

2017 No. 985

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice (Sentencing) (Licence Conditions)
(Amendment) Order 2017**

<i>Made</i>	- - - -	<i>9th October 2017</i>
<i>Laid before Parliament</i>		<i>12th October 2017</i>
<i>Coming into force</i>	- -	<i>13th November 2017</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 250(1) and (4)(b)(ii) of the Criminal Justice Act 2003(a).

In making this Order under section 250(1) and (4)(b)(ii) of that Act, in accordance with section 250(8) of that Act, the Secretary of State has had regard to the following purposes of the supervision of offenders while on licence under Chapter 6 of Part 12 of that Act—

- the protection of the public;
- the prevention of re-offending; and
- securing the successful re-integration of the prisoner into the community.

Citation and commencement

1. This Order may be cited as the Criminal Justice (Sentencing) (Licence Conditions) (Amendment) Order 2017 and comes into force on 13th November 2017.

Amendment to the Criminal Justice (Sentencing) (Licence Conditions) Order 2015

2. The Criminal Justice (Sentencing) (Licence Conditions) Order 2015(b) is amended as follows.

- (a) in article 4(2) (standard conditions: electronic monitoring)—
 - (i) in paragraph (d) before “ensure” insert “if required,”,
 - (ii) in paragraph (e) before “the supervising officer” insert “any person nominated by”,
- (b) after article 7(2)(i) (other types of licence conditions) insert—
 - “(j) restriction of specified conduct or specified acts.”.

(a) 2003 c. 44. Section 250(4) was amended by section 28(5) of the Offender Management Act 2007 (c. 21); sections 111(2), 117(1) and (5) and 125(4) of, and paragraphs 5 and 9 of Schedule 14 and paragraphs 1 and 6(1) and (2) of Schedule 20 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10); section 12(2) of the Rehabilitation of Offenders Act 2014 (c. 11); and sections 6(2) and 7(4) of, and paragraphs 14 and 17 of Schedule 1 and paragraphs 3 and 4 of Schedule 2 to, the Criminal Justice and Courts Act 2015 (c. 2). Section 250(4) is modified by article 3(11) of the Criminal Justice Act 2003 (Sentencing) (Transitory Provisions) Order (S.I. 2005/643).

(b) S.I. 2015/337.

9th October 2017

Sam Gyimah
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order adds an additional type of licence condition to article 7 of the Criminal Justice (Sentencing) (Licence Conditions) Order 2015 (S.I. 2015/337) (“the 2015 Order”) that may be applied to offenders sentenced to a determinate sentence of imprisonment and released on licence from that sentence. The type of licence condition added is one concerning restriction of specified conduct or specified acts.

This Order also makes a minor changes to article 4(2)(d) of the 2015 Order to make it clear that not all electronic monitoring devices require recharging, and to article 4(2)(e) to ensure that the correct person can be told of any defects in the electronic monitoring device.

A full impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.

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£4.25

UK201710121001 10/2017 19585

<http://www.legislation.gov.uk/id/uksi/2017/985>

ISBN 978-0-11-116066-4



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