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*Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

Section 2

#### SUPERVISION REQUIREMENTS

#### PART 1

##### GENERAL

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

**“256AB Supervision requirements under section 256AA**

- (1) The only requirements that the Secretary of State may specify in a notice under section 256AA are—
- (a) a requirement to be of good behaviour and not to behave in a way which undermines the purpose of the supervision period;
  - (b) a requirement not to commit any offence;
  - (c) a requirement to keep in touch with the supervisor in accordance with instructions given by the supervisor;
  - (d) a requirement to receive visits from the supervisor in accordance with instructions given by the supervisor;
  - (e) a requirement to reside permanently at an address approved by the supervisor and to obtain the prior permission of the supervisor for any stay of one or more nights at a different address;
  - (f) a requirement not to undertake work, or a particular type of work, unless it is approved by the supervisor and to notify the supervisor in advance of any proposal to undertake work or a particular type of work;
  - (g) a requirement not to travel outside the British Islands, except with the prior permission of the supervisor or in order to comply with a legal obligation (whether or not arising under the law of any part of the British Islands);
  - (h) a requirement to participate in activities in accordance with any instructions given by the supervisor;
  - (i) a drug testing requirement (see section 256D);
  - (j) a drug appointment requirement (see section 256E).
- (2) Where a requirement is imposed under subsection (1)(h), section 200A(5) to (10) apply in relation to the requirement (reading references to the responsible officer as references to the supervisor).
- (3) Paragraphs (i) and (j) of subsection (1) have effect subject to the restrictions in sections 256D(2) and 256E(2).

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- (4) The Secretary of State may by order—
- (a) add requirements that may be specified in a notice under section 256AA,
  - (b) remove or amend such requirements,
  - (c) make provision about such requirements, including about the circumstances in which they may be imposed, and
  - (d) make provision about instructions given for the purposes of such requirements.
- (5) An order under subsection (4) may amend this Act.
- (6) In this section “work” includes paid and unpaid work.”

**Commencement Information**

**II** Sch. 1 para. 1 in force at 1.2.2015 by S.I. 2015/40, art. 2(r)

**PART 2**

DRUGS

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

**“256D Drug testing requirements**

- (1) “Drug testing requirement”, in relation to an offender subject to supervision under this Chapter, means a requirement that, when instructed to do so by the supervisor, the offender provide a sample mentioned in the instruction for the purpose of ascertaining whether the offender has a specified Class A drug or a specified Class B drug in his or her body.
- (2) A drug testing requirement may be imposed on an offender subject to supervision under this Chapter only if—
  - (a) the Secretary of State is satisfied of the matters in subsection (3), and
  - (b) the requirement is being imposed for the purpose of determining whether the offender is complying with any other supervision requirement.
- (3) Those matters are—
  - (a) that the misuse by the offender of a specified class A drug or a specified class B drug caused or contributed to an offence of which the offender has been convicted or is likely to cause or contribute to the commission of further offences by the offender, and
  - (b) that the offender is dependent on, or has a propensity to misuse, a specified class A drug or a specified class B drug.
- (4) An instruction given for the purpose of a drug testing requirement must be given in accordance with guidance given from time to time by the Secretary of State.

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- (5) The Secretary of State may make rules regulating the provision of samples in accordance with such an instruction.
- (6) In this section, “specified Class A drug” and “specified Class B drug” have the same meaning as in Part 3 of the Criminal Justice and Court Services Act 2000.

### **256E Drug appointment requirements**

- (1) “Drug appointment requirement”, in relation to an offender subject to supervision under this Chapter, means a requirement that the offender, in accordance with instructions given by the supervisor, attend appointments with a view to addressing the offender's dependency on, or propensity to misuse, a controlled drug.
- (2) A drug appointment requirement may be imposed on an offender subject to supervision under this Chapter only if—
  - (a) the supervisor has recommended to the Secretary of State that such a requirement be imposed on the offender, and
  - (b) the Secretary of State is satisfied of the matters in subsection (3).
- (3) Those matters are—
  - (a) that the misuse by the offender of a controlled drug caused or contributed to an offence of which the offender has been convicted or is likely to cause or contribute to the commission of further offences by the offender,
  - (b) that the offender is dependent on, or has a propensity to misuse, a controlled drug,
  - (c) that the dependency or propensity requires, and may be susceptible to, treatment, and
  - (d) that arrangements have been made, or can be made, for the offender to have treatment.
- (4) The requirement must specify—
  - (a) the person with whom the offender is to meet or under whose direction the appointments are to take place, and
  - (b) where the appointments are to take place.
- (5) The person specified under subsection (4)(a) must be a person who has the necessary qualifications or experience.
- (6) The only instructions that the supervisor may give for the purposes of the requirement are instructions as to—
  - (a) the duration of each appointment, and
  - (b) when each appointment is to take place.
- (7) For the purposes of this section, references to a requirement to attend an appointment do not include a requirement to submit to treatment.
- (8) In this section, “controlled drug” has the same meaning as in the Misuse of Drugs Act 1971.”

