



# Offender Rehabilitation Act 2014

## 2014 CHAPTER 11

### *Community orders and suspended sentence orders*

#### **14 Officers responsible for implementing orders**

(1) For section 197 of the Criminal Justice Act 2003 substitute—

##### **“197 Meaning of “the responsible officer”**

(1) For the purposes of this Part, “the responsible officer”, in relation to an offender to whom a relevant order relates, means the person who is for the time being responsible for discharging the functions conferred by this Part on the responsible officer in accordance with arrangements made by the Secretary of State.

(2) The responsible officer must be—

- (a) an officer of a provider of probation services, or
- (b) a person responsible for monitoring the offender in accordance with an electronic monitoring requirement imposed by the relevant order.”

(2) In Schedule 4 to this Act—

- (a) Part 1 contains amendments which confine certain functions of responsible officers to the public sector, and
- (b) Part 2 contains consequential provision.

#### **15 Rehabilitation activity requirement**

(1) The Criminal Justice Act 2003 is amended as follows.

(2) In sections 177(1) and 190(1) (requirements that may be imposed as part of a community order or suspended sentence order) after paragraph (a) insert—

“(aa) a rehabilitation activity requirement (as defined by section 200A),”.

(3) After section 200 insert—

**“200A Rehabilitation activity requirement**

- (1) In this Part “rehabilitation activity requirement”, in relation to a relevant order, means a requirement that, during the relevant period, the offender must comply with any instructions given by the responsible officer to attend appointments or participate in activities or both.
- (2) A relevant order imposing a rehabilitation activity requirement must specify the maximum number of days for which the offender may be instructed to participate in activities.
- (3) Any instructions given by the responsible officer must be given with a view to promoting the offender’s rehabilitation; but this does not prevent the responsible officer giving instructions with a view to other purposes in addition to rehabilitation.
- (4) The responsible officer may instruct the offender to attend appointments with the responsible officer or with someone else.
- (5) The responsible officer, when instructing the offender to participate in activities, may require the offender to—
  - (a) participate in specified activities and, while doing so, comply with instructions given by the person in charge of the activities, or
  - (b) go to a specified place and, while there, comply with any instructions given by the person in charge of the place.
- (6) The references in subsection (5)(a) and (b) to instructions given by a person include instructions given by anyone acting under the person’s authority.
- (7) The activities that responsible officers may instruct offenders to participate in include—
  - (a) activities forming an accredited programme (see section 202(2));
  - (b) activities whose purpose is reparative, such as restorative justice activities.
- (8) For the purposes of subsection (7)(b) an activity is a restorative justice activity if —
  - (a) the participants consist of, or include, the offender and one or more of the victims,
  - (b) the aim of the activity is to maximise the offender’s awareness of the impact of the offending concerned on the victims, and
  - (c) the activity gives a victim or victims an opportunity to talk about, or by other means express experience of, the offending and its impact.
- (9) In subsection (8) “victim” means a victim of, or other person affected by, the offending concerned.
- (10) Where compliance with an instruction would require the co-operation of a person other than the offender, the responsible officer may give the instruction only if that person agrees.
- (11) In this section “the relevant period” means—
  - (a) in relation to a community order, the period for which the community order remains in force, and

- (b) in relation to a suspended sentence order, the supervision period as defined by section 189(1A).”
- (4) Sections 201 and 213 (activity requirements and supervision requirements) are repealed.
- (5) Schedule 5 to this Act contains consequential provision.

## **16 Programme requirement**

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) In section 202 (programme requirement) omit subsection (7) (person may be required to participate in accredited programmes only at approved places).
- (3) In Schedule 9 (transfer of community orders to Scotland or Northern Ireland)—
  - (a) in paragraph 2(3), omit paragraph (b);
  - (b) in paragraph 4(3), omit paragraph (b).
- (4) In Schedule 13 (transfer of suspended sentence orders to Scotland or Northern Ireland)—
  - (a) in paragraph 4(3), omit paragraph (b);
  - (b) in paragraph 9(3), omit paragraph (b).

## **17 Attendance centre requirement**

- (1) The Criminal Justice Act 2003 is amended as follows.
- (2) Section 214 (attendance centre requirement) is amended as follows.
- (3) In subsection (1)—
  - (a) omit “specified in the relevant order”, and
  - (b) for “so specified” substitute “specified in the relevant order”.
- (4) In subsection (3), for “the attendance centre to be specified in it” substitute “an attendance centre which is available for persons of the offender’s description”.
- (5) After subsection (3) insert—
  - “(3A) The attendance centre at which the offender is required to attend is to be notified to the offender by the responsible officer from time to time.
  - (3B) When choosing an attendance centre, the responsible officer must consider—
    - (a) the accessibility of the attendance centre to the offender, having regard to the means of access available to the offender and any other circumstances, and
    - (b) the description of persons for whom it is available.”
- (6) Section 218 (availability of arrangements in local area) is amended as follows.
- (7) In subsection (4)(a), for “the relevant areas mentioned in subsections (5) to (7)” substitute “the relevant area (see subsections (5) to (7))”.
- (8) In subsection (6), for “the area in which the attendance centre proposed to be specified in the order is situated” substitute “an area in which there is an attendance centre which

is available for persons of the offender's description and which the court is satisfied is reasonably accessible to the offender".

- (9) In Schedule 14 (persons to whom copies of requirements to be provided in particular cases), in the table, omit the entry relating to an attendance centre requirement.

