

2015 No. 337

CRIMINAL LAW, ENGLAND AND WALES

**The Criminal Justice (Sentencing) (Licence Conditions) Order
2015**

<i>Made</i>	- - - -	<i>15th February 2015</i>
<i>Laid before Parliament</i>		<i>24th February 2015</i>
<i>Coming into force</i>	- -	<i>23rd March 2015</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 250(1), (4)(b)(ii) and 330(3) of the Criminal Justice Act 2003(a).

In making this Order under section 250(1) and (4)(b)(ii) of the Act, in accordance with section 250(8) of the 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 the Act—

- (a) the protection of the public;
- (b) the prevention of re-offending; and
- (c) securing the successful re-integration of the prisoner into the community.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Criminal Justice (Sentencing) (Licence Conditions) Order 2015 and comes into force on 23rd March 2015.

(2) In this Order—

“the Act” means the Criminal Justice Act 2003;

“offender” means a fixed-term prisoner who has been released on licence in accordance with Chapter 6 of Part 12 of the Act.

Revocation

2. The Criminal Justice (Sentencing) (Licence Conditions) Order 2005(b) is revoked.

(a) 2003 c. 44. Section 250(4) was amended by section 111(2) of, and paragraphs 5 and 9 of Schedule 14 to, section 117(1) and 5 of, and paragraph 2(2) of Schedule 15 to and section 125(4) of, and paragraphs 1, 6(1) and (2) of Schedule 20 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).

(b) S.I. 2005/648.

Standard conditions

3.—(1) The conditions in paragraph (2) are the standard conditions that must be included in an offender's licence in accordance with section 250(4)(a) of the Act, whether or not any standard conditions in articles 4 to 6 are also included.

(2) An offender must—

- (a) be of good behaviour and not behave in a way which undermines the purpose of the licence period;
- (b) not commit any offence;
- (c) keep in touch with the supervising officer in accordance with instructions given by the supervising officer;
- (d) receive visits from the supervising officer in accordance with instructions given by the supervising officer;
- (e) reside permanently at an address approved by the supervising officer and obtain the prior permission of the supervising officer for any stay of one or more nights at a different address;
- (f) not undertake work, or a particular type of work, unless it is approved by the supervising officer and notify the supervising officer in advance of any proposal to undertake work or a particular type of work;
- (g) not travel outside the United Kingdom, the Channel Islands or the Isle of Man except with the prior permission of your supervising officer or for the purposes of immigration deportation or removal.

Standard conditions: electronic monitoring

4.—(1) The conditions in paragraph (2) are the standard conditions that must be included in an offender's licence in accordance with section 250(4)(a) of the Act where the offender is subject to an electronic monitoring condition under sections 62(a) and 62A(b) of the Criminal Justice and Court Services Act 2000.

(2) While subject to electronic monitoring an offender must—

- (a) allow an electronic device to be fitted to their person;
- (b) allow the installation of any equipment associated with electronic monitoring;
- (c) not damage or tamper with the electronic device or equipment associated with electronic monitoring;
- (d) ensure at all times that the electronic device is sufficiently charged;
- (e) immediately report to the supervising officer if the electronic device or equipment associated with electronic monitoring is not working correctly;
- (f) allow any person nominated by the supervising officer to check whether the electronic device or equipment associated with electronic monitoring is working correctly.

Standard conditions: drug testing

5.—(1) The conditions in paragraph (2) are the standard conditions that must be included in an offender's licence in accordance with section 250(4)(a) of the Act where the offender is

(a) 2000 c. 43. Section 62 was amended by section 304 of, and paragraphs 133 and 136 of Part 1 of Schedule 32 to, the Criminal Justice Act 2003 (c. 44), by section 378(1) and (2) of, and paragraph 184 of Schedule 16 and 17 to, the Armed Forces Act 2006 (c. 52), and by section 126 and 127 of, and paragraphs 16 and 17 of Part 1 of Schedule 21 and paragraphs 17 and 18 of Part 2 of Schedule 22 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10).

(b) Section 62A was inserted by section 7 of the Criminal Justice and Courts Act 2015 (c. 2) which is as yet uncommenced.

subject to a drug testing requirement under section 64 of the Criminal Justice and Court Services Act 2000(a).

- (2) While subject to a drug testing requirement an offender must—
- (a) attend a place notified to the offender by the supervising officer, and comply with the required form of testing;
 - (b) not frustrate the drug testing process.

Standard conditions: polygraph testing

6.—(1) The conditions in paragraph (2) are the standard conditions that must be included in an offender’s licence in accordance with section 250(4)(a) of the Act where the offender is subject to a polygraph condition under section 28 of the Offender Management Act 2007(b).

- (2) While subject to a polygraph condition an offender must—
- (a) attend a polygraph testing session and examination as instructed by the supervising officer, and comply with the process;
 - (b) comply with any instruction given during a polygraph session by the person conducting the polygraph;
 - (c) not frustrate the polygraph testing process.

Other types of licence conditions

7.—(1) The conditions in paragraph (2) are the kinds of condition that may be included in an offender’s licence in accordance with section 250(4)(b)(ii) of the Act.

- (2) A condition concerning—
- (a) residence at a specified place;
 - (b) restriction of residency;
 - (c) making or maintaining contact with a person;
 - (d) participation in, or co-operation with, a programme or set of activities;
 - (e) possession, ownership, control or inspection of specified items or documents;
 - (f) disclosure of information;
 - (g) a curfew arrangement;
 - (h) freedom of movement;
 - (i) supervision in the community by the supervising officer, or other responsible officer, or organisation.

(3) For the purpose of this article, “curfew arrangement” means an arrangement under which an offender is required to remain at a specified place for a specified period of time which is not an arrangement contained in a curfew condition imposed by virtue of section 250(5) of the Act.

Andrew Selous
Parliamentary Under Secretary of State
Ministry of Justice

15th February 2015

(a) 2000 c. 43. Section 64 was amended by S.I. 2008/912, by section 378 of, and paragraph 185 of Schedule 16 and Schedule 17 to, the Armed Forces Act 2006 (c.52), by section 126 and 127 of, and paragraphs 16 and 18 of Part 1 of Schedule 21 and paragraphs 17 and 19 of Part 2 of Schedule 22 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and by section 11(1) and (2) and 7(1) of, and paragraphs 13 of Schedule 3 to, the Offender Rehabilitation Act 2014 (c. 11). There are further amendments as yet uncommenced.

(b) 2007 c. 21. Section 28 was amended by section 126 of, and paragraphs 32 of Part 1 of Schedule 21 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order applies to offenders sentenced to a determinate sentence of imprisonment and released on licence from that sentence. It sets out the licence conditions and types of licence conditions which the offender must, or may, be subject to.

Article 2 revokes the Criminal Justice (Sentencing) (Licence Conditions) Order 2005.

Article 3 prescribes the standard licence conditions, which apply to all determinate sentence prisoners following their release on licence.

Articles 4 to 6 prescribe conditions that will be imposed, in addition to the conditions set out in Article 3, on the licence of an offender who is subject to particular statutory licence conditions of electronic monitoring, drug testing or polygraph testing. These conditions supplement the statutory conditions to ensure compliance and co-operation of the offender.

Article 7 prescribes other types of conditions which may be included in an offender's licence where the standard conditions are not sufficient to assist the offender's successful integration into the community, prevent further re-offending and ensure the protection of the public. For example, a condition concerning the possession, ownership or control or inspection of specified items or documents, could be applied in respect of an offender who is considered at risk of leaving the jurisdiction to prevent that offender from holding a passport.

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