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**Commencement Information**

**I2** Sch. 1 para. 2 in force at 1.2.2015 by S.I. 2015/40, art. 2(r)

SCHEDULE 2

Section 3

SUPERVISION DEFAULT ORDERS: NEW SCHEDULE 19A TO CRIMINAL JUSTICE ACT 2003

**Commencement Information**

**I3** Sch. 2 in force at 1.2.2015 by S.I. 2015/40, art. 2(s)

In Chapter 6 of Part 12 of the Criminal Justice Act 2003, after Schedule 19 insert the following Schedule.

“SCHEDULE 19A

SUPERVISION DEFAULT ORDERS

**PART 1**

REQUIREMENTS ETC

*Application of provisions of Chapter 4 of Part 12*

- 1 The provisions of Chapter 4 of Part 12 listed in paragraph 2 apply in relation to a supervision default order as they apply in relation to a community order but with the modifications listed in paragraph 3.
- 2 Those provisions are—
  - (a) section 199(1) to (3) (unpaid work requirement);
  - (b) section 200(1) and (3) (obligations of person subject to unpaid work requirement);
  - (c) section 204(1), (2) and (6) (curfew requirement);
  - (d) section 215(1) to (3) and (4A) (electronic monitoring requirement);
  - (e) section 215A (data from electronic monitoring: code of practice);
  - (f) section 216(1) (local justice area to be specified in order);
  - (g) section 217(1) and (2) (requirement to avoid conflict with religious beliefs);
  - (h) section 218(1), (4) and (5) (availability of arrangements in local area);
  - (i) section 219(1)(a) and (b) and (2) and Schedule 14 (provision of copies).
- 3 (1) The modifications mentioned in paragraph 1 are as follows.
  - (2) Section 199 applies as if for paragraphs (a) and (b) of subsection (2) (limit on number of hours of unpaid work) there were substituted—
    - “(a) not less than 20 hours, and
    - (b) not more than 60 hours.”

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- (3) Section 200(1) applies—
- (a) as if the reference to the responsible officer were to the supervisor, and
  - (b) as if at the end there were inserted “and the work must be performed before the end of the supervision period.”
- (4) Section 204(2) applies as if for the words after “but” there were substituted—
- “(a) may not specify periods which amount to less than 2 hours or more than 16 hours in any day,
  - (b) may not specify periods which fall outside the supervision period, and
  - (c) must require the person to remain at the specified place or places on at least 20 days.”
- (5) Section 215(1)(a) applies as if the words “or determined by the responsible officer in accordance with the relevant order” were omitted.
- (6) Section 215(4A) applies as if the references to the responsible officer were to the supervisor.
- (7) Section 217(2) applies as if the reference to the responsible officer were to the supervisor.
- (8) Section 219(1)(b) applies as if the reference to the responsible officer were to the supervisor.

*Powers of Secretary of State in relation to provisions of Chapter 4 of Part 12*

- 4 The Secretary of State's power to make orders under section 217(3) (requirement to avoid conflict with religious beliefs etc) includes power to provide that section 217(1) and (2), as applied by this Schedule, have effect with additional restrictions specified in the order.
- 5 (1) The Secretary of State's power to make rules under section 222 (rules regulating the supervision of persons subject to community orders etc) may be exercised in relation to persons subject to supervision default orders.
- (2) For the purpose of sub-paragraph (1), section 222(1)(b) has effect as if the reference to the responsible officer were to the supervisor.
- 6 The Secretary of State may by order amend paragraph 3(2) or (4) by changing the number of hours or days for the time being specified there.

## PART 2

### BREACH, REVOCATION OR AMENDMENT

*Proceedings for breach*

- 7 (1) If the supervisor in relation to a person subject to supervision requirements under section 256AA—
- (a) is satisfied that the person has failed without reasonable excuse to comply with a requirement imposed by a supervision default order, and
  - (b) considers that the failure should be dealt with by a court,
- the supervisor must refer the matter to an enforcement officer.

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- (2) Where a matter is referred to an enforcement officer under this paragraph, it is the duty of the enforcement officer—
  - (a) to consider the case, and
  - (b) where appropriate, to cause an information to be laid before a justice of the peace in respect of the person's failure to comply with the requirement.
- (3) In this paragraph “enforcement officer” means a person who is for the time being responsible for discharging the functions conferred by this Schedule on an enforcement officer in accordance with arrangements made by the Secretary of State.
- (4) An enforcement officer must be an officer of a provider of probation services that is a public sector provider.
- (5) In sub-paragraph (4) “public sector provider” means—
  - (a) a probation trust or other public body, or
  - (b) the Secretary of State.

*Issue of summons or warrant by justice of the peace*

- 8 (1) If at any time while a supervision default order is in force it appears on information to a justice of the peace that the person subject to the order has failed to comply with a requirement imposed by the order, the justice may—
  - (a) issue a summons requiring the person 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 the person's arrest.
- (2) A summons or warrant issued under this paragraph must direct the person to appear or be brought before—
  - (a) a magistrates' court acting for the local justice area in which the person resides, or
  - (b) if it is not known where the person resides, before a magistrates' court acting for the local justice area specified in the supervision default order.

