



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART V

CUSTODIAL SENTENCES ETC.

CHAPTER V

SUSPENDED SENTENCES OF IMPRISONMENT

Suspended sentence supervision orders

122 Suspended sentence supervision orders

- (1) Where a court passes on an offender a suspended sentence for a term of more than six months for a single offence, the court may make a suspended sentence supervision order, that is to say, an order placing the offender under the supervision of a supervising officer for a period which is specified in the order and does not exceed the operational period of the suspended sentence.
- (2) A suspended sentence supervision order shall specify the petty sessions area in which the offender resides or will reside; and the supervising officer shall be a probation officer appointed for or assigned to the area for the time being specified in the order (whether under this subsection or by virtue of section 124(3) below (power to amend order)).
- (3) An offender in respect of whom a suspended sentence supervision order is in force shall keep in touch with the supervising officer in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address.

Status: This is the original version (as it was originally enacted).

- (4) On making a suspended sentence supervision order, the court shall explain its effect to the offender in ordinary language.
- (5) The court by which a suspended sentence supervision order is made shall forthwith give copies of the order to a probation officer assigned to the court, and he shall give a copy to the offender and to the supervising officer.
- (6) The court by which such an order is made shall also, except where it itself acts for the petty sessions area specified in the order, send to the justices' chief executive for that area—
 - (a) a copy of the order; and
 - (b) such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in the exercise of its functions in relation to the order.
- (7) The Secretary of State may by order—
 - (a) direct that subsection (1) above be amended by substituting, for the number of months specified in that subsection as originally enacted or as previously amended under this paragraph, such other number (not more than six) as the order may specify; or
 - (b) make in that subsection the repeals necessary to enable a court to make a suspended sentence supervision order in the case of any suspended sentence, whatever the length of the term.
- (8) Where under section 119 above a court deals with an offender in respect of a suspended sentence by varying the operational period of the sentence or by making no order with respect to the sentence, the court may make a suspended sentence supervision order in respect of the offender—
 - (a) in place of any such order made when the suspended sentence was passed; or
 - (b) if the court which passed the sentence could have made such an order but did not do so; or
 - (c) if that court could not then have made such an order but would have had power to do so if subsection (1) above had then had effect as it has effect at the time when the offender is dealt with under section 119.

123 Breach of requirement of suspended sentence supervision order

- (1) If, at any time while a suspended sentence supervision order is in force in respect of an offender, it appears on information to a justice of the peace acting for the petty sessions area for the time being specified in the order that the offender has failed to comply with any of the requirements of section 122(3) above, the justice may—
 - (a) issue a summons requiring the offender to appear at the place and time specified in it; or
 - (b) if the information is in writing and on oath, issue a warrant for his arrest.
- (2) Any summons or warrant issued under this section shall direct the offender to appear or be brought before a magistrates' court acting for the petty sessions area for the time being specified in the suspended sentence supervision order.
- (3) If it is proved to the satisfaction of the court before which an offender appears or is brought under this section that he has failed without reasonable cause to comply with

any of the requirements of section 122(3) above, the court may, without prejudice to the continuance of the order, impose on him a fine not exceeding £1000.

- (4) A fine imposed under subsection (3) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.

124 Suspended sentence supervision orders: revocation, amendment and cessation

- (1) A suspended sentence supervision order may be revoked on the application of the supervising officer or the offender—
- (a) if it was made by the Crown Court and includes a direction reserving the power of revoking it to that court, by the Crown Court;
 - (b) in any other case, by a magistrates' court acting for the petty sessions area for the time being specified in the order.
- (2) Where a suspended sentence supervision order has been made on appeal, for the purposes of subsection (1) above it shall be deemed—
- (a) if it was made on an appeal brought from a magistrates' court, to have been made by that magistrates' court;
 - (b) if it was made on an appeal brought from the Crown Court or from the criminal division of the Court of Appeal, to have been made by the Crown Court.
- (3) If a magistrates' court acting for the petty sessions area for the time being specified in a suspended sentence supervision order is satisfied that the offender proposes to change, or has changed, his residence from that petty sessions area to another petty sessions area, the court may, and on the application of the supervising officer shall, amend the order by substituting the other petty sessions area for the area specified in the order.
- (4) Where a suspended sentence supervision order is amended by a court under subsection (3) above, the court shall send to the justices' chief executive for the new area specified in the order a copy of the order, together with such documents and information relating to the case as it considers likely to be of assistance to a court acting for that area in the exercise of its functions in relation to the order.
- (5) A suspended sentence supervision order shall cease to have effect if before the end of the period specified in it—
- (a) a court orders under section 119 above that a suspended sentence passed in the proceedings in which the order was made shall have effect; or
 - (b) the order is revoked under subsection (1) above or replaced under section 122(8) above.