



Sentencing Act 2020

2020 CHAPTER 17

THIRD GROUP OF PARTS Disposals

PART 10

CUSTODIAL SENTENCES

CHAPTER 5

SUSPENDED SENTENCES

*Suspended sentence order with community requirement:
obligations of responsible officer and offender*

299 Responsible officer

- (1) This section applies for the purposes of this Chapter in relation to a suspended sentence order made in respect of an offender which imposes one or more community requirements.
- (2) “The responsible officer”, in relation to the offender, means the person who for the time being is responsible for discharging the functions conferred by this Chapter on the responsible officer in accordance with arrangements made by the Secretary of State.
- (3) 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 order.

Commencement Information

II S. 299 in force at 1.12.2020 by [S.I. 2020/1236](#), [reg. 2](#)

Status: Point in time view as at 30/04/2021.

Changes to legislation: Sentencing Act 2020, Cross Heading: Suspended sentence order with community requirement: obligations of responsible officer and offender is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

300 Obligations of responsible officer

- (1) This section applies during the supervision period of a suspended sentence order which imposes any community requirement.

Functions of the responsible officer

- (2) The responsible officer must—
- (a) make any arrangements that are necessary in connection with the requirements imposed by the order, and
 - (b) promote the offender's compliance with those requirements.
- (3) This is subject to paragraph 16(6) of Schedule 9 (in-patient treatment under mental health treatment requirement).

Exercise of functions by responsible officer

- (4) The responsible officer must also ensure, as far as practicable, that any instruction given or requirement imposed by the responsible officer is such as to avoid—
- (a) any conflict with the offender's religious beliefs,
 - (b) any conflict with the requirements of any other court order to which the offender may be subject, and
 - (c) any interference with the times, if any, at which the offender normally—
 - (i) works, or
 - (ii) attends any educational establishment,
 and satisfies any additional restrictions that the Secretary of State may specify in regulations.
- (5) Regulations under subsection (4) are subject to the negative resolution procedure.

Commencement Information

I2 S. 300 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

301 Duty of offender to keep in touch with responsible officer

- (1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.
- (2) The offender must keep in touch with the responsible officer in accordance with such instructions as the responsible officer may give the offender from time to time.
- (3) That obligation is enforceable as if it were a community requirement imposed by the suspended sentence order.

Commencement Information

I3 S. 301 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status: Point in time view as at 30/04/2021.

Changes to legislation: Sentencing Act 2020, Cross Heading: Suspended sentence order with community requirement: obligations of responsible officer and offender is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

302 Duty to obtain permission before changing residence

- (1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.

But it does not apply if the order includes a residence requirement (see paragraph 13 of Schedule 9).

- (2) The offender must not change residence without permission given in accordance with this section by—
- (a) the responsible officer, or
 - (b) a court.
- (3) The obligation imposed by subsection (2) has effect as if it were a community requirement imposed by the suspended sentence order.
- (4) The appropriate court may, on an application made by the offender, give permission in a case in which the responsible officer has refused.
- (5) A court may also give permission in any proceedings before it under Schedule 16 (breach or amendment of orders etc).
- (6) 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 suspended sentence order, or
 - (b) would hinder the offender's rehabilitation.
- (7) The responsible officer must refuse an application for permission if—
- (a) the offender's present residence is in England or Wales, and
 - (b) the offender's proposed residence is outside England and Wales.
- (8) For cases in which a suspended sentence order has to be amended because of permission given under this section, see paragraph 23 of Schedule 16 (amendment to reflect change in local justice area).
- (9) In this section “the appropriate court” has the same meaning as in Schedule 16.

Modifications etc. (not altering text)

- C1** S. 302 modified by 2006 c. 52, s. 200(1)(c)(iv) (as substituted (1.12.2020) by [Sentencing Act 2020](#) (c. 17), s. 416(1), [Sch. 25 para. 19](#) (with s. 416(7), [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#))

Commencement Information

- I4** S. 302 in force at 1.12.2020 by [S.I. 2020/1236, reg. 2](#)

Status:

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Changes to legislation:

Sentencing Act 2020, Cross Heading: Suspended sentence order with community requirement: obligations of responsible officer and offender is up to date with all changes known to be in force on or before 16 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.