*Powers of magistrates' court to deal with breach*

- 9 (1) This paragraph applies if it is proved to the satisfaction of a magistrates' court before which a person appears or is brought under paragraph 8 that the person has failed without reasonable excuse to comply with a requirement imposed by the supervision default order.
- (2) The court may revoke the order and deal with the person for the failure in any of the ways listed in section 256AC(4)(a) to (c) (and section 256AC(5) and (7) to (9) apply accordingly).
- (3) In dealing with a person under this paragraph, a magistrates' court must take into account the extent to which the person has complied with the supervision default order.
- (4) A person dealt with under this paragraph may appeal to the Crown Court against the order made by the court.

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*Amendment or revocation of order by magistrates' court*

- 10 (1) Where a person is subject to a supervision default order, the appropriate magistrates' court may on the application of the person or an officer of a provider of probation services—
- (a) revoke the order,
  - (b) amend the order, or
  - (c) revoke the order and deal with the person under section 256AC(4) in any way in which it could deal with the person if the order had never been made.
- (2) A magistrates' court acting under sub-paragraph (1)(b)—
- (a) may not increase the number of hours or days specified in the order;
  - (b) may reduce the number of hours or days so specified, but not so as to reduce them below the minimum specified in section 199(2) or 204(2) (as modified by paragraph 3).
- (3) In exercising its powers under sub-paragraph (1), a magistrates' court must take into account the extent to which the person has complied with the supervision default order.
- (4) Where a court exercises its powers under sub-paragraph (1)(b) or (c), the person may appeal to the Crown Court against the order made by the court.
- (5) Where a magistrates' court proposes to exercise its powers under this paragraph on an application of an officer of a provider of probation services, the court—
- (a) must summon the person subject to the supervision default order to appear before the court, and
  - (b) if the person does not appear in answer to the summons, may issue a warrant for the person's arrest.
- (6) Sub-paragraph (5) does not apply where the court proposes only to amend the order to reduce the number of hours or days specified in it.
- (7) Where an application under this paragraph is made by a person subject to a supervision default order, the magistrates' court may not hear the application unless satisfied that adequate notice has been given to any officer of a provider of probation services who the court thinks has an interest in the application.
- (8) No application may be made under this paragraph while an appeal against the supervision default order is pending.
- (9) In this paragraph “the appropriate magistrates' court” means a magistrates' court acting in the local justice area specified in the supervision default order.

*Amendment of local justice area specified in order*

- 11 (1) This paragraph applies where, at any time while a supervision default order is in force in respect of a person, the appropriate magistrates' court is satisfied that the person proposes to change, or has changed, residence from the local justice area specified in the order to another local justice area (“the new local justice area”).
- (2) The appropriate magistrates' court may amend the order to specify the new local justice area.
- (3) In this paragraph “the appropriate magistrates' court” has the same meaning as in paragraph 10.

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*Revocation of order on imposition of further sentence*

- 12 (1) This paragraph applies where—
- (a) the Crown Court or a magistrates' court is sentencing a person for an offence, and
  - (b) a supervision default order is in force in respect of the person.
- (2) If the court imposes a sentence of imprisonment or detention (other than a suspended sentence) it must revoke the supervision default order.
- (3) If the court makes a community order or suspended sentence order it may revoke the supervision default order and deal with the person under section 256AC(4) in any way in which the person could be dealt with under section 256AC(4) if the supervision default order had never been made.
- 13 Where—
- (a) the Crown Court or a magistrates' court orders that a suspended sentence or any part of it is to take effect in relation to a person, and
  - (b) a supervision default order is in force in respect of the person,
- the court must revoke the supervision default order.”

SCHEDULE 3

Section 7

RELEASE AND SUPERVISION: MINOR AND CONSEQUENTIAL PROVISION

*Crime (Sentences) Act 1997 (c. 43)*

- 1 Schedule 1 to the Crime (Sentences) Act 1997 (transfer of prisoners within the British Islands) is amended as follows.

**Commencement Information**

**I4** Sch. 3 para. 1 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 2 (1) Paragraph 6 (effect of transfers: preliminary) is amended as follows.
- (2) In sub-paragraph (2)(b), for “and possible recall following his release” substitute “, possible recall following release and any supervision default order”.
  - (3) In sub-paragraph (2)(c), for “and possible recall” substitute “, possible recall and any supervision default order”.
  - (4) In sub-paragraph (3), at the end insert—
    - “(c) in relation to a person who is supervised under section 256AA of the 2003 Act, being ordered to be committed to prison or detention for failure to comply with a requirement imposed under that section or by a supervision default order;
    - (d) in relation to a person who is supervised under section 256B of the 2003 Act, being ordered to be detained for failure to comply with a supervision requirement imposed under that section.”
  - (5) In sub-paragraph (4), at the appropriate place insert—



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““supervision default order” has the meaning given in section 268(1) of the 2003 Act;”.

