

SCHEDULE

Regulation 5(2)(d)

Persons to whom direct payments may not be made

The following persons may not receive direct payments—

- (a) a person who is subject to a drug rehabilitation requirement, as defined by section 209 of the Criminal Justice Act 2003 ^{M1}, imposed by a community order within the meaning of section 177 of that Act ^{M2} or by a suspended sentence order within the meaning of section 189 of that Act ^{M3};
- (b) a person who is subject to an alcohol treatment requirement, as defined by section 212 of the Criminal Justice Act 2003 ^{M4}, imposed by a community order within the meaning of section 177 of that Act or by a suspended sentence order within the meaning of section 189 of that Act;
- (c) a person who is released on licence under Part 2 of the Criminal Justice Act 1991 ^{M5}, Chapter 6 of Part 12 of the Criminal Justice Act 2003 ^{M6} or Chapter 2 of Part 2 of the Crime (Sentences) Act 1997 ^{M7} subject to a licence condition requiring the offender to undertake offending behaviour work to address drug-related or alcohol related behaviour;
- (d) a person who is required to submit to treatment for their drug or alcohol dependency by virtue of a community rehabilitation order within the meaning of section 41 of the Powers of Criminal Courts (Sentencing) Act 2000 ^{M8} or a community punishment and rehabilitation order within the meaning of section 51 of that Act ^{M9};
- (e) a person who is subject to a drug treatment and testing order imposed under section 52 of the Powers of Criminal Courts (Sentencing) Act 2000 ^{M10};
- (f) a person who is subject to a youth rehabilitation order imposed in accordance with paragraph 22 (drug treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 ^{M11} which requires the person to submit to treatment pursuant to a drug treatment requirement;
- (g) a person who is subject to a youth rehabilitation order imposed in accordance with paragraph 23 (drug testing requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 which includes a drug testing requirement;
- (h) a person who is subject to a youth rehabilitation order imposed in accordance with paragraph 24 (intoxicating substance treatment requirement) of Schedule 1 to the Criminal Justice and Immigration Act 2008 which requires the person to submit to treatment pursuant to an intoxicating substance treatment requirement.

Marginal Citations

- M1** 2003 c.44; section 209 has been amended by section 6(2) of, and paragraphs 71 and 88 of Schedule 4 to the Criminal Justice and Immigration Act 2008 (c.4) (“the Criminal Justice Act 2008”) and section 74(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10) (“the Legal Aid Act”).
- M2** Section 177 has been amended by section 6(2) of, and paragraphs 71 and 88 of Schedule 4 to the Criminal Justice Act 2008; sections 66, 70, 72 and 76 of the Legal Aid Act; and section 44 of and Schedule 16 to the Crime and Courts Act 2013 (c.22).
- M3** Section 189 has been amended by S.I. 2005/643, and section 68 of the Legal Aid Act.
- M4** Section 212 has been amended by section 75 of the Legal Aid Act.
- M5** 1991 c.53. Sections 34A and 35 have been repealed, with savings, by sections 303 and 332 of, and Schedule 37 to the Criminal Justice Act 2003 (c.44) (“the 2003 Act”).

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- M6** Heading to Chapter 6 of Part 12 substituted by section 111 of, and Schedule 14 to the Legal Aid Act. Section 244 has been amended by section 31 of, and Schedule 6 to the [Domestic Violence and Crime Act 2004 \(c.28\)](#); [sections 89, 111, 114, 120, 121 and 125](#) of, and Schedules 10, 14, 15, and 17 to, the Legal Aid Act. Section 246, has been amended by section 378 of, and Schedule 16 to, the [Armed Forces Act 2006 \(c.52\)](#), [section 24](#) of the Criminal Justice Act 2008; [sections 89, 110, 111, 112, 120](#) and 125 of, and Schedules 10, 14, 15 and 20 to, the Legal Aid Act. Section 246A was inserted by section 125 of the Legal Aid Act. Section 247 has been amended by sections 25, 121 and 149 of, and Schedules 17 and 28 to the Criminal Justice Act 2008.
- M7** [1997 c.43](#). Subsections (1A), (1B) and (5)(a) of section 28 substituted for subsections (1) to (5)(a) as originally enacted by section 74 of, and Schedule 7 to the [Criminal Justice and Court Services Act 2000 \(c.43\)](#) and further substituted by section 275 of the 2003 Act. Subsection (7)(c) has been amended by section 119 and Schedule 8 to, the Crime and Disorder Act 1998. Subsection (8A) was inserted by section 275 of the 2003 Act. Section 28(1B) has been modified by section 74 of, and paragraphs 146, 147 and 148 of Schedule 7 to the Criminal Justice and Court Services Act 2000. Section 29 was repealed by sections 303 and 332 of, and Schedule 37 to, the 2003 Act.
- M8** [2000 c.6](#). Section 41 has been repealed, with savings, by sections 303 and 332 of, and Schedule 37 to the 2003 Act.
- M9** [Section 51](#) has been repealed, with savings, by sections 303 and 332 of, and Schedule 37 to the 2003 Act.
- M10** [Section 52](#) was repealed, with savings, by sections 303 and 332 of, and Schedule 37 to the 2003 Act.
- M11** [2008 c.4](#).

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M11 2008 c.4.

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Changes and effects yet to be applied to :

- Sch. para. (a) words inserted by 2020 c. 17 Sch. 24 para. 422(2)(a)
- Sch. para. (a) words inserted by 2020 c. 17 Sch. 24 para. 422(2)(b)
- Sch. para. (a) words inserted by 2020 c. 17 Sch. 24 para. 422(2)(c)
- Sch. para. (b) words inserted by 2020 c. 17 Sch. 24 para. 422(3)(a)
- Sch. para. (b) words inserted by 2020 c. 17 Sch. 24 para. 422(3)(b)
- Sch. para. (b) words inserted by 2020 c. 17 Sch. 24 para. 422(3)(c)
- Sch. para. (g) words inserted by 2020 c. 17 Sch. 24 para. 422(5)
- Sch. para. (f) words substituted by 2020 c. 17 Sch. 24 para. 422(4)
- Sch. para. (h) words substituted by 2020 c. 17 Sch. 24 para. 422(6)
- reg. 2 words inserted (temp.) by S.I. 2020/471 reg. 16
- reg. 2 words substituted by S.I. 2014/2096 reg. 2(2)
- reg. 14(8) words substituted by S.I. 2014/2096 reg. 2(4)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 2A inserted (temp.) by S.I. 2020/471 reg. 17
- reg. 4A inserted by S.I. 2014/2096 reg. 2(3)
- reg. 9(13) words omitted by S.I. 2014/1638 Sch. 13 para. 28(1)(e)(iv)