



Criminal Justice Act 2003

2003 CHAPTER 44

PART 12

SENTENCING

CHAPTER 4

FURTHER PROVISIONS ABOUT ORDERS UNDER CHAPTERS 2 AND 3

Provisions applying to relevant orders generally

216 [^{F1}Local justice area] to be specified in relevant order

- (1) A community order or suspended sentence order must specify the [^{F2}local justice area] in which the offender resides or will reside.

^{F3}(2)

Textual Amendments

- F1** Words in s. 216 heading substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 103](#)
- F2** Words in s. 216(1)(2) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 103](#)
- F3** S. 216(2) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 10 para. 19](#); [S.I. 2012/2906](#), art. 2(h)

Modifications etc. (not altering text)

- C1** S. 216 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 183\(1\)](#), 383; [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

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Commencement Information

I1 S. 216 partly in force; s. 216 not in force at Royal Assent, see s. 336(3); s. 216(2)(b) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 216(1) in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 16](#) (subject to [art. 2\(2\), Sch. 2](#))

217 Requirement to avoid conflict with religious beliefs, etc

- (1) The court must ensure, as far as practicable, that any requirement imposed by a relevant order is such as to avoid—
 - (a) any conflict with the offender’s religious beliefs or with the requirements of any other relevant order to which he may be subject; and
 - (b) any interference with the times, if any, at which he normally works or attends [^{F4}any] educational establishment.
- (2) The responsible officer in relation to an offender to whom a relevant order relates must ensure, as far as practicable, that any instruction given or requirement imposed by him in pursuance of the order is such as to avoid the conflict or interference mentioned in subsection (1).
- (3) The Secretary of State may by order provide that subsection (1) or (2) is to have effect with such additional restrictions as may be specified in the order.

Textual Amendments

F4 Words in s. 217(1)(b) substituted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 6, 153, Sch. 4 para. 91](#) (with [Sch. 27 paras. 1, 5](#)); [S.I. 2009/3074, art. 2\(p\)\(xiii\)](#)

Commencement Information

I2 S. 217 wholly in force 4.4.2005; s. 217 not in force at Royal Assent, see s. 336(3); s. 217 in force for certain purposes at 26.1.2004 by [S.I. 2003/3282, art. 2, Sch.](#); s. 217(3) in force at 7.3.2005 by [S.I. 2005/373, art. 2](#); s. 217 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 16](#) (subject to [art. 2\(2\), Sch. 2](#))

218 Availability of arrangements in local area

- (1) A court may not include an unpaid work requirement in a relevant order unless the court is satisfied that provision for the offender to work under such a requirement can be made under the arrangements for persons to perform work under such a requirement which exist in the [^{F5}local justice area] in which he resides or will reside.
- ^{F6}(2)
- (3) A court may not include an attendance centre requirement in a relevant order in respect of an offender unless the court has been notified by the Secretary of State that an attendance centre is available for persons of his description.
- (4) A court may not include an electronic monitoring requirement [^{F7}within section 215(1)(a)] in a relevant order in respect of an offender unless the court—
 - (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in [^{F8}the relevant area (see subsections (5) to (7))], and

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- (b) is satisfied that the necessary provision can be made under [F9those arrangements][F9the arrangements currently available] .
- (5) In the case of a relevant order containing a curfew requirement or an exclusion requirement, the relevant area for the purposes of subsection (4) is the area in which the place proposed to be specified in the order is situated.
- (6) In the case of a relevant order containing an attendance centre requirement, the relevant area for the purposes of subsection (4) is [F10an area in which there is an attendance centre which is available for persons of the offender's description and which the court is satisfied is reasonably accessible to the offender].
- (7) In the case of any other relevant order, the relevant area for the purposes of subsection (4) is the [F5local justice area] proposed to be specified in the order.
- (8) In subsection (5) “place”, in relation to an exclusion requirement, has the same meaning as in section 205.
- [F11(9) A court may not include an electronic monitoring requirement within section 215(1) (b) in a relevant order in respect of an offender unless the court—
- (a) has been notified by the Secretary of State that electronic monitoring arrangements are available in the local justice area proposed to be specified in the order,
 - (b) is satisfied that the offender can be fitted with any necessary apparatus under the arrangements currently available and that any other necessary provision can be made under those arrangements, and
 - (c) is satisfied that arrangements are generally operational throughout England and Wales (even if not always operational everywhere there) under which the offender's whereabouts can be electronically monitored.]

Textual Amendments

- F5** Words in s. 218(1)(2)(7) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, **Sch. para. 104**
- F6** S. 218(2) omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 5 para. 4** (with [Sch. 7 para. 7](#)); S.I. 2015/40, art. 2(v)
- F7** Words in s. 218(4) inserted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 16 para. 18(2)(a)**; S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2)
- F8** Words in s. 218(4)(a) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 17(7), 22(1)** (with [Sch. 7 para. 7](#)); S.I. 2015/40, art. 2(o)
- F9** Words in s. 218(4)(b) substituted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 16 para. 18(2)(b)**; S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976, art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2)
- F10** Words in s. 218(6) substituted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 17(8), 22(1)** (with [Sch. 7 para. 7](#)); S.I. 2015/40, art. 2(o)
- F11** S. 218(9) inserted (17.10.2016 in relation to specified local justice areas until 30.6.2018, 13.3.2017 in relation to specified local justice areas until 12.3.2019) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 16 para. 18(3)**; S.I. 2016/962, art. 2 (with arts. 3, 4) (as amended (9.10.2017) by S.I. 2017/976,

