



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 7

SENTENCING AND RELEASE

CHAPTER 2

COMMUNITY SENTENCES

Community and suspended sentence orders

149 Supervision by responsible officer

- (1) The Sentencing Code is amended as follows.
- (2) In section 215 (community order: duty of offender to keep in touch with responsible officer)—
 - (a) after subsection (1) insert—

“(1A) In a case where the offender was convicted on or after the day on which section 149 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the responsible officer may from time to time give the offender an instruction to attend an appointment (with the responsible officer or with another person) for the purposes of—

 - (a) the rehabilitation of the offender, or
 - (b) the protection of the public.
 - (1B) The offender must comply with any instruction given by the responsible officer under subsection (1A).”;

Status: This is the original version (as it was originally enacted).

- (b) in subsection (2), at the beginning insert “In the case of any community order (whenever the offender was convicted)”;
 - (c) after subsection (2) insert—
 - “(2A) The powers under subsections (1A) and (2) to give instructions apply even if all the requirements of the community order have been complied with.”;
 - (d) in subsection (3), for “This obligation” substitute “An obligation under this section”.
- (3) In section 301 (suspended sentence order: duty of offender to keep in touch with responsible officer)—
- (a) after subsection (1) insert—
 - “(1A) In a case where the offender was convicted on or after the day on which section 149 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the responsible officer may from time to time give the offender an instruction to attend an appointment (with the responsible officer or with another person) for the purposes of—
 - (a) the rehabilitation of the offender, or
 - (b) the protection of the public.
 - (1B) The offender must comply with any instruction given by the responsible officer under subsection (1A).”;
 - (b) in subsection (2), at the beginning insert “In the case of any suspended sentence order (whenever the offender was convicted)”;
 - (c) after subsection (2) insert—
 - “(2A) The powers under subsections (1A) and (2) to give instructions apply even if all the community requirements of the suspended sentence order have been complied with.”;
 - (d) in subsection (3), for “That obligation” substitute “An obligation under this section”.

150 Increases in maximum daily curfew hours and curfew requirement period

- (1) Paragraph 9 of Schedule 9 to the Sentencing Code (community orders and suspended sentence orders: curfew requirement) is amended in accordance with subsections (2) to (5).
- (2) In sub-paragraph (4)—
 - (a) omit the “and” at the end of paragraph (a);
 - (b) in paragraph (b), for “16 hours” substitute “the relevant number of hours”;
 - (c) at the end insert “, and
 - (c) not more than 112 hours in any period of 7 days beginning with the day of the week on which the requirement first takes effect.”
- (3) After sub-paragraph (4) insert—
 - “(4A) In sub-paragraph (4) “the relevant number of hours” means—
 - (a) in relation to a relevant order in respect of an offence of which the offender was convicted before the day on which section 150 of the

- Police, Crime, Sentencing and Courts Act 2022 came into force, 16 hours, and
- (b) in relation to a relevant order in respect of an offence of which the offender was convicted on or after that day, 20 hours.”
- (4) In sub-paragraph (5), for the words “the period of 12 months” substitute “the relevant period”.
- (5) After sub-paragraph (5) insert—
- “(6) In sub-paragraph (5) “the relevant period” means—
- (a) in relation to a relevant order in respect of an offence of which the offender was convicted before the day on which section 150 of the Police, Crime, Sentencing and Courts Act 2022 came into force, the period of 12 months, and
- (b) in relation to a relevant order in respect of an offence of which the offender was convicted on or after that day, the period of 2 years.”
- (6) In paragraph 13 of Schedule 23 to the Sentencing Act 2020 (powers to amend limits in community requirements)—
- (a) in sub-paragraph (1)(b), after “9(4)” insert “or (4A)”;
(b) in sub-paragraph (2)(a), for “9(5)” substitute “9(6)”.
- (7) The Criminal Justice Act 2003 is amended in accordance with subsections (8) and (9).
- (8) In Schedule 19A (supervision default orders)—
- (a) in paragraph 2 (application of community orders provisions to supervision default orders), in paragraph (h), for “9(1) to (4)” substitute “9(1) to (4A)”;
(b) in paragraph 3—
- (i) in sub-paragraph (6), in the substituted sub-paragraph (4)(a), for “16 hours” substitute “the relevant number of hours”;
(ii) after sub-paragraph (6) insert—
- “(6A) Paragraph 9(4A) of that Schedule applies as if references to an offence of which the offender was convicted before, on or after a day were references to a failure by a person to comply with a requirement that occurred before, on or after that day.”
- (9) In Schedule 31 (default orders: modification of provisions relating to community orders), in paragraph 3—
- (a) after sub-paragraph (1) insert—
- “(1A) Any reference to an offence of which the offender was convicted before, on or after a day is to be read as a reference to a default made by a person before, on or after that day.”;
- (b) in sub-paragraph (2)—
- (i) for “sub-paragraph (4)” substitute “sub-paragraph (4A)”;
(ii) for “(4A)” substitute “(4B)”.

