



# Sentencing Act 2020

## 2020 CHAPTER 17

### THIRD GROUP OF PARTS Disposals

#### PART 10

##### CUSTODIAL SENTENCES

#### CHAPTER 5

##### SUSPENDED SENTENCES

*Suspended sentence order with community requirement:  
obligations of responsible officer and offender*

### **302 Duty to obtain permission before changing residence**

- (1) This section applies during the supervision period of a suspended sentence order which imposes one or more community requirements.

But it does not apply if the order includes a residence requirement (see paragraph 13 of Schedule 9).

- (2) The offender must not change residence without permission given in accordance with this section by—
- (a) the responsible officer, or
  - (b) a court.
- (3) The obligation imposed by subsection (2) has effect as if it were a community requirement imposed by the suspended sentence order.
- (4) The appropriate court may, on an application made by the offender, give permission in a case in which the responsible officer has refused.
- (5) A court may also give permission in any proceedings before it under Schedule 16 (breach or amendment of orders etc).

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*Status: This is the original version (as it was originally enacted).*

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- (6) 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 suspended sentence order, or
  - (b) would hinder the offender’s rehabilitation.
- (7) The responsible officer must refuse an application for permission if—
  - (a) the offender’s present residence is in England or Wales, and
  - (b) the offender’s proposed residence is outside England and Wales.
- (8) For cases in which a suspended sentence order has to be amended because of permission given under this section, see paragraph 23 of Schedule 16 (amendment to reflect change in local justice area).
- (9) In this section “the appropriate court” has the same meaning as in Schedule 16.