

SCHEDULES

SCHEDULE 1

ADDITIONAL REQUIREMENTS IN PROBATION ORDERS

Requirements as to treatment for drug or alcohol dependency

5.—(1) This paragraph applies where a court proposing to make a probation order is satisfied—

- (a) that the offender is dependent on drugs or alcohol;
- (b) that his dependency caused or contributed to the offence in respect of which the order is proposed to be made; and
- (c) that his dependency is such as requires and may be susceptible to treatment.

(2) The probation order may include a requirement that the offender shall submit, during the whole of the probation period or during such part of that period as may be specified in the order, to treatment by or under the direction of a person having the necessary qualifications or experience with a view to the reduction or elimination of the offender's dependency on drugs or alcohol.

(3) The treatment required by any such order shall be such one of the following kinds of treatment as may be specified in the order, that is to say —

- (a) treatment (whether as an in-patient or an out-patient) at such hospital as may be specified in the order, being a hospital within the meaning of the Health and Personal Social Services (Northern Ireland) Order 1972 approved by the Department of Health and Social Services for the purposes of this paragraph; or
- (b) treatment by or under the direction of such person having the necessary qualifications or experience as may be so specified;

but the nature of the treatment shall not be specified in the order except as mentioned in paragraph (a) or (b).

(4) A court shall not by virtue of this paragraph include in a probation order a requirement that the offender shall submit to treatment for his dependency on drugs or alcohol unless it is satisfied that arrangements have been made for the treatment intended to be specified in the order (including arrangements for the reception of the offender where he is to be required to submit to treatment as an in-patient).

(5) While the offender is under treatment as an in-patient in pursuance of a requirement of the probation order, the probation officer responsible for his supervision shall carry out the supervision to such extent only as may be necessary for the purpose of the revocation or amendment of the order.

(6) Where the person by whom or under whose direction an offender is being treated for dependency on drugs or alcohol in pursuance of a probation order is of the opinion that part of the treatment can be better or more conveniently given in or at a hospital which—

- (a) is not specified in the order; and
- (b) is one in or at which the treatment of the offender will be given by or under the direction of a person having the necessary qualifications or experience,

he may, with the consent of the offender, make arrangements for him to be treated accordingly.

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

(7) Such arrangements as are mentioned in sub-paragraph (6) may provide for the offender to receive part of his treatment as an in-patient in a hospital notwithstanding that the hospital is not one which could have been specified for that purpose in the probation order.

(8) Where any such arrangements as are mentioned in sub-paragraph (6) are made for the treatment of an offender—

- (a) the person by whom the arrangements are made shall give notice in writing to the probation officer responsible for the supervision of the offender, specifying the hospital in or at which the treatment is to be carried out; and
- (b) the treatment provided for by the arrangements shall be deemed to be treatment to which he is required to submit in pursuance of the probation order.

(9) In this paragraph the reference to the offender being dependent on drugs or alcohol includes a reference to his having a propensity towards the misuse of drugs or alcohol, and references to his dependency on drugs or alcohol shall be construed accordingly.