**Commencement Information**

**I5** Sch. 3 para. 2 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 3 (1) Paragraph 8 (restricted transfers from England and Wales to Scotland) is amended as follows.
- (2) In sub-paragraph (2)(a)—
- (a) for “264A” substitute “ 264B ”,
  - (b) after “267B of” insert “ , and Schedules 19A, 20A and 20B to, ” and
  - (c) after “104” insert “ and 106B ”.
- (3) In sub-paragraph (4)(a)—
- (a) for “264A” substitute “ 264B ”,
  - (b) after “267B of” insert “ , and Schedules 19A, 20A and 20B to, ” and
  - (c) after “104” insert “ and 106B ”.
- (4) In sub-paragraph (6)(f), for “paragraphs (b) and (c)” substitute “ paragraph (c) ”.
- (5) At the end (after the sub-paragraph (7) inserted by section 13 of this Act) insert—
- “(8) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—
- (a) as if any reference to something listed in the first column of the Table in sub-paragraph (10) were a reference to whatever is opposite it in the second column of that Table,
  - (b) with the modifications in sub-paragraph (11), and
  - (c) in a case falling within section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, with the further modifications in sub-paragraph (12),
- (and see also paragraphs 8A, 19A and 19B).
- (9) In this paragraph “the supervision provisions” means—
- (a) sections 256AA to 256E of, and Schedule 19A to, the 2003 Act,
  - (b) the provisions of the 2003 Act mentioned in section 256AC of, and Schedule 19A to, that Act, as applied by that section and that Schedule, and
  - (c) section 106B of the Powers of Criminal Courts (Sentencing) Act 2000.
- (10) The references mentioned in sub-paragraph (8)(a) are—

TABLE

<i>Reference</i>	<i>Substituted reference</i>
Crown Court	High Court of Justiciary
Justice of the peace	Sheriff court

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Local justice area	Local government area within the meaning of the Local Government etc (Scotland) Act 1994
Magistrates' court	Sheriff court
Officer of a provider of probation services	Relevant officer as defined by section 27(1) of the Prisoners and Criminal Proceedings (Scotland) Act 1993
Summons	Citation
Young offender institution	Young offenders institution provided under section 19(1)(b) of the Prisons (Scotland) Act 1989

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- (11) The modifications mentioned in sub-paragraph (8)(b) are—
- (a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to a licence under the Prisons (Scotland) Act 1989 or the Prisoners and Criminal Proceedings (Scotland) Act 1993,
  - (b) section 256AC(7)(b) of the 2003 Act has effect as if for “the Secretary of State” there were substituted “the Scottish Ministers”,
  - (c) paragraph 2 of Schedule 19A to the 2003 Act has effect as if—
    - (i) sub-paragraph (d) referred only to section 215(1) and (2) of the 2003 Act, and
    - (ii) sub-paragraph (e) were omitted,
  - (d) paragraph 3 of Schedule 19A to the 2003 Act has effect as if, after sub-paragraph (7), there were inserted—

“(7A) Section 218(4)(a) applies as if for the words “has been notified by the Secretary of State” there were substituted “is satisfied”,
  - (e) paragraph 7 of Schedule 19A to the 2003 Act has effect as if—
    - (i) in sub-paragraph (1), for “the supervisor must refer the matter to the enforcement officer” there were substituted “the supervisor may cause an information to be laid before a sheriff court in respect of the person's failure to comply with the requirement”, and
    - (ii) sub-paragraphs (2) to (5) were omitted, and
  - (f) paragraph 12(3) of Schedule 19A to the 2003 Act has effect as if for “makes a community order or suspended sentence order” there were substituted “imposes any other sentence”.
- (12) The further modifications mentioned in sub-paragraph (8)(c) are that section 106B of the Powers of Criminal Courts (Sentencing) Act 2000 has effect as if—
- (a) in subsection (4), for paragraph (b) there were substituted a reference to an officer of a local authority constituted under the Local Government etc (Scotland) Act 1994 for the local government area in which the offender resides for the time being, and
  - (b) after subsection (3) there were inserted—

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“(3A) Sections 256AA(3) and (6), 256AB(1) and 256E(2) have effect as if the references to the Secretary of State were references to the Scottish Ministers.””

**Commencement Information**

**I6** Sch. 3 para. 3 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

4 After paragraph 8 insert—

*“Restricted transfers between England and Wales and Scotland: further provision about supervision default orders*

- 8A (1) This paragraph applies if—
- (a) a person's supervision is transferred to Scotland under paragraph 4 of this Schedule by means of a restricted transfer or transferred back to England and Wales under paragraph 7 of this Schedule, and
  - (b) at the time of the transfer, or transfer back, a supervision default order is in force in respect of the person.
- (2) The supervision default order has effect as if, at the time of the transfer or transfer back, it specified the relevant area in which the person resides or proposes to reside in the new jurisdiction (rather than a relevant area in the jurisdiction from which the person is transferring).
- (3) The court acting for that relevant area in the new jurisdiction may amend the supervision default order to specify that area.
- (4) In this paragraph—
- “relevant area” means—
    - (a) in England and Wales, a local justice area, and
    - (b) in Scotland, a local government area within the meaning of the Local Government etc (Scotland) Act 1994;
  - “supervision default order” has the meaning given in section 268(1) of the 2003 Act.”

**Commencement Information**

**I7** Sch. 3 para. 4 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

5 (1) Paragraph 9 (restricted transfers from England and Wales to Northern Ireland) is amended as follows.

