

SCHEDULE 1

Regulation 2

Adults Whose Needs the Local Authority Must Not Meet By Making Direct Payments

This Schedule applies to a person if they are—

- (a) subject to a drug rehabilitation requirement, as defined by section 209 (drug rehabilitation requirement) of the Criminal Justice Act 2003 (“the 2003 Act”)(1), specified in a community order (as defined by section 177 (community orders) of that Act(2), or a suspended sentence order (as defined by section 189(3) of that Act);
- (b) subject to an alcohol treatment requirement, as defined by section 212 of the Criminal Justice Act 2003(4), specified in a community order (as defined by section 177 of that Act), or a suspended sentence order (as defined by section 189 of that Act);
- (c) released from prison on licence—
 - (i) under Chapter 6 of Part 12 (sentencing: release, licenses and recall) of the 2003 Act (5) or Chapter 2 of Part 2 (effect of custodial sentences: life sentences) of the Crime (Sentences) Act 1997 (“the 1997 Act”)(6), subject to a non standard licence condition requiring the offender to undertake offending behaviour work to address drug or alcohol related behaviour; or
 - (ii) subject to a drug testing requirement under section 64 (as amended by the Offender Rehabilitation Act 2014) (release on licence etc: drug testing)(7) or a drug appointment requirement under section 64A (release on licence etc: drug appointment) of the Criminal Justice and Courts Services Act 2000(8);
- (d) required to comply with a drug testing or a drug appointment requirement specified in a notice given under section 256AA (supervision after end of sentence of prisoners serving less than 2 years) of the 2003 Act (9);
- (e) required to submit to treatment for their drug or alcohol dependency by virtue of a community rehabilitation order within the meaning of section 41 of the Powers of Criminal

