



# Offender Rehabilitation Act 2014

## 2014 CHAPTER 11

### *Release and supervision of offenders sentenced to less than 2 years*

#### **1 Reduction of cases in which prisoners released unconditionally**

In section 243A of the Criminal Justice Act 2003 (duty to release prisoners serving less than 12 months unconditionally once one-half of sentence served), for subsection (1) substitute—

- “(1) This section applies to a fixed-term prisoner if—
- (a) the prisoner is serving a sentence which is for a term of 1 day, or
  - (b) the prisoner—
    - (i) is serving a sentence which is for a term of less than 12 months, and
    - (ii) is aged under 18 on the last day of the requisite custodial period.

- (1A) This section also applies to a fixed-term prisoner if—
- (a) the prisoner is serving a sentence which is for a term of less than 12 months, and
  - (b) the sentence was imposed in respect of an offence committed before the day on which section 1 of the Offender Rehabilitation Act 2014 came into force.”

#### **2 Supervision after end of sentence**

- (1) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall) is amended as follows.
- (2) After section 256A insert—

*“Supervision of offenders*

**256AA Supervision after end of sentence of prisoners serving less than 2 years**

- (1) This section applies where a person (“the offender”) has served a fixed-term sentence which was for a term of more than 1 day but less than 2 years, except where—
  - (a) the offender was aged under 18 on the last day of the requisite custodial period (as defined in section 243A(3)),
  - (b) the sentence was an extended sentence imposed under section 226A or 226B, or
  - (c) the sentence was imposed in respect of an offence committed before the day on which section 2(2) of the Offender Rehabilitation Act 2014 came into force.
- (2) The offender must comply with the supervision requirements during the supervision period, except at any time when the offender is—
  - (a) in legal custody,
  - (b) subject to a licence under this Chapter or Chapter 2 of Part 2 of the 1997 Act, or
  - (c) subject to DTO supervision.
- (3) The supervision requirements are the requirements for the time being specified in a notice given to the offender by the Secretary of State (but see the restrictions in section 256AB).
- (4) “The supervision period” is the period which—
  - (a) begins on the expiry of the sentence, and
  - (b) ends on the expiry of the period of 12 months beginning immediately after the offender has served the requisite custodial period (as defined in section 244(3)).
- (5) The purpose of the supervision period is the rehabilitation of the offender.
- (6) The Secretary of State must have regard to that purpose when specifying requirements under this section.
- (7) The supervisor must have regard to that purpose when carrying out functions in relation to the requirements.
- (8) In this Chapter, “the supervisor”, in relation to a person subject to supervision requirements under this section, means a person who is for the time being responsible for discharging the functions conferred by this Chapter on the supervisor in accordance with arrangements made by the Secretary of State.
- (9) In relation to a person subject to supervision requirements under this section following a sentence of detention under section 91 of the Sentencing Act, the supervisor must be—
  - (a) an officer of a provider of probation services, or
  - (b) a member of the youth offending team established by the local authority in whose area the offender resides for the time being.

- (10) In relation to any other person, the supervisor must be an officer of a provider of probation services.
- (11) In this section “DTO supervision” means supervision under—
  - (a) a detention and training order (including an order under section 211 of the Armed Forces Act 2006), or
  - (b) an order under section 104(3)(aa) of the Powers of Criminal Courts (Sentencing) Act 2002 (breach of supervision requirements of detention and training order).
- (12) This section has effect subject to section 264(3C)(b) and (3D).”
- (3) In section 237(1) (meaning of “fixed-term prisoner”), at the end insert—
  - “and “fixed-term sentence” means a sentence falling within paragraph (a) or (b).”
- (4) In Schedule 1 to this Act—
  - (a) Part 1 inserts section 256AB of the Criminal Justice Act 2003 which makes general provision about supervision requirements, and
  - (b) Part 2 inserts sections 256D and 256E of that Act which make provision about drug testing requirements and drug appointment requirements.

### **3 Breach of supervision requirements**

- (1) In Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall), after section 256AB insert—

**“256AC Breach of supervision requirements imposed under section 256AA**

- (1) Where it appears on information to a justice of the peace that a person has failed to comply with a supervision requirement imposed under section 256AA, the justice may—
  - (a) issue a summons requiring the offender to appear at the place and time specified in the summons, or
  - (b) if the information is in writing and on oath, issue a warrant for the offender’s arrest.
- (2) Any summons or warrant issued under this section must direct the person to appear or be brought—
  - (a) before a magistrates’ court acting for the local justice area in which the offender resides, or
  - (b) if it is not known where the person resides, before a magistrates’ court acting for the same local justice area as the justice who issued the summons or warrant.
- (3) Where the person does not appear in answer to a summons issued under subsection (1)(a), the court may issue a warrant for the person’s arrest.
- (4) If it is proved to the satisfaction of the court that the person has failed without reasonable excuse to comply with a supervision requirement imposed under section 256AA, the court may—

