



# Powers of Criminal Courts (Sentencing) Act 2000

## 2000 CHAPTER 6

### PART IV

#### COMMUNITY ORDERS AND REPARATION ORDERS

### CHAPTER V

#### COMMUNITY ORDERS AVAILABLE ONLY WHERE OFFENDER AGED UNDER 18

#### *Action plan orders*

#### **69 Action plan orders.**

- (1) Where a child or young person (that is to say, any person aged under 18) is convicted of an offence and the court by or before which he is convicted is of the opinion mentioned in subsection (3) below, the court may (subject to sections 34 to 36 above) make an order which—
  - (a) requires the offender, for a period of three months beginning with the date of the order, to comply with an action plan, that is to say, a series of requirements with respect to his actions and whereabouts during that period;
  - (b) places the offender for that period under the supervision of the responsible officer; and
  - (c) requires the offender to comply with any directions given by the responsible officer with a view to the implementation of that plan;and the requirements included in the order, and any directions given by the responsible officer, may include requirements authorised by section 70 below.
- (2) An order under subsection (1) above is in this Act referred to as an “action plan order”.

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- (3) The opinion referred to in subsection (1) above is that the making of an action plan order is desirable in the interests of—
- (a) securing the rehabilitation of the offender; or
  - (b) preventing the commission by him of further offences.
- (4) In this Act “responsible officer”, in relation to an offender subject to an action plan order, means one of the following who is specified in the order, namely—
- (a) [<sup>F1</sup>an officer of a local probation board];
  - (b) a social worker of a local authority social services department;
  - (c) a member of a youth offending team.
- (5) The court shall not make an action plan order in respect of the offender if—
- (a) he is already the subject of such an order; or
  - (b) the court proposes to pass on him a custodial sentence or to make in respect of him a [<sup>F2</sup>community rehabilitation order], a [<sup>F3</sup>community punishment order], a [<sup>F4</sup>community punishment and rehabilitation order], an attendance centre order, a supervision order or a referral order.
- (6) Before making an action plan order, the court shall obtain and consider—
- (a) a written report by [<sup>F1</sup>an officer of a local probation board], a social worker of a local authority social services department or a member of a youth offending team indicating—
    - (i) the requirements proposed by that person to be included in the order;
    - (ii) the benefits to the offender that the proposed requirements are designed to achieve; and
    - (iii) the attitude of a parent or guardian of the offender to the proposed requirements; and
  - (b) where the offender is aged under 16, information about the offender’s family circumstances and the likely effect of the order on those circumstances.
- (7) The court shall not make an action plan order unless it has been notified by the Secretary of State that arrangements for implementing such orders are available in the area proposed to be named in the order under subsection (8) below and the notice has not been withdrawn.
- (8) An action plan order shall name the petty sessions area in which it appears to the court making the order (or to the court amending under Schedule 8 to this Act any provision included in the order in pursuance of this subsection) that the offender resides or will reside.
- (9) Where an action plan order specifies [<sup>F1</sup>an officer of a local probation board] under subsection (4) above, the officer specified must be an officer appointed for or assigned to the petty sessions area named in the order.
- (10) Where an action plan order specifies under that subsection—
- (a) a social worker of a local authority social services department, or
  - (b) a member of a youth offending team,
- the social worker or member specified must be a social worker of, or a member of a youth offending team established by, the local authority within whose area it appears to the court that the offender resides or will reside.

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- (11) Before making an action plan order, the court shall explain to the offender in ordinary language—
- (a) the effect of the order and of the requirements proposed to be included in it;
  - (b) the consequences which may follow (under Schedule 8 to this Act) if he fails to comply with any of those requirements; and
  - (c) that the court has power (under that Schedule) to review the order on the application either of the offender or of the responsible officer.

#### Textual Amendments

- F1** Words in s. 69(4)(a)(6)(a)(9) substituted (1.4.2001) by 2000 c. 43, s. 74, Sch. 7 Pt. I para. 4(1)(a)(2); S.I. 2001/919, art. 2(f)(i)
- F2** Words in s. 69(5)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, Sch. 7 Pt. I para. 1(1)(a)(2); S.I. 2001/919, art. 2(f)(i)
- F3** Words in s. 69(5)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, Sch. 7 Pt. I para. 2(1)(a)(2); S.I. 2001/919, art. 2(f)(i)
- F4** Words in s. 69(5)(b) substituted (1.4.2001) by 2000 c. 43, s. 74, Sch. 7 Pt. I para. 3(1)(a)(2); S.I. 2001/919, art. 2(f)(i)

## 70 Requirements which may be included in action plan orders and directions.

- (1) Requirements included in an action plan order, or directions given by a responsible officer, may require the offender to do all or any of the following things, namely—
- (a) to participate in activities specified in the requirements or directions at a time or times so specified;
  - (b) to present himself to a person or persons specified in the requirements or directions at a place or places and at a time or times so specified;
  - (c) subject to subsection (2) below, to attend at an attendance centre specified in the requirements or directions for a number of hours so specified;
  - (d) to stay away from a place or places specified in the requirements or directions;
  - (e) to comply with any arrangements for his education specified in the requirements or directions;
  - (f) to make reparation specified in the requirements or directions to a person or persons so specified or to the community at large; and
  - (g) to attend any hearing fixed by the court under section 71 below.
- (2) Subsection (1)(c) above applies only where the offence committed by the offender is an offence punishable with imprisonment.
- (3) In subsection (1)(f) above “make reparation”, in relation to an offender, means make reparation for the offence otherwise than by the payment of compensation.
- (4) A person shall not be specified in requirements or directions under subsection (1)(f) above unless—
- (a) he is identified by the court or (as the case may be) the responsible officer as a victim of the offence or a person otherwise affected by it; and
  - (b) he consents to the reparation being made.
- (5) Requirements included in an action plan order and directions given by a responsible officer shall, as far as practicable, be such as to avoid—

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- (a) any conflict with the offender's religious beliefs or with the requirements of any other community order to which he may be subject; and
- (b) any interference with the times, if any, at which he normally works or attends school or any other educational establishment.

**71 Action plan orders: power to fix further hearings.**

- (1) Immediately after making an action plan order, a court may—
  - (a) fix a further hearing for a date not more than 21 days after the making of the order; and
  - (b) direct the responsible officer to make, at that hearing, a report as to the effectiveness of the order and the extent to which it has been implemented.
- (2) At a hearing fixed under subsection (1) above, the court—
  - (a) shall consider the responsible officer's report; and
  - (b) may, on the application of the responsible officer or the offender, amend the order—
    - (i) by cancelling any provision included in it; or
    - (ii) by inserting in it (either in addition to or in substitution for any of its provisions) any provision that the court could originally have included in it.

**72 Breach, revocation and amendment of action plan orders.**

Schedule 8 to this Act (which makes provision for dealing with failures to comply with action plan orders and reparation orders and for revoking and amending such orders) shall have effect so far as relating to action plan orders.

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