- (2) In sub-paragraph (2)(a)—
- (a) for “264A” substitute “ 264B ”,
  - (b) after “267B of” insert “ , and Schedules 20A and 20B to, ” and
  - (c) after “104” insert “ and 106B ”.
- (3) In sub-paragraph (4)(a)—
- (a) for “264A” substitute “ 264B ”,
  - (b) after “267B of” insert “ , and Schedules 20A and 20B to, ” and

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(c) after “104” insert “ and 106B ”.

(4) Omit sub-paragraph (8).

(5) At the end insert—

“(9) The supervision provisions, as applied by sub-paragraph (2) or (4), have effect—

- (a) as if any reference to something listed in the first column of the Table in sub-paragraph (11) were a reference to whatever is opposite it in the second column of that Table, and
- (b) with the other modifications in sub-paragraph (12).

(10) In this paragraph “the supervision provisions” means—

- (a) sections 256AA to 256AC, 256D and 256E of the 2003 Act, and
- (b) section 106B of the Powers of Criminal Courts (Sentencing) Act 2000.

(11) The references mentioned in sub-paragraph (9)(a) are—

TABLE

<i>Reference</i>	<i>Substituted reference</i>
Crown Court	County court
Justice of the peace	Lay magistrate
Information	Complaint
Local justice area	Petty sessions district
Magistrates' court	Court of summary jurisdiction
Officer of a provider of probation services	Probation officer
Young offender institution	Young offender centre

(12) The other modifications mentioned in sub-paragraph (9)(b) are—

- (a) section 256AA(2)(b) of the 2003 Act has effect as if it also referred to—
  - (i) a custody probation order or licence under Part 2 of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160) (N.I. 24), and
  - (ii) a licence under the Northern Ireland (Sentences) Act 1998, Part 3 of the Life Sentences (Northern Ireland) Order 2001 (S.I. 2001/2564 (N.I. 2)) or Chapter 4 of Part 2 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)),
- (b) section 256AC of the 2003 Act has effect as if subsections (4)(c), (5) and (10) (provision for supervision default orders) were omitted, and
- (c) subsection (7)(b) of that section has effect as if for “the Secretary of State” there were substituted “ the Department of Justice in Northern Ireland ”.”

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**Commencement Information**

**I8** Sch. 3 para. 5 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 6 (1) Paragraph 15 (unrestricted transfers: general) is amended as follows.
- (2) In sub-paragraph (4A), for “This paragraph has” substitute “ Sub-paragraphs (3) and (4) have ”.
- (3) After sub-paragraph (4A) insert—
- “(4B) A person who is subject to a period of supervision of a type or length which could not have been imposed on an offender in the place to which the person has been transferred is to be treated for the relevant purposes as the receiving authority may direct.
- (4C) In sub-paragraph (4B), “the receiving authority” means—
- (a) in relation to a person transferred to Scotland, the Scottish Ministers,
  - (b) in relation to a person transferred to Northern Ireland, the Department of Justice in Northern Ireland, and
  - (c) in relation to any other person, the Secretary of State.”

**Commencement Information**

**I9** Sch. 3 para. 6 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 7 After paragraph 19 insert—

*“Service of process issued in Scotland*

- 19A(1) Section 4 of the Summary Jurisdiction (Process) Act 1881 (service in England and Wales of Scottish process etc) applies to any process issued by a court in Scotland under the supervision provisions.
- (2) “The supervision provisions” means the provisions listed in paragraph 8(9), as they are applied by paragraph 8(2) or (4).

*Electronic monitoring in Scotland*

- 19B(1) Section 245C of the Criminal Procedure (Scotland) Act 1995 (remote monitoring), and regulations under that section, apply in relation to the electronic monitoring of compliance with a curfew requirement in a supervision default order imposed under the supervision provisions as they apply in relation to the remote monitoring of compliance with a restriction of liberty order.
- (2) “The supervision provisions” means the provisions listed in paragraph 8(9), as they are applied by paragraph 8(2) or (4).”

**Commencement Information**

**I10** Sch. 3 para. 7 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

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- 8 In paragraph 20(1) (interpretation), for the definition of “supervision” substitute—
- ““supervision” means—
- (a) supervision under an order made for the purpose,
  - (b) supervision under a detention and training order,
  - (c) in the case of a person released from prison on licence, supervision under a condition contained in the licence,
  - (d) supervision under section 256AA of the Criminal Justice Act 2003 (supervision after end of sentence), including supervision under that section as applied by section 106B of the Powers of Criminal Courts (Sentencing) Act 2000, or
  - (e) supervision under section 256B of the Criminal Justice Act 2003 (supervision after release of certain young offenders serving less than 12 months).”