## **18 Duty to obtain permission before changing residence**

- (1) The Criminal Justice Act 2003 is amended as follows.

- (2) After section 220 insert—

### **“220A Duty to obtain permission before changing residence**

- (1) An offender in respect of whom a relevant order is in force must not change residence without permission given in accordance with this section by—
- (a) the responsible officer, or
  - (b) a court.
- (2) The appropriate court may, on an application by the offender, give permission in a case in which the responsible officer has refused.
- (3) A court may also give permission in any proceedings before it under Schedule 8 or 12 (breach or amendment of orders etc).
- (4) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—
- (a) is likely to prevent the offender complying with a requirement imposed by the relevant order, or
  - (b) would hinder the offender's rehabilitation.
- (5) The obligation imposed by subsection (1) is enforceable as if it were a requirement imposed by the relevant order.
- (6) This section does not apply if the relevant order includes a residence requirement imposed under section 206.
- (7) For cases in which a relevant order has to be amended because of permission given under this section, see paragraph 16 of Schedule 8 and paragraph 14 of Schedule 12 (amendment to reflect change in local justice area).
- (8) In this section “the appropriate court” has the same meaning as in paragraph 16 of Schedule 8 or paragraph 14 of Schedule 12.”
- (3) In section 220(1), omit paragraph (b) and the “and” before it (duty to notify responsible officer of change of address).
- (4) In Schedule 8 (breach, revocation or amendment of community order), in paragraph 9, omit sub-paragraph (5A).
- (5) For paragraph 16 of Schedule 8 substitute—
- “16 (1) This paragraph applies where at any time while a community order is in force in respect of an offender—

- (a) the offender is given permission under section 220A to change residence, and
    - (b) the local justice area in which the new residence is situated (“the new local justice area”) is different from the local justice area specified in the order.
  - (2) If the permission is given by a court, the court must amend the order to specify the new local justice area.
  - (3) If the permission is given by the responsible officer—
    - (a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and
    - (b) the court must make that amendment.
  - (4) In this paragraph “the appropriate court” means—
    - (a) in relation to a community order imposing a drug rehabilitation requirement which is subject to review, the court responsible for the order,
    - (b) in relation to a community order which was made by the Crown Court and does not include a direction that any failure to comply with the requirements of the order is to be dealt with by a magistrates’ court, the Crown Court, and
    - (c) in relation to any other community order, a magistrates’ court acting in the local justice area specified in the order.
- 16A (1) This paragraph applies where at any time while a community order is in force in respect of an offender—
- (a) a court amends the order,
  - (b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and
  - (c) the local justice area in which that place is situated (“the new local justice area”) is different from the local justice area specified in the order.
- (2) The court must amend the order to specify the new local justice area.”
- (6) In Schedule 8, in paragraph 24, omit “No order may be made under paragraph 16, and”.
- (7) In Schedule 12 (breach, revocation or amendment of suspended sentence order, and effect of further conviction), in paragraph 8, omit sub-paragraph (4A).
- (8) For paragraph 14 of Schedule 12 substitute—
- “14 (1) This paragraph applies where at any time while a suspended sentence order is in force in respect of an offender—
- (a) the offender is given permission under section 220A to change residence, and
  - (b) the local justice area in which the new residence is situated (“the new local justice area”) is different from the local justice area specified in the order.
- (2) If the permission is given by a court, the court must amend the order to specify the new local justice area.
- (3) If the permission is given by the responsible officer—

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- (a) the officer must apply to the appropriate court to amend the order to specify the new local justice area, and
  - (b) the court must make that amendment.
- (4) In this paragraph “the appropriate court” has the same meaning as in paragraph 13.
- 14A (1) This paragraph applies where at any time while a suspended sentence order is in force in respect of an offender—
  - (a) a court amends the order,
  - (b) the order as amended includes a residence requirement requiring the offender to reside at a specified place, and
  - (c) the local justice area in which that place is situated (“the new local justice area”) is different from the local justice area specified in the order.
- (2) The court must amend the order to specify the new local justice area.”
- (9) In Schedule 12, in paragraph 19(1), omit “, and no order may be made under paragraph 14,”.
- (10) In Schedule 31 (fine default orders), after paragraph 3A insert—
 

*“Change of residence*

  - 3B (1) In its application to a default order, section 220(1) (duty of offender to keep in touch with responsible officer) is modified as follows.
    - (2) At the end of paragraph (a) there is inserted “and
      - (b) must notify the responsible officer of any change of address.”
  - 3C Section 220A (duty to obtain permission before changing residence) does not apply in relation to a default order.”
- (11) In Schedule 31, in paragraph 4, after sub-paragraph (4) insert—
 

“(4A) For paragraphs 16 and 16A there is substituted—

  - “16 (1) This paragraph applies where, at any time while a default order is in force in respect of a person, the appropriate court is satisfied that the person proposes to change, or has changed, residence from the local justice area concerned to another local justice area (“the new local justice area”).
  - (2) The appropriate court may amend the default order to specify the new local justice area.
  - (3) In this paragraph “the appropriate court” means a magistrates’ court acting in the local justice area specified in the order.””
- (12) In Schedule A1 to the Children Act 1989 (enforcement orders), in paragraph 3, after sub-paragraph (7) insert—
 

“(7A) In section 220(1) (duty of offender to keep in touch with responsible officer), at the end of paragraph (a) insert “and

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(b) must notify the responsible officer of any change of address.”

(7B) Section 220A (duty to obtain permission before changing residence) is omitted.”