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- (1) 2003 c.44; section 209 was amended by the Criminal Justice and Immigration Act 2008 (c.4) (“the 2008 Act”), Schedule 4 paragraphs 71 and 88 and the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) (“the 2012 Act”), section 74(1).
 - (2) Section 177 was amended by the 2008 Act, Schedule 4, paragraphs 71 and 82; the 2012 Act, sections 66(1) and (2), 70(1), 72(1) and (2) and 76(2) and (3); the Crime and Courts Act 2013 (c.22), Schedule 16, paragraphs 1, 2, 11 and 12.
 - (3) Section 189 was amended by the 2012 Act, section 68(1) to (5) and S.I. 2005/643.
 - (4) Section 212 was amended by the 2012 Act, section 75(1).
 - (5) Section 245 was repealed by the 2012 Act, Schedule 10, paragraph 22. Section 246 was amended by the Armed Forces Act 2006 (c.52) (“the 2006 Act”), Schedule 16, paragraph 221; the 2008 Act, section 24; the 2012 Act, sections 110 to 112, Schedule 10, paragraph 23, Schedule 20, paragraph 5 and Schedule 14, paragraph 7; Section 246A was inserted by the 2012 Act, section 125. Section 247 was amended by the 2008 Act, Schedule 28(2), paragraph 1 and the 2012 Act, Schedule 17, paragraph 3. Section 248 was amended by the 2012 Act, section 116. Section 149 was amended by the 2012 Act, Schedule 10, paragraph 24, Schedule 14, paragraph 8 and Schedule 17, paragraph 4. Section 250 was amended by the 2012 Act, sections 111 and 117, Schedule 10, paragraph 25, Schedule 14, paragraph 9, Schedule 20, paragraph 6; the Offender Management Act 2007 (c.21), section 28; the Domestic Violence Crime and Victims Act 2004 (c.28) Schedule 6, paragraph 5. Section 252 was amended by the 2006 Act, Schedule 16, paragraph 224 of the 2012 Act, Schedule 10, paragraph 27. Section 253 was amended by the 2012 Act, section 114 and Schedule 10, paragraph 28 and S.I. 2008/912.
 - (6) 1997 c.43. Section 31 was amended by the Crime and Disorder Act 1998 (c.37), Schedule 8, paragraph 131 and Schedule 10, paragraph 1; the Criminal Justice and Courts Services Act 2000 (c.43), Schedule 7, paragraph 4(1); the 2003 Act, Schedule 18, paragraph 1, Schedule 32, paragraph 83 and Schedule 37, paragraph 1; the Children Act 2004 (c.31), Schedule 5; the 2008 Act, Schedule 28; S.I. 2005/886 ;and 2008/91. Section 31A was inserted by the 2003 Act, Schedule 18, paragraph 2 and amended by the 2003 Act, Schedule 18, paragraph 2; the 2006 Act, Schedule 16, paragraph 141; the 2012 Act, section 117. Section 32 was amended by the 2003 Act, Schedule 32, paragraph 84 and the 2008 Act, section 31. Sections 32A and 32B were inserted by the 2012 Act, section 119.
 - (7) Section 64 is prospectively amended by the Offender Rehabilitation Act 2014 (c.11), section 11(2), Schedule 3, paragraph 13 and the prohibition on a person subject to a condition under that section does not apply until the date that the amendment comes into force.
 - (8) 2000 c.43. Section 64A is prospectively inserted by section 12 of the Offender Rehabilitation Act 2014 which comes into force on a date to be appointed.
 - (9) Section 256AA is prospectively inserted by section 2 of the Offender Rehabilitation Act 2014.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Courts (Sentencing) Act 2000(10) or a community punishment and rehabilitation order within the meaning of section 51 of that Act;
- (f) subject to a drug treatment and testing order imposed under section 52 of the Powers of Criminal Courts (Sentencing) Act 2000(11);
 - (g) required to submit to treatment for their drug or alcohol dependency by virtue of a requirement of a community payback or probation order within the meaning of sections 227 to 230 of the Criminal Procedure (Scotland) Act 1995(12) or subject to a drug treatment and testing order within the meaning of section 234B(13) of that Act; or
 - (h) released on licence under section 22 or section 26 of the Prisons (Scotland) Act 1989 (release on licence etc)(14) or under section 1 (release of short-term, long-term and life prisoners) or 1AA (release of certain sexual offenders) of the Prisoners and Criminal Proceedings (Scotland) Act 1993(15) and subject to a condition that they submit to treatment for their drug or alcohol dependency.

(10) 2000 c.6. Sections 41 and 51 were repealed, with savings, by Schedule 37 to the 2003 Act.

(11) Section 52 was repealed, with savings, by Schedule 37 to the 2003 Act.

(12) 1995 c.46. Sections 227A to 227ZN (community payback orders) were inserted by section 14 of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) (“the 2010 Act”). Sections 228 to 230 were repealed, with savings, by Schedule 2(1), paragraph 17 of the 2010 Act.

(13) Section 234B was inserted by section 89 of the Crime and Disorder Act 1998 (c.37).

(14) 1989 c.45. Section 22 was amended by the Prisoners and Criminal Proceedings (Scotland) Act 1993 (c. 9), section 47(3), Schedule 7, Part 1; the Criminal Justice and Public Order Act 1994 (c.33), section 134(5); the Criminal Justice (Scotland) Act 2003 (asp 7), sections 27(2) and 34(2). It was modified by the Crime (Sentences) Act 1997 (c.43), Schedule 5, paragraph 11 and S.I. 1995/910. Section 26 was repealed, with savings, by section 47(3), Schedule 7, Part 1 to the Prisoners and Criminal Proceedings (Scotland) Act 1993.

(15) 1993 c.9. Section 1 was amended by paragraph 98 of Schedule 8 to the Crime and Disorder Act 1998, section 1(2) of the Convention Rights (Compliance) (Scotland) Act 2001 (asp 7) and section 15(2) of the Management of Offenders etc (Scotland) Act 2005 (asp 14) (“MOSA”). Section 1AA was inserted by section 15(3) of MOSA.