151 Power for responsible officer to vary curfew requirements etc

- (1) The Sentencing Code is amended as follows.

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

- (2) In Part 5 of Schedule 9 (community orders and suspended sentence orders: curfew requirements), after paragraph 10 insert—

“Power of responsible officer to vary curfew requirement

- 10A (1) This paragraph applies where—
- (a) a relevant order is in force,
 - (b) the order is in respect of an offence of which the offender was convicted on or after the day on which section 151 of the Police, Crime, Sentencing and Courts Act 2022 came into force,
 - (c) the order includes a curfew requirement imposed under paragraph 9, and
 - (d) the responsible officer considers that the variation condition is met.
- (2) The variation condition is met if, having regard to a change in the offender’s circumstances since the relevant order was made, it is appropriate to—
- (a) vary the start time of any of the curfew periods;
 - (b) vary the relevant place in relation to any of those periods.
- (3) The responsible officer may, with the consent of the offender, give the offender notice (a “variation notice”) specifying—
- (a) the new start time of such of the curfew periods as are specified in the notice;
 - (b) the new relevant place for such of the curfew periods as are so specified.
- (4) The effect of a variation notice is to vary the relevant order as specified in the notice, with effect from the date so specified.
- (5) A variation notice may specify different variations of the start time, or of the relevant place, for different days.
- (6) Before giving a variation notice containing provision pursuant to sub-paragraph (3)(b), the responsible officer must obtain and consider information about each place proposed to be specified in the notice.
- (7) That information must include information as to the attitude of persons likely to be affected by the offender’s enforced presence there.
- (8) A variation notice must not—
- (a) vary the length of any of the offender’s curfew periods;
 - (b) in a case where the relevant order includes a residence requirement under paragraph 13, vary the relevant place in a way that is inconsistent with that requirement;
 - (c) make any variation prohibited by sub-paragraph (9).
- (9) A variation is prohibited by this sub-paragraph if—
- (a) the relevant order concerned includes an electronic compliance monitoring requirement imposed under paragraph 10(3) (a “monitoring requirement”), and

- (b) the responsible officer considers that, if the court had made the relevant order imposing the curfew requirement as varied by the variation, the court—
 - (i) would not have imposed the monitoring requirement, or
 - (ii) would have imposed a different monitoring requirement.
- (10) The responsible officer must give the appropriate court—
 - (a) a copy of a variation notice given under this paragraph, and
 - (b) evidence of the offender’s consent to the notice.
- (11) In this paragraph—
 - (a) “appropriate court”—
 - (i) in relation to a community order, has the same meaning as in Schedule 10 (see paragraph 1 of that Schedule);
 - (ii) in relation to a suspended sentence order, has the same meaning as in Schedule 16 (see paragraph 1 of that Schedule);
 - (b) “curfew periods”, in relation to a relevant order, means the periods specified in the order under paragraph 9(2)(a);
 - (c) “relevant place”, in relation to a curfew period, means the place specified under paragraph 9(2)(b) at which the offender is required to remain for that period;
 - (d) “start time”, in relation to a curfew period, means the time at which the period is required to start pursuant to the relevant order.”
- (3) In paragraph 16 of Schedule 10 (amendment of community order because of change of residence), after sub-paragraph (2) insert—
 - “(3) If the permission is given by the responsible officer—
 - (a) the officer must give notice to the appropriate court of the permission, and
 - (b) the court must amend the order as set out in sub-paragraph (2).”
- (4) After paragraph 17 of that Schedule insert—

