



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Curfew orders

12 Curfew orders.

- (1) Where a person ^{F1} . . . is convicted of an offence (not being an offence for which the sentence is fixed by law [^{F2} or falls to be imposed under section 2(2), 3(2) or 4(2) of the Crime (Sentences) Act 1997]), the court by or before which he is convicted may make a curfew order, that is to say, an order requiring him to remain, for periods specified in the order, at a place so specified.
- (2) A curfew order may specify different places or different periods for different days, but shall not specify—
 - (a) periods which fall outside the period of six months beginning with the day on which it is made; or
 - (b) periods which amount to less than 2 hours or more than 12 hours in any one day.

[^{F3}(2A) In relation to an offender who is under the age of sixteen years, subsection (2)(a) above shall have effect as if the reference to six months were a reference to three months.]

- (3) The requirements in a curfew order shall, as far as practicable, be such as to avoid—
 - (a) any conflict with the offender's religious beliefs or with the requirements of any other community order to which he may be subject; and
 - (b) any interference with the times, if any, at which he normally works or attends school or other educational establishment.
- (4) A curfew order shall include provision for making a person responsible for monitoring the offender's whereabouts during the curfew periods specified in the order; and a

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person who is made so responsible shall be of a description specified in an order made by the Secretary of State.

[^{F4}(4A) A court shall not make a curfew order unless the court has been notified by the Secretary of State that arrangements for monitoring the offender's whereabouts are available in the area in which the place proposed to be specified in the order is situated and the notice has not been withdrawn.]

(5) Before making a curfew order, the court shall explain to the offender in ordinary language—

- (a) the effect of the order (including any additional requirements proposed to be included in the order in accordance with section 13 below);
- (b) the consequences which may follow under Schedule 2 to this Act if he fails to comply with any of the requirements of the order; and
- (c) that the court has under that Schedule power to review the order on the application either of the offender or of the [^{F5}responsible officer],

^{F6} . . .

(6) Before making a curfew order, the court shall obtain and consider information about the place proposed to be specified in the order (including information as to the attitude of persons likely to be affected by the enforced presence there of the offender).

[^{F7}(6A) Before making a curfew order in respect of an offender who is under the age of sixteen years, the court shall obtain and consider information about his family circumstances and the likely effect of such an order on those circumstances.]

[^{F8}(6B) The court by which a curfew order is made shall give a copy of the order to the offender and to the person responsible for monitoring the offender's whereabouts during the curfew periods specified in the order.]

(7) The Secretary of State may by order direct—

- (a) that subsection (2) above shall have effect with the substitution, for any period there specified, of such period as may be specified in the order; or
- (b) that subsection (3) above shall have effect with such additional restrictions as may be so specified.

[^{F9}(8) References in this section to the offender's being under the age of sixteen years are references to his being under that age on conviction.]

Textual Amendments

- F1** Words in s. 12(1) repealed (1.10.1997) by 1997 c. 43, ss. 43(1), 56(2), **Sch. 6**; S.I. 1997/2200, **art. 2** (with savings in art. 5)
- F2** Words in s. 12(1) inserted (1.10.1997 for certain purposes, otherwise 1.12.1999) by 1997 c. 43, s. 55(2), **Sch. 4 para. 15(9)**; S.I. 1997/2200, **art. 2** (with savings in art. 5); S.I. 1999/3096, **art. 2**
- F3** S. 12(2A) inserted (1.1.1998) by 1997 c. 43, s. 43(2); S.I. 1997/2200, **art. 3** (with savings in art. 5)
- F4** S. 12(4A) inserted (9.1.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 41**; S.I. 1994/3192, art. 2, **Sch.**
- F5** Words in s. 12(5)(c) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 41(1)**; S.I. 1998/2327, **art.2(1)(w)**.
- F6** Words in s. 12(5) repealed (1.10.1997) by 1997 c. 43, ss. 38(2)(c), 56(2), **Sch. 6**; S.I. 1997/2200, **art. 2** (with savings in art. 5)
- F7** S. 12(6A) inserted (1.1.1998) by 1997 c. 43, s. 43(3); S.I. 1997/2200, **art. 3** (with savings in art. 5)
- F8** S. 12(6B) inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 41(2)**; S.I. 1998/2327, **art.2(1)(w)**.
- F9** S. 12(8) added (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 41(3)**; S.I. 1998/2327, **art.2(1)(w)**.

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Modifications etc. (not altering text)

- C1** s. 12 applied (with modifications) (30.9.1998) by 1998 c. 37, ss. 68(3), 70(5), **Sch. 5 para. 5(3)**; S.I. 1998/2327, **art.2(1)(o)**.
S. 12 extended (30.9.1998) by 1969 c. 54, **s. 15(3)(a)(b)** (as substituted (30.9.1998) by 1998 c. 37, **s. 72(1)**; S.I. 1998/2327, **art.2(1)(q)**).
S. 12 applied (with modifications) (30.9.1998) by 1969 c. 54, **s. 16B** (as inserted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para.21**; S.I. 1998/2327, **art.2(1)(y)(2)(i)**).
- C2** S. 12(5) extended (with modifications) (1.1.1998) by 1997 c. 43, **s. 35(7)(a)**; S.I. 1997/2200, **art. 3** (with savings in **art. 5**)
- C3** S. 12(6) extended (30.9.1998) by 1997 c. 43, **s. 37(4)(5)** (as substituted (30.9.1998) by 1998 c. 37, s. 106, Sch. 7 para. 51(2); S.I. 1998/2327, **art.2(1)(w)**).

13 Electronic monitoring of curfew orders.

- (1) Subject to subsection (2) below, a curfew order may in addition include requirements for securing the electronic monitoring of the offender's whereabouts during the curfew periods specified in the order.
- (2) A court shall not make a curfew order which includes such requirements unless the court—
 - (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the area in which the place proposed to be specified in the order is situated; and
 - (b) is satisfied that the necessary provision can be made under those arrangements.
- (3) Electronic monitoring arrangements made by the Secretary of State under this section may include entering into contracts with other persons for the electronic monitoring by them of offenders' whereabouts.

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