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art. 2); S.I. 2017/236, art. 2 (with arts. 3, 4) (as amended (12.3.2018 at 10 p.m.) by S.I. 2018/357, arts. 1, 2)

Modifications etc. (not altering text)

C2 S. 218 excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 183\(1\)](#), 383; S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

Commencement Information

I3 S. 218 wholly in force at 4.4.2005; s. 218 not in force at Royal Assent, see s. 336(3); s. 218 in force for certain purposes at 26.1.2004 by S.I. 2003/3282, [art. 2](#), [Sch.](#); s. 218 in force in so far as not already in force at 4.4.2005 by S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

219 Provision of copies of relevant orders

[^{F12}(1) The court by which any relevant order is made must forthwith provide copies of the order—

- (a) to the offender,
- (b) to the responsible officer,
- (c) to an officer who is acting at the court and is an officer of a provider of probation services that is a public sector provider, and
- (d) where the court specifies a local justice area in which the court making the order does not act, to a provider of probation services that is a public sector provider and is acting in that area.]

(2) Where a relevant order imposes any requirement specified in the first column of Schedule 14, the court by which the order is made must also forthwith provide the person specified in relation to that requirement in the second column of that Schedule with a copy of so much of the order as relates to that requirement.

(3) Where a relevant order specifies a [^{F13}local justice area in which] the court making the order does not act, the court making the order must provide to the magistrates' court [^{F14}acting in that area]—

- (a) a copy of the order, and
- (b) such documents and information relating to the case as it considers likely to be of assistance to a court [^{F14}acting in that area] in the exercise of its functions in relation to the order.

[^{F15}(4) In subsection (1)(c) and (d), “public sector provider” means—

- (a) a probation trust or other public body, or
- (b) the Secretary of State;]

Textual Amendments

F12 S. 219(1) substituted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 12\(2\)](#); S.I. 2014/1287, art. 2(d)

F13 Words in s. 219(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 105\(b\)](#)

F14 Words in s. 219(3) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 105\(b\)](#)

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F15 S. 219(4) inserted (1.6.2014) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), [Sch. 4 para. 12\(3\)](#); [S.I. 2014/1287](#), art. 2(d)

Modifications etc. (not altering text)

C3 S. 219(3) excluded (28.3.2009 for certain purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 178\(5\), 197\(4\), 202, 383](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

Commencement Information

I4 S. 219 wholly in force at 4.4.2005; s. 219 not in force at Royal Assent, see s. 336(3); s. 219(1)(a)(b)(d)(2)(3) in force for certain purposes at 26.1.2004 by [S.I. 2003/3282](#), [art. 2](#), [Sch.](#); s. 219 in force in so far as not already in force at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 2 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

220 Duty of offender to keep in touch with responsible officer

- (1) An offender in respect of whom a community order or a suspended sentence order is in force—
 - (a) must keep in touch with the responsible officer in accordance with such instructions as he may from time to time be given by that officer, ^{F16}...
 - ^{F16}(b)
- (2) The obligation imposed by subsection (1) is enforceable as if it were a requirement imposed by the order.

Textual Amendments

F16 S. 220(1)(b) and word omitted (1.2.2015) by virtue of [Offender Rehabilitation Act 2014 \(c. 11\)](#), [ss. 18\(3\), 22\(1\)](#) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), [art. 2\(p\)](#)

Commencement Information

I5 S. 220 wholly in force at 4.4.2005, see s. 336(3) and [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 16](#) (subject to [art. 2\(2\)](#), [Sch. 2](#))

[^{F17}220A Duty to obtain permission before changing residence

- (1) An offender in respect of whom a relevant order is in force must not change residence without permission given in accordance with this section by—
 - (a) the responsible officer, or
 - (b) a court.
- (2) The appropriate court may, on an application by the offender, give permission in a case in which the responsible officer has refused.
- (3) A court may also give permission in any proceedings before it under Schedule 8 or 12 (breach or amendment of orders etc).
- (4) The grounds on which the responsible officer or court may refuse an application for permission are that, in the opinion of the officer or court, the change in residence—
 - (a) is likely to prevent the offender complying with a requirement imposed by the relevant order, or

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- (b) would hinder the offender's rehabilitation.
- (5) The obligation imposed by subsection (1) is enforceable as if it were a requirement imposed by the relevant order.
- (6) This section does not apply if the relevant order includes a residence requirement imposed under section 206.
- (7) For cases in which a relevant order has to be amended because of permission given under this section, see paragraph 16 of Schedule 8 and paragraph 14 of Schedule 12 (amendment to reflect change in local justice area).
- (8) In this section “the appropriate court” has the same meaning as in paragraph 16 of Schedule 8 or paragraph 14 of Schedule 12.]

Textual Amendments

F17 S. 220A inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), **ss. 18(2)**, 22(1) (with [Sch. 7 para. 7](#)); [S.I. 2015/40](#), art. 2(p)

Modifications etc. (not altering text)

C4 S. 220A modified by 2006 c. 52, s. 183(3A) (as inserted (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 6 para. 8(b)**) (with s. 23(4), [Sch. 7 para. 7](#)); [S.I. 2015/40](#), art. 2(w))

C5 S. 220A(8) excluded by 2006 c. 52, s. 183(1) (as amended (1.2.2015) by [Offender Rehabilitation Act 2014 \(c. 11\)](#), s. 22(1), **Sch. 6 para. 8(a)**) (with s. 23(4), [Sch. 7 para. 7](#)); [S.I. 2015/40](#), art. 2(w))

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