“Amendment because of variation of curfew requirement by responsible officer

- 17A (1) This paragraph applies where at any time the responsible officer gives—
 - (a) a copy of a variation notice in relation to a community order, and
 - (b) evidence of the offender’s consent to the notice,
 to the appropriate court under paragraph 10A of Schedule 9.
- (2) The appropriate court must amend the order to reflect the effect of the variation notice.”
- (5) In paragraph 23 of Schedule 16 (amendment of suspended sentence order) because of change of residence), after sub-paragraph (2) insert—
 - “(3) If the permission is given by the responsible officer—
 - (a) the officer must give notice to the appropriate court of the permission, and

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- (b) the court must amend the suspended sentence order as set out in sub-paragraph (2).”

(6) After paragraph 24 of that Schedule insert—

“Amendment because of variation of curfew requirement by responsible officer

24A (1) This paragraph applies where at any time the responsible officer gives—

- (a) a copy of a variation notice in relation to a suspended sentence order, and
 - (b) evidence of the offender’s consent to the notice,
- to the appropriate court under paragraph 10A of Schedule 9.

(2) The appropriate court must amend the order to reflect the effect of the variation notice.”

152 Removal of attendance centre requirements for adults

- (1) The Sentencing Code is amended in accordance with subsections (2) to (4).
- (2) In section 207(3) (community orders: availability of attendance centre requirement), for the words from “the offender” to the end substitute “—
 - (a) the offender was convicted of the offence before the day on which section 152 of the Police, Crime, Sentencing and Courts Act 2022 came into force, and
 - (b) the offender was aged under 25 when convicted of the offence.”
- (3) In section 291(3) (suspended sentence orders: availability of attendance centre requirement), for the words from “the offender” to the end substitute “—
 - (a) the offender was convicted of the offence before the day on which section 152 of the Police, Crime, Sentencing and Courts Act 2022 came into force, and
 - (b) the offender was aged under 25 when convicted of the offence.”
- (4) In Schedule 9 (community orders and suspended sentence orders: requirements), in the heading to Part 13, after “Attendance centre requirement” insert “: offenders convicted before the day on which section 152 of the Police, Crime, Sentencing and Courts Act 2022 came into force”.
- (5) Schedule 13 contains related amendments.

153 Special procedures relating to review and breach

Schedule 14 makes provision for, and in relation to, the powers of courts—

- (a) to review community and suspended sentence orders, and
- (b) to commit an offender to custody for breach of a community or suspended sentence order.

154 Drug testing requirement

Schedule 15 amends the Sentencing Code to make provision for a drug testing requirement in community orders and suspended sentence orders.

Unpaid work requirements

155 Duty to consult on unpaid work requirements

After section 10 of the Offender Management Act 2007 insert—

“10A Duty to consult on unpaid work requirements

- (1) Each provider of probation services must, in each calendar year, consult the prescribed persons about the work to be performed by persons who—
 - (a) are subject to unpaid work requirements, and
 - (b) are supervised by that provider.
- (2) In this section “prescribed person” means a person, or a person of a description, prescribed by regulations made by the Secretary of State.
- (3) In this section “unpaid work requirement” means an unpaid work requirement as defined by—
 - (a) paragraph 10(1) of Schedule 6 to the Sentencing Code (youth rehabilitation orders),
 - (b) paragraph 1(1) of Schedule 9 to the Sentencing Code (community orders and suspended sentence orders), or
 - (c) paragraph 3A(1) of Schedule A1 to the Children Act 1989 (enforcement orders).
- (4) For the purposes of this section a person is supervised by a provider of probation services if an officer of that provider has functions relating to the person’s compliance with an unpaid work requirement.”