
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the second commencement order under the Offender Management Act 2007⁽¹⁾ (“the Act”). It brings into force the new offences relating to prison security in sections 21 to 24 and the new arrangements for the provision of probation services in Part 1 of the Act as described below.

Sections 21 to 24 of the Act which contain the provisions on the new offences relating to prison security are commenced by Article 3 of this Order on 1st April 2008 in relation to England and Wales.

The new arrangements for the provision of probation services in Part 1 of the Act are to be brought into force by geographical areas in phases, with the first phase being brought into force by this Order. Whilst there are a number of provisions in Part 1 which this Order commences in relation to England and Wales, the Order commences the other provisions in Part 1 in relation to 6 areas specified in Article 4(2).

Article 2 of this Order commences section 5 which gives the Secretary of State the power to establish probation trusts by order, Schedule 1 which contains further provisions on probation trusts, and section 11(2) and Schedule 2 of the Act which contain provisions on the transfer of property and staff, in relation to England and Wales on 1st March 2008.

In addition to sections 21 to 24 of the Act, article 3 lists the provisions in Part 1 that come into force in England and Wales on 1st April 2008. These include the provisions on national standards for the management of offenders (section 7(1) and (2)), the Inspectorate (section 12(1) and (2)), approved premises (section 13) and section 14 (disclosure for offender management purposes).

Article 4(1) brings into force the other provisions in Part 1 of the Act on 1st April 2008 in relation to areas specified in article 4(2) of this Order. The specified areas are the police areas of Humberside, Leicestershire, Merseyside, West Mercia, Dyfed Powys and South Wales. The specified geographical areas are based on the probation areas under the current probation structure in Part 1 of the Criminal Justice and Court Services Act 2000⁽²⁾ (“CJCSA 2000”) which are coterminous with police areas (section 4(5) of the CJCSA 2000). The current arrangements in Part 1 of the CJCSA 2000 remain in place in the remaining geographical areas until Part 1 is brought into force for those areas by a further commencement order(s).

This Order also contains a transitional provision in Article 5 in relation to section 2(1) of the Act. Section 2(1) provides that it is the function of the Secretary of State to ensure that sufficient provision of probation services is made throughout England and Wales. Until section 2(1) is commenced for the rest of England and Wales the words “throughout England and Wales” in that subsection are to be read as “in relation to the areas for which this subsection is in force”.

(1) 2007 c.21
(2) 2000 c.43