



# Criminal Justice Act 1982

## 1982 CHAPTER 48

### PART I

#### TREATMENT OF YOUNG OFFENDERS

##### *Supervision orders*

#### **20 Requirements in supervision orders**

(1) The following subsections shall be substituted for subsections (2) to (3C) of section 12 of the Children and Young Persons Act 1969 (power to include requirements in supervision orders)—

“(2) Subject to section 19(12) of this Act, a supervision order may require the supervised person to comply with any directions given from time to time by the supervisor and requiring him to do all or any of the following things—

- (a) to live at a place or places specified in the directions for a period or periods so specified ;
- (b) to present himself to a person or persons specified in the directions at a place or places and on a day or days so specified ;
- (c) to participate in activities specified in the directions on a day or days so specified;

but it shall be for the supervisor to decide whether and to what extent he exercises any power to give directions conferred on him by virtue of this subsection and to decide the form of any directions; and a requirement imposed by a supervision order in pursuance of this subsection shall be subject to any such requirement of the order as is authorised by subsection (4) of this section.

(3) The total number of days in respect of which a supervised person may be required to comply with directions given by virtue of paragraph (a), (b) or (c) of subsection (2) above in pursuance of a supervision order shall not exceed 90 or such lesser number, if any, as the order may specify for the purposes of

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this subsection; and for the purpose of calculating the total number of days in respect of which such directions may be given the supervisor shall be entitled to disregard any day in respect of which directions were previously given in pursuance of the order and on which the directions were not complied with.

- (3A) Subject to subsection (3B) of this section, this subsection applies to—
- (a) any supervision order made under section 7(7) of this Act in respect of a child or young person found guilty as there mentioned ; and
  - (b) any supervision order made in respect of a person under section 21(2) of this Act by a court on discharging a care order made in respect of him under the said section 7(7).
- (3B) Subsection (3A) of this section does not apply to any supervision order which by virtue of subsection (2) of this section requires the supervised person to comply with directions given by the supervisor.
- (3C) Subject to the following provisions of this section and to section 19(13) of this Act, but without prejudice to subsection (4) below, a supervision order to which subsection (3A) of this section applies may require a supervised person—
- (a) to do anything that by virtue of subsection (2) of this section a supervisor has power, or would but for section 19(12) of this Act have power, to direct a supervised person to do ;
  - (b) to remain for specified periods between 6 p.m. and 6 a.m.—
    - (i) at a place specified in the order ; or
    - (ii) at one of several places so specified ;
  - (c) to refrain from participating in activities specified in the order—
    - (i) on a specified day or days during the period for which the supervision order is in force; or
    - (ii) during the whole of that period or a specified portion of it.
- (3D) A requirement under subsection (3C)(b) of this section is referred to in this section as a " night restriction ".
- (3E) The total number of days in respect of which a supervised person may be subject to requirements imposed by virtue of subsection (3C)(a) or (b) of this section shall not exceed 90.
- (3F) The court may not include requirements under subsection (3C) of this section in a supervision order unless—
- (a) it has first consulted the supervisor as to—
    - (i) the offender's circumstances; and
    - (ii) the feasibility of securing compliance with the requirements, and is satisfied, having regard to the supervisor's report, that it is feasible to secure compliance with them;
  - (b) having regard to the circumstances of the case, it considers the requirements necessary for securing the good conduct of the supervised person or for preventing a repetition by him of the same offence or the commission of other offences; and
  - (c) the supervised person or, if he is a child, his parent or guardian, consents to their inclusion.

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- (3G) The court shall not include in such an order by virtue of subsection (3C) of this section—
- (a) any requirement that would involve the co-operation of a person other than the supervisor and the supervised person unless that other person consents to its inclusion ; or
  - (b) any requirement requiring the supervised person to reside with a specified individual; or
  - (c) any such requirement as is mentioned in subsection (4) of this section.
- (3H) The place, or one of the places, specified for the purposes of a night restriction shall be the place where the supervised person lives.
- (3J) A night restriction shall not require the supervised person to remain at a place for longer than 10 hours on any one night.
- (3K) A night restriction shall not be imposed in respect of any day which falls outside the period of three months beginning with the date when the supervision order is made.
- (3L) A night restriction shall not be imposed in respect of more than 30 days in all.
- (3M) A supervised person who is required by a night restriction to remain at a place may leave it if he is accompanied—
- (a) by his parent or guardian ;
  - (b) by his supervisor; or
  - (c) by some other person specified in the supervision order.
- (3N) For the purposes of this section a night restriction imposed in respect of a period of time beginning in the evening and ending in the morning shall be treated as imposed only in respect of the day upon which the period begins.”.
- (2) The following subsection shall be substituted for section 18(4) of the Children and Young Persons Act 1969 (expenditure incurred by supervisor for purposes of directions under section 12(2) to be defrayed by local authority)—
- “(4) Where a supervision order—
- (a) requires compliance with directions given by virtue of section 12(2) of this Act; or
  - (b) includes by virtue of section 12(3Q) of this Act a requirement which involves the use of facilities for the time being specified in a scheme in force under section 19 of this Act for an area in which the supervised person resides or will reside,
- any expenditure incurred by the supervisor for the purposes of the directions or requirements shall be defrayed by the local authority whose area is named in the order in pursuance of subsection (2) of this section.”.

