amended by section 195(1) of the Local Government Act 1972 (c. 70), and section 22(4) of, and paragraph 7 of schedule 10 to, the Local Government (Wales) Act 1994 (c. 19).

- (c) permanently reside at an address approved by the responsible officer, and obtain the prior permission of the responsible officer for any stay of one or more nights at a different address;
- (d) undertake work (including voluntary work) only with the approval of the responsible officer, and obtain his prior approval in relation to any change in the nature of that work;
- (e) not travel outside the United Kingdom without the prior permission of the responsible officer;
- (f) be of good behaviour, and not behave in a way which undermines the purposes of the release on licence, which are to protect the public, prevent re-offending and promote successful re-integration into the community;
- (g) not commit any offence.

**Other conditions of licence: prisoners serving a sentence of imprisonment of less than 12 months**

3.—(1) The conditions set out in paragraph (2) are the other conditions that may be included in a licence for the purposes of section 250(2)(b)(ii) of the Act.

(2) The prisoner must—

- (a) attend appointments arranged with a named psychiatrist, psychologist or medical practitioner, and co-operate fully with any recommended care or treatment;
- (b) not take work (including voluntary work) or participate in any organised activity which will involve a person below an age specified by the responsible officer;
- (c) not spend one or more nights in the same household as any person below an age specified by the responsible officer;
- (d) not seek to approach or communicate with any person specified by the responsible officer without the prior permission of—
  - (i) the responsible officer; and
  - (ii) where the specified person is under the age of 18, a social services authority specified by the responsible officer;
- (e) not enter a place (including an area) specified by the responsible officer except with the prior permission of the responsible officer;
- (f) remain at a specified place for periods specified by the responsible officer.

**Other conditions of licence: prisoners serving a sentence of imprisonment of 12 months or more**

4.—(1) The conditions that may be included in a licence for the purposes of section 250(4)(b)(ii) of the Act are those specified in article 3(2), together with the condition specified in paragraph (2) of this article.

(2) The prisoner must comply with any instructions given by the responsible officer in relation to participation by the offender in an activity or set of activities designed to promote the prevention of re-offending and the successful re-integration of the prisoner into the community.

Home Office  
20th December 2003

*Fiona Mactaggart*  
Parliamentary Under-Secretary of State

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order sets out the standard and other conditions that may be imposed when a prisoner is released from prison on licence into the community under sections 250 and 251 of the Criminal Justice Act 2003 (c. 44). Article 2 contains the standard conditions, which apply in the case of all prisoners released on licence, and cover matters such as residence, work and travel requirements. Article 3 sets out other conditions that may be imposed in the case of all prisoners serving a determinate prison sentence of 12 months or more, and for the purpose of public protection only in the case of prisoners serving a sentence of less than 12 months. Examples of this type of condition are a requirement not to approach or contact a particular person, or enter a particular place. Article 4 contains an additional condition, available only in the case of prisoners serving a determinate prison sentence of 12 months or more, requiring the prisoner to participate in a specified activity or set of activities. An example of this would be a condition that the prisoner attended a particular offending behaviour programme.

The [Criminal Justice Act 2003 \(Commencement No. 1\) Order 2003 \(2003/3282 \(C.129\)\)](#) brings into force those provisions of Part 12 of the Criminal Justice Act 2003 relevant for the purposes the passing of a sentence of imprisonment to which an intermittent custody order relates, and the release on licence of a person serving such a sentence. This Order will therefore be relevant to the release on licence of those prisoners only, until such time as a further commencement order provides for the release on licence of prisoners serving other sentences.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.