



Police, Crime, Sentencing and Courts Act 2022

2022 CHAPTER 32

PART 7

SENTENCING AND RELEASE

CHAPTER 2

COMMUNITY SENTENCES

Community and suspended sentence orders

151 Power for responsible officer to vary curfew requirements etc

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

Changes to legislation: There are currently no known outstanding effects for the Police, Crime, Sentencing and Courts Act 2022, Section 151. (See end of Document for details)

- (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);

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- (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
 - (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.”

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Commencement Information

II S. 151 in force at 28.6.2022, see [s. 208\(5\)\(q\)](#)

Changes to legislation:

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