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- (a) order the person to be committed to prison for a period not exceeding 14 days (subject to subsection (7)),
  - (b) order the person to pay a fine not exceeding level 3 on the standard scale, or
  - (c) make an order (a “supervision default order”) imposing on the person—
    - (i) an unpaid work requirement (as defined by section 199), or
    - (ii) a curfew requirement (as defined by section 204).
- (5) Section 177(3) (obligation to impose electronic monitoring requirement) applies in relation to a supervision default order that imposes a curfew requirement as it applies in relation to a community order that imposes such a requirement.
- (6) If the court deals with the person under subsection (4), it must revoke any supervision default order which is in force at that time in respect of that person.
- (7) Where the person is under the age of 21—
- (a) an order under subsection (4)(a) in respect of the person must be for committal to a young offender institution instead of to prison, but
  - (b) the Secretary of State may from time to time direct that a person committed to a young offender institution by such an order is to be detained in a prison or remand centre instead.
- (8) A person committed to prison or a young offender institution by an order under subsection (4)(a) is to be regarded as being in legal custody.
- (9) A fine imposed under subsection (4)(b) is to be treated, for the purposes of any enactment, as being a sum adjudged to be paid by a conviction.
- (10) In Schedule 19A (supervision default orders)—
- (a) Part 1 makes provision about requirements of supervision default orders, and
  - (b) Part 2 makes provision about the breach, revocation and amendment of supervision default orders.
- (11) A person dealt with under this section may appeal to the Crown Court against the order made by the court.”
- (2) Schedule 2 to this Act inserts a new Schedule 19A to the Criminal Justice Act 2003.

#### **4 Supervision of certain young offenders after release from detention**

- (1) Section 256B of the Criminal Justice Act 2003 (supervision of young offenders after release) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) This section applies where a person (“the offender”) is released under this Chapter if—
- (a) the person is, at the time of the release, serving a sentence of detention under section 91 of the Sentencing Act which is for a term of less than 12 months, and

- (b) the person is aged under 18 on the last day of the requisite custodial period (as defined in section 243A(3)).
- (1A) This section also applies where a person (“the offender”) is released under this Chapter if—
  - (a) the person is, at the time of the release, serving a sentence of detention under section 91 or 96 of the Sentencing Act which is for a term of less than 12 months, and
  - (b) the sentence was imposed in respect of an offence committed before the day on which section 1 of the Offender Rehabilitation Act 2014 came into force.”
- (3) In subsection (2)(c), omit “if the offender is under the age of 18 years at the date of release,”.
- (4) In subsection (7)—
  - (a) for paragraph (c) substitute—
    - “(c) where the offender is aged 18 or over—
      - (i) drug testing requirements (see section 256D);
      - (ii) drug appointment requirements (see section 256E).”
- (5) After that subsection insert—

“(7A) Paragraph (c)(i) and (ii) of subsection (7) have effect subject to the restrictions in sections 256D(2) and 256E(2).”
- (6) Omit subsection (8).
- (7) For subsection (9) substitute—

“(9) The Secretary of State may make rules about the requirements that may be imposed by virtue of subsection (7)(a) or (b).”
- (8) Omit subsection (10).

## **5 Consecutive terms**

- (1) Chapter 6 of Part 12 of the Criminal Justice Act 2003 (sentencing: release, licences and recall) is amended as follows.
- (2) In section 264 (consecutive terms), for subsections (3) and (3A) substitute—

“(3B) The offender’s release under this Chapter is to be unconditional if—
  - (a) the aggregate length of the terms of imprisonment is less than 12 months, and
  - (b) section 243A so requires in respect of each of the sentences, but in any other case is to be on licence.
- (3C) If the offender is released on licence under this Chapter—
  - (a) the offender is to be on licence, on and after the release, until the offender would, but for the release, have served a term equal in length to the aggregate length of the terms of imprisonment (but see section 264B);
  - (b) the offender is to be subject to supervision requirements under section 256AA if (and only if)—

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- (i) section 256AA so requires in respect of one or more of the sentences, and
  - (ii) the aggregate length of the terms of imprisonment is less than 2 years.
- (3D) If the offender is subject to supervision requirements under section 256AA, the supervision period for the purposes of that section begins on the expiry of the period during which the offender is on licence by virtue of subsection (3C) (a).
- (3E) When the offender is released under this Chapter (whether unconditionally or on licence), the offender is to be subject to supervision requirements under section 256B if that section so requires in respect of one or more of the sentences.”
- (3) Before section 265 (and the italic heading before it) insert—

