

2008 No. 2768

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice (Sentencing) (Curfew Condition) Order
2008**

Made - - - - - *18th October 2008*

Coming into force - - - - - *20th October 2008*

The Secretary of State, in exercise of the powers conferred by section 37A(4) and (5)(b) of the Criminal Justice Act 1991(a) and sections 253(5) and 330(3)(a) of the Criminal Justice Act 2003(b), makes the following Order.

Citation, Commencement and Interpretation

1.—(1) This Order may be cited as the Criminal Justice (Sentencing) (Curfew Condition) Order 2008 and shall come into force on 20th October 2008.

(2) In this Order—

“the 1991 Act” means the Criminal Justice Act 1991;

“the 2003 Act” means the Criminal Justice Act 2003;

“curfew condition” has the meaning given by section 37A(1) of the 1991 Act or, where appropriate, section 253(1) of the 2003 Act; and

“police area” has the meaning given by section 1 of the Police Act 1996(c).

Persons responsible for monitoring curfew conditions

2. The description of person responsible for monitoring the whereabouts of an offender subject to a curfew condition for the purposes of section 37A(4) (curfew condition to be included in licence under section 34A) of the 1991 Act or section 253(5) (curfew condition to be included in licence under section 246) of the 2003 Act—

(a) in relation to a curfew condition imposed on an offender residing in Scotland or in a police area specified in Schedule 1 to this Order, is one employed by Serco Limited, Serco House, 16 Bartley Wood Business Park, Bartley Way, Hook, Hampshire RG27 9UY (company number 00242246) to monitor offenders; and

(b) in relation to a curfew condition imposed on an offender residing in a police area specified in Schedule 2 to this Order, is one employed by G4S Justice Services Limited,

(a) 1991 c.53; section 37A was inserted by section 100(1) of the Crime and Disorder Act 1998 (c.37). Section 37A was repealed by sections 303(a) and 332 of, and Part 7 of Schedule 37 to, the Criminal Justice Act 2003 (c.44), but is subject to savings provisions in paragraphs 14 and 19 of Schedule 2 to The Criminal Justice Act 2003 (Commencement No.8 and Transitional and Saving Provisions) Order 2005 (S.I. 2005/950).

(b) 2003 c.44.

(c) 1996 c.16; section 1 has been amended by the Greater London Authority Act 1999 (c.29) and the Local Government and Public Involvement in Health Act 2007 (c.28).

Sutton Park House, 15 Carshalton Road, Sutton, Surrey SML 4LD (company number 00390328) to monitor offenders.

Revocation

3. The Curfew Condition (Responsible Officer) Order 1999(a) and the Criminal Justice (Sentencing) (Curfew Condition) Order 2005(b) are revoked.

Signed by authority of the Secretary of State

David Hanson
Minister of State
Ministry of Justice

18th October 2008

SCHEDULE 1

Article 2(a)

Police Areas in which the Responsible Person shall be an employee of Serco Limited

Bedfordshire
Cambridgeshire
City of London Police Area
Dyfed Powys
Essex
Gwent
Hertfordshire
Metropolitan Police District
Norfolk
North Wales
South Wales
Staffordshire
Suffolk
Warwickshire
West Mercia
West Midlands

SCHEDULE 2

Article 2(b)

Police Areas in which the Responsible Person shall be an employee of G4S Justice Services Limited

Avon and Somerset
Cheshire
Cleveland

(a) S.I. 1999/9, amended by S.I. 2001/3345 and S.I. 2005/984.
(b) S.I. 2005/986.

Cumbria
Derbyshire
Devon and Cornwall
Dorset
Durham
Gloucestershire
Greater Manchester
Hampshire
Humberside(a)
Kent
Lancashire
Leicestershire
Lincolnshire
Merseyside
Northamptonshire
Northumbria
North Yorkshire
Nottinghamshire
South Yorkshire
Surrey
Sussex
Thames Valley
West Yorkshire
Wiltshire

(a) Section 129 of the Police Act 1997 (c.50) prospectively changes the name of Humberside police area to Humber police area.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the persons responsible for the electronic monitoring of offenders subject to a curfew condition imposed as a condition of their early release from prison under section 34A of the Criminal Justice Act 1991 or section 246 of the Criminal Justice Act 2003.

This Order also revokes the Curfew Condition (Responsible Officer) Order 1999 and the Criminal Justice (Sentencing) (Curfew Condition) Order 2005.

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