**Commencement Information**

**I11** Sch. 3 para. 8 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

*Crime and Disorder Act 1998 (c. 37)*

- 9 (1) Section 38(4) of the Crime and Disorder Act 1998 (meaning of “youth justice services”) is amended as follows.
- (2) After paragraph (h) (supervision as part of detention and training order) insert—
- “(ha) supervision after the end of the term of such an order under section 256AA of the Criminal Justice Act 2003 (as applied by section 106B of the Powers of Criminal Courts (Sentencing) Act 2000);”.
- (3) For paragraph (i) substitute—
- “(i) post-release supervision in accordance with a licence under section 31 of the Crime (Sentences) Act 1997 or section 250 of the Criminal Justice Act 2003 of a person sentenced to detention under section 90 or 91 of the Powers of Criminal Courts (Sentencing) Act 2000, section 226, 226B or 228 of the Criminal Justice Act 2003 or section 209, 218, 221, 221A or 222 of the Armed Forces Act 2006;
  - (ia) post-release supervision under section 256B of the Criminal Justice Act 2003;
  - (ib) supervision under section 256AA of the Criminal Justice Act 2003 of a person sentenced to detention under section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 or section 209 of the Armed Forces Act 2006;”.

**Commencement Information**

**I12** Sch. 3 para. 9 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

*Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)*

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

F110 .....

**Textual Amendments**

F1 Sch. 3 paras. 10-12 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F111 .....

**Textual Amendments**

F1 Sch. 3 paras. 10-12 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F112 .....

**Textual Amendments**

F1 Sch. 3 paras. 10-12 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

*Criminal Justice and Court Services Act 2000 (c. 43)*

13 In section 64(4) of the Criminal Justice and Court Services Act 2000 (release on licence: regulation of provision of samples given pursuant to drug testing condition), for “regulations” substitute “rules”.

**Commencement Information**

I13 [Sch. 3 para. 13](#) in force at 1.2.2015 by [S.I. 2015/40](#), **art. 2(t)**

*Criminal Justice Act 2003 (c. 44)*

14 The Criminal Justice Act 2003 is amended as follows.

**Commencement Information**

I14 [Sch. 3 para. 14](#) in force at 1.2.2015 by [S.I. 2015/40](#), **art. 2(t)**

15 In the heading of Chapter 6 of Part 12, after “licences” insert “, supervision”.

**Commencement Information**

I15 [Sch. 3 para. 15](#) in force at 1.2.2015 by [S.I. 2015/40](#), **art. 2(t)**

16 In the heading of section 243A, after “release” insert “ certain ”.

*Changes to legislation: There are currently no known outstanding effects  
for the Offender Rehabilitation Act 2014. (See end of Document for details)*

**Commencement Information**

**I16** Sch. 3 para. 16 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 17 In section 243A(3)(a) (duty to release prisoners serving less than 12 months unconditionally: definition of requisite custodial period), for the words from “in relation to” to “such a term” substitute “in relation to a person serving one sentence”.

**Commencement Information**

**I17** Sch. 3 para. 17 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 18 In section 244(3)(a) (duty to release prisoners on licence: definition of requisite custodial period), for the words from “in relation to” to “such a term” substitute “in relation to a prisoner serving one sentence”.

**Commencement Information**

**I18** Sch. 3 para. 18 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 19 Omit the italic heading before section 256B.

**Commencement Information**

**I19** Sch. 3 para. 19 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 20 For the heading of that section substitute “Supervision after release of certain young offenders serving less than 12 months”.

**Commencement Information**

**I20** Sch. 3 para. 20 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 21 In section 256C(4)(b) (breach of supervision requirements), for “impose on the offender” substitute “order the offender to pay”.

**Commencement Information**

**I21** Sch. 3 para. 21 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 22 In the heading of that section, at the end insert “imposed under section 256B”.

**Commencement Information**

**I22** Sch. 3 para. 22 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

- 23 (1) Section 268 (interpretation of Chapter 6) is amended as follows.  
(2) The existing text is re-numbered as subsection (1).



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*Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)*

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(3) In subsection (1), in the definition of “fixed-term prisoner”, for “ “fixed-term prisoner” has” substitute “ “fixed-term prisoner” and “fixed-term sentence” have”.

(4) In subsection (1), at the appropriate places insert—

““offender subject to supervision under this Chapter” means a person who is subject to supervision requirements under section 256AA or 256B;”;

““supervision default order” means an order described in section 256AC(4) (c), whether made under that provision or under paragraph 9 of Schedule 19A;”;

““the supervision period”, in relation to an offender subject to supervision under this Chapter, has the meaning given in section 256AA or 256B (as appropriate);”;

““ “the supervisor”—

- (a) in relation to an offender subject to supervision requirements under section 256AA, has the meaning given in that section, and
- (b) in relation to an offender subject to supervision requirements under section 256B, means the person who provides supervision under that section;”.

(5) At the end insert—

“(2) For the purposes of sections 243A(1A), 256AA(1), 256B(1A) and 264B(1), where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken to have been committed on the last of those days.”

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**Commencement Information**

**I23** Sch. 3 para. 23 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

24 (1) Section 302 (execution of process between England and Wales and Scotland) is amended as follows.

(2) After “under—” insert—

“section 256AC(1) or (3),  
section 256C(1) or (3);”.

(3) Omit the “or” before “paragraph 6(2) or (4)”.

(4) After “Schedule 12” insert “or

paragraph 8(1) or 10(5) of Schedule 19A.”.

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**Commencement Information**

**I24** Sch. 3 para. 24 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

25 In section 330(5)(a) (orders subject to affirmative procedure) at the appropriate place insert— “ section 256AB(4), ”; “ paragraph 6 of Schedule 19A, ”.

*Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)*

**Commencement Information**

**I25** Sch. 3 para. 25 in force at 1.2.2015 by S.I. 2015/40, art. 2(t)

SCHEDULE 4

Section 14

OFFICERS RESPONSIBLE FOR IMPLEMENTING ORDERS

**PART 1**

FUNCTIONS CONFINED TO THE PUBLIC SECTOR

*Criminal Justice Act 2003 (c. 44)*

1 The Criminal Justice Act 2003 is amended as follows.

**Commencement Information**

**I26** Sch. 4 para. 1 in force at 1.6.2014 by S.I. 2014/1287, art. 2(d)

F22 .....

**Textual Amendments**

**F2** Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F23 .....

**Textual Amendments**

**F2** Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F24 .....

**Textual Amendments**

**F2** Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F25 .....

*Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)*

**Textual Amendments**

**F2** Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F26** .....

**Textual Amendments**

**F2** Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

**F27** .....

**Textual Amendments**

**F2** Sch. 4 paras. 2-7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

*Offender Management Act 2007 (c. 21)*

8 In section 4 of the Offender Management Act 2007 (probation provision that may only be made with a probation trust or other public body), after subsection (2) insert—

- “(3) The provision described in subsection (2)(b) includes provision which relates to the making of an application by an officer to a court under—
- (a) paragraph 13, 14, 17, 19A or 20 of Schedule 8 to the Criminal Justice Act 2003 (revocation or amendment of community orders),
  - (b) paragraph 13, 15, 17 or 18 of Schedule 12 to that Act (amendment of suspended sentence orders), or
  - (c) paragraph 10 of Schedule 19A to that Act (revocation or amendment of supervision default orders).”

**Commencement Information**

**I27** Sch. 4 para. 8 in force at 1.6.2014 by S.I. 2014/1287, art. 2(d)

**PART 2**

CONSEQUENTIAL PROVISION

*Children Act 1989 (c. 41)*

9 In Schedule A1 to the Children Act 1989 (enforcement orders), in paragraph 3, omit sub-paragraphs (1) and (2)(a).

*Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)*

**Commencement Information**

**I28** Sch. 4 para. 9 in force at 1.6.2014 by [S.I. 2014/1287](#), **art. 2(d)**

*Criminal Justice Act 2003 (c. 44)*

10 The Criminal Justice Act 2003 is amended as follows.

**Commencement Information**

**I29** Sch. 4 para. 10 in force at 1.6.2014 by [S.I. 2014/1287](#), **art. 2(d)**

<sup>F3</sup>11 .....

**Textual Amendments**

**F3** Sch. 4 paras. 11-15 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

<sup>F3</sup>12 .....

**Textual Amendments**

**F3** Sch. 4 paras. 11-15 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

<sup>F3</sup>13 .....

**Textual Amendments**

**F3** Sch. 4 paras. 11-15 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

<sup>F3</sup>14 .....

**Textual Amendments**

**F3** Sch. 4 paras. 11-15 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

<sup>F3</sup>15 .....

**Textual Amendments**

**F3** Sch. 4 paras. 11-15 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2

*Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)*

F4 SCHEDULE 5

Section 15

**Textual Amendments**

- F4** Sch. 5 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

SCHEDULE 6

Section 19

OFFENDERS SENTENCED BY SERVICE COURTS

- 1 The Armed Forces Act 2006 is amended as follows.

**Commencement Information**

- I30** Sch. 6 para. 1 in force at 1.2.2015 by S.I. 2015/40, art. 2(w)

*Supervision and release of offenders sentenced to less than 2 years*

- 2 In section 213(1) (application of provisions relating to civilian detention and training orders to service detention and training orders), for “106A and 107” substitute “ 106A to 107 ”.

**Commencement Information**

- I31** Sch. 6 para. 2 in force at 1.2.2015 by S.I. 2015/40, art. 2(w)

*Recall and further release of offenders*

- 3 In section 246(2C) (time in service custody not to count as time served for purposes of automatic release), for “period of 28 days served by the offender before automatic release” substitute “ automatic release period served by the offender ”.

**Commencement Information**

- I32** Sch. 6 para. 3 in force at 1.2.2015 by S.I. 2015/40, art. 2(w)

*Service community orders, overseas community orders and suspended sentence orders: officers responsible for implementing*

- 4 (1) Section 183 (overseas community orders: modifications of Criminal Justice Act 2003) is amended as follows.
- (2) In subsection (1), omit “section 197(1) and (2) (meaning of “the responsible officer”);”.

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*Changes to legislation: There are currently no known outstanding effects  
for the Offender Rehabilitation Act 2014. (See end of Document for details)*

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(3) After subsection (1) insert—

“(1A) Section 198(1) (duties of responsible officer) has effect as if at the end there were inserted—

“(c) where appropriate, to take steps to enforce those requirements.””

(4) Omit subsections (2), (4) and (5).

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**Commencement Information**

**I33** Sch. 6 para. 4 in force at 1.6.2014 by S.I. 2014/1287, art. 2(e)

5 (1) Part 1 of Schedule 5 (breach, revocation and amendment of service community orders) is amended as follows.