**“264B Consecutive terms: supplementary**

- (1) This section applies in a case in which section 264 applies where—
    - (a) the offender is released on licence under this Chapter,
    - (b) the aggregate length of the terms of imprisonment mentioned in section 264(1)(a) is less than 12 months, and
    - (c) those terms include one or more terms of imprisonment (“short transitional terms”) which were imposed in respect of an offence committed before the day on which section 1 of the Offender Rehabilitation Act 2014 came into force, as well as one or more terms imposed in respect of an offence committed on or after that day.
  - (2) The offender is to be on licence until the offender would, but for the release, have served a term equal in length to the aggregate of—
    - (a) the custodial period in relation to each of the short transitional terms, and
    - (b) the full length of each of the other terms.
  - (3) In this section “custodial period” has the same meaning as in section 264.”
- (4) In section 249(3) (duration of licence)—
- (a) for “sections” substitute “section”, and
  - (b) for “and 264(3)” substitute “and sections 264(3C)(a) and 264B”.
- (5) In section 250 (licence conditions), omit subsection (7).
- (6) Schedule 20B (modifications of Chapter 6 of Part 12 in certain transitional cases) is amended as follows.
- (7) In paragraph 22 (consecutive terms including 1991 Act sentence), after sub-paragraph (3) insert—
- “(3A) If P is subject to supervision requirements under section 256AA (by virtue of section 264(3C)(b)), section 256AA(4)(b) (end of supervision period) applies in relation to P as if the reference to the requisite custodial period were to the period described in sub-paragraph (3) of this paragraph.”

(8) In paragraph 33 (consecutive terms including 1967 Act sentence), after sub-paragraph (3) insert—

“(4) If P is subject to supervision requirements under section 256AA (by virtue of section 264(3C)(b)), section 256AA(4)(b) (end of supervision period) applies in relation to P as if the reference to the requisite custodial period were to the period described in sub-paragraph (3) of this paragraph.”

## **6 Supervision of certain young offenders after detention and training order**

(1) Chapter 2 of Part 5 of the Powers of Criminal Courts (Sentencing) Act 2000 (custodial sentences: detention and custody of young offenders) is amended as follows.

(2) In section 101(13) (term of detention and training order where consecutive or concurrent orders imposed), after “105” insert “and 106B”.

(3) In section 103 (period of supervision of offender subject to detention and training order)—

- (a) in subsection (2), at the beginning insert “Subject to subsection (2A),”, and
- (b) after subsection (2) insert—

“(2A) An order under subsection (2) may not include provision about cases in which—

- (a) the offender is aged 18 or over at the half-way point of the term of the detention and training order, and
- (b) the order was imposed in respect of an offence committed on or after the day on which section 6(4) of the Offender Rehabilitation Act 2014 came into force.”

(4) After section 106A insert—

### **“106B Further supervision after end of term of detention and training order**

(1) This section applies where a detention and training order is made in respect of an offender if—

- (a) the offender is aged 18 or over at the half-way point of the term of the order,
- (b) the term of the order is less than 24 months, and
- (c) the order was imposed in respect of an offence committed on or after the day on which section 6(4) of the Offender Rehabilitation Act 2014 came into force.

(2) The following provisions of the Criminal Justice Act 2003 (which relate to supervision after end of sentence) apply as they apply in cases described in section 256AA(1) of that Act—

- (a) sections 256AA(2) to (11), 256AB and 256AC,
- (b) sections 256D and 256E, and
- (c) Schedule 19A,

but with the following modifications.

(3) “The supervision period”, in relation to the offender, is the period which—

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- (a) begins on the expiry of the term of the detention and training order, and
  - (b) ends on the expiry of the period of 12 months beginning immediately after the half-way point of the term of the order.
- (4) “The supervisor”, in relation to the offender, must be—
- (a) an officer of a provider of probation services, or
  - (b) a member of the youth offending team established by the local authority in whose area the offender resides for the time being.
- (5) The power under section 256AB(4) includes power to make provision about the supervision requirements that may be imposed under section 256AA as applied by this section and to amend this Act.
- (6) Subsection (7) applies where the term of the detention and training order is determined by section 101(13) (consecutive and concurrent orders).
- (7) The offender is subject to supervision under section 256AA (as applied by this section) if that section (as applied) so requires in respect of one or more of the consecutive or concurrent orders.”

## **7 Minor and consequential provision**

- (1) Schedule 3 contains minor and consequential provision.
- (2) The Secretary of State may by order made by statutory instrument amend the Powers of Criminal Courts (Sentencing) Act 2000 and the Criminal Justice Act 2003 so as to—
  - (a) replace a reference to a date on which a provision of this Act came into force with a reference to the actual date on which it did so, and
  - (b) insert provision explaining the date.