## **21 Provision of supervision facilities**

- (1) The following section shall be substituted for section 19 of the Children and Young Persons Act 1969—

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**“19 Facilities for the carrying out of supervisors' directions and requirements included in supervision orders by virtue of section 12(3C).**

- (1) It shall be the duty of a local authority, acting either individually or in association with other local authorities, to make arrangements with such persons as appear to them to be appropriate, for the provision by those persons of facilities for enabling—
  - (a) directions given by virtue of section 12(2) of this Act to persons resident in their area; and
  - (b) requirements that may only be included in a supervision order by virtue of section 12(3C) of this Act if they are for the time being specified in a scheme,  
to be carried out effectively.
- (2) The authority or authorities making any arrangements in accordance with subsection (1) of this section shall consult each relevant probation committee as to the arrangements.
- (3) Any such arrangements shall be specified in a scheme made by the authority or authorities making them.
- (4) A scheme shall come into force on a date to be specified in it.
- (5) The authority or authorities making a scheme shall send copies of it to the clerk to the justices for each petty sessions area of which any part is included in the area to which the scheme relates.
- (6) A copy of a scheme shall be kept available at the principal office of every authority who are a party to it for inspection by members of the public at all reasonable hours, and any such authority shall on demand by any person furnish him with a copy of the scheme free of charge.
- (7) The authority or authorities who made a scheme may at any time make a further scheme altering the arrangements or specifying arrangements to be substituted for those previously specified.
- (8) A scheme which specifies arrangements to be substituted for those specified in a previous scheme shall revoke the previous scheme.
- (9) The powers conferred by subsection (7) of this section shall not be exercisable by an authority or authorities unless they have first consulted each relevant probation committee.
- (10) The authority or authorities who made a scheme shall send to the clerk to the justices for each petty sessions area of which any part is included in the area for which arrangements under this section have been specified in the scheme notice of any exercise of a power conferred by subsection (7) of this section, specifying the date for the coming into force, and giving details of the effect, of the new or altered arrangements, and the new or altered arrangements shall come into force on that date.
- (11) Arrangements shall not be made under this section for the provision of any facilities unless the facilities are approved or are of a kind approved by the Secretary of State for the purposes of this section.

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- (12) A supervision order shall not require compliance with directions given by virtue of section 12(2) of this Act unless the court making it is satisfied that a scheme under this section is in force for the area where the supervised person resides or will reside; and no such directions may involve the use of facilities which are not for the time being specified in a scheme in force under this section for that area.
- (13) Subject to subsection (14) of this section, a supervision order may not include by virtue of subsection 12(3C) of this Act
- (a) any requirement that would involve the supervised person in absence from home—
    - (i) for more than 2 consecutive nights; or
    - (ii) for more than 2 nights in any one week; or
  - (b) if the supervised person is of compulsory school age, any requirement to participate in activities during normal school hours, unless the court making the order is satisfied that the facilities whose use would be involved are for the time being specified in a scheme in force under this section for the area in which the supervised person resides or will reside.
- (14) Subsection (13)(b) of this section does not apply to activities carried out in accordance with arrangements made or approved by the local education authority in whose area the supervised person resides or will reside.
- (15) It shall be the duty of every local authority to ensure that a scheme made by them in accordance with this section, either individually or in association with any other local authority, comes into force for their area not later than 30th April 1983 or such later date as the Secretary of State may allow.
- (16) In this section " relevant probation committee " means a probation committee for an area of which any part is included in the area to which a scheme under this section relates.
- (17) Expressions used in this section and in the Education Act 1944 have the same meanings in this section as in that Act."
- (2) A scheme under section 19 of the Children and Young Persons Act 1969, as originally enacted, which is in force for an area at the commencement of this section shall continue in force thereafter until the coming into force of the first scheme for that area made under the section substituted for that section by subsection (1) above.