(2) In paragraph 1(2) (provisions of Schedule 8 to Criminal Justice Act 2003 disapplied), after “6(2),” insert “ 6A(2), ”.

(3) Omit paragraph 2.

(4) After that paragraph insert—

“2A Paragraph 6A(1) of that Schedule (role of enforcement officer) has effect in relation to a service community order under this Act as if the reference to a justice of the peace were to the Crown Court.”

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**Commencement Information**

**I34** Sch. 6 para. 5 in force at 1.6.2014 by S.I. 2014/1287, art. 2(e)

6 (1) Part 2 of Schedule 5 (breach, revocation and amendment of overseas community orders) is amended as follows.

(2) In paragraph 10(2)(b) (provisions of Schedule 8 to Criminal Justice Act 2003 disapplied)—

(a) after “paragraphs” insert “ 1A, ”, and

(b) after “6(2),” insert “ 6A, ”.

(3) For paragraph 12 (breach of requirement of order: warning and laying of information) substitute—

“12A Paragraph 5(1) of that Schedule (duty to give warning) has effect as if for paragraph (b) there were substituted—

“(b) the officer applies to the court that made the order for the exercise of its powers in relation to the failure.”

12B Paragraph 6(1) of that Schedule (breach of order after warning) has effect as if for the words from “must refer” to the end there were substituted “ must apply to the court that made the order for the exercise of its powers in relation to the failure in question ”.”

*Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)*

**Commencement Information**

**I35** Sch. 6 para. 6 in force at 1.6.2014 by S.I. 2014/1287, art. 2(e)

- 7 (1) Schedule 7 (suspended prison sentence: further conviction or breach of requirement) is amended as follows.
- (2) In paragraph 1(a) (provisions of Schedule 12 to Criminal Justice Act 2003 disapplied), after “5(2),” insert “ 5A(2), ”.
- (3) Omit paragraph 4.
- (4) After that paragraph insert—
- “4A Paragraph 5A(1) of Schedule 12 to the 2003 Act (role of enforcement officer) has effect in relation to a suspended sentence order with community requirements made by a relevant service court as if the reference to a justice of the peace were to the Crown Court.”

**Commencement Information**

**I36** Sch. 6 para. 7 in force at 1.6.2014 by S.I. 2014/1287, art. 2(e)

*Service community orders, overseas community orders and suspended sentence orders: duty to obtain permission before changing residence*

F58 .....

**Textual Amendments**

**F5** Sch. 6 paras. 8-11 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F59 .....

**Textual Amendments**

**F5** Sch. 6 paras. 8-11 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F510 .....

**Textual Amendments**

**F5** Sch. 6 paras. 8-11 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F511 .....

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*Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)*

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### Textual Amendments

- F5** Sch. 6 paras. 8-11 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

## SCHEDULE 7

Section 21

### CASES TO WHICH THIS ACT APPLIES

#### *Commencement day*

- 1 In this Schedule, “the commencement day”, in relation to an amendment made by a provision of this Act, means the day on which that provision comes into force.

### Commencement Information

- I37** Sch. 7 para. 1 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

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

- 2 The amendments made by sections 1 to 3, 4(2), 5 and 6, Part 1 of Schedule 1, Schedules 2 and 3 and paragraph 2 of Schedule 6 apply in relation to—
- (a) any person who falls to be released under Chapter 6 of Part 12 of the Criminal Justice Act 2003 on or after the commencement day, and
  - (b) any person who falls to be released under a detention and training order (including an order under section 211 of the Armed Forces Act 2006) on or after the commencement day.

### Commencement Information

- I38** Sch. 7 para. 2 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

- 3 The amendments made by section 4(3) to (8) and Part 2 of Schedule 1 apply where a person was released before the commencement day (as well as where a person is released on or after that day).

### Commencement Information

- I39** Sch. 7 para. 3 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

#### *Extended sentences*

- 4 The amendments made by section 8 do not apply in relation to an offence committed before the commencement day.



*Changes to legislation: There are currently no known outstanding effects for the Offender Rehabilitation Act 2014. (See end of Document for details)*

**Commencement Information**

**I40** Sch. 7 para. 4 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

*Recall and further release of prisoners*

- 5 The amendments made by section 9 and paragraph 3 of Schedule 6 apply only where an offender is recalled on or after the commencement day.

**Commencement Information**

**I41** Sch. 7 para. 5 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

*Drugs and offenders released during custodial sentence*

- 6 The amendments made by sections 11, 12 and 13 apply where a person was released before the commencement day (as well as where a person is released on or after that day).

**Commencement Information**

**I42** Sch. 7 para. 6 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

*Community orders and suspended sentences*

- F67 .....

**Textual Amendments**

**F6** Sch. 7 para. 7 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

*Interpretation: offences committed over a period*

- 8 Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of this Schedule to have been committed on the last of those days.

**Commencement Information**

**I43** Sch. 7 para. 8 in force at 1.2.2015 by S.I. 2015/40, art. 2(x)

**Changes to legislation:**

There are currently no known outstanding effects for the Offender Rehabilitation Act 2014.