

Draft Order laid before Parliament under section 76(5)(a) of the Criminal Justice and Court Services Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No.

CRIMINAL LAW, ENGLAND AND WALES

The Criminal Justice and Court Services
Act 2000 (Amendment) Order 2004

Made - - - - 2004
Coming into force - - 2004

Whereas a draft of this Order has been laid before Parliament and has been approved by each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 70(2) of the Criminal Justice and Court Services Act 2000(1), hereby makes the following Order:

Citation, commencement and extent

1.—(1) This Order may be cited as the Criminal Justice and Court Services Act 2000 (Amendment) Order 2004 and shall come into force on the expiry of seven days beginning with the day on which it is made.

(2) This Order extends to England and Wales only.

Amendment of the Criminal Justice and Court Services Act 2000

2.—(1) Schedule 6 to the Criminal Justice and Court Services Act 2000 (which specifies trigger offences for the purposes of section 70 of the Act) shall be amended as follows.

(2) In paragraph 1, after “section 15 (obtaining property by deception)”, insert “section 22 (handling stolen goods)”.

(3) After paragraph 2, insert

“3. An offence under section 1(1) of the Criminal Attempts Act 1981(2) is a trigger offence, if committed in respect of an offence under any of the following provisions of the Theft Act 1968(3):

section 1 (theft)

(1) 2000 c. 43.
(2) 1981 c. 47.
(3) 1968 c. 60.

section 8 (robbery)

section 9 (burglary)

section 15 (obtaining property by deception)

section 22 (handling stolen goods).

4. Offences under the following provisions of the Vagrancy Act 1824⁽⁴⁾ are trigger offences:

section 3 (begging)

section 4 (persistent begging).”

Home Office
2004

Parliamentary Under-Secretary of State

⁽⁴⁾ 1824 c. 83.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order adds the eight offences specified in article 2(2) and (3) to Schedule 6 to the Criminal Justice and Court Services Act 2000.

Schedule 6 to the Criminal Justice and Court Services Act 2000 specifies certain offences as trigger offences.

Section 63B of the Police and Criminal Evidence Act 1984⁽⁵⁾ (testing for presence of Class A drugs) provides that a sample of urine or a non-intimate sample may be taken from a person in police detention for the purpose of ascertaining whether he has any specified Class A drug in his body, subject to three conditions. The first condition will be satisfied where the person concerned has been charged with a trigger offence.

Section 65 of the Criminal Justice Act 1991⁽⁶⁾ (supervision of young offenders after release) provides that where a young offender is released from a term of detention he shall be supervised and comply with any supervision requirements, as provided for in a notice of supervision. Where the term of detention was imposed for a trigger offence, the notice of supervision may include a requirement for the young offender to provide a sample for the purpose of ascertaining whether he has any specified Class A drug in his body.

Section 42 of the Powers of Criminal Courts (Sentencing) Act 2000⁽⁷⁾ (additional requirements which may be included in community rehabilitation orders) provides that the court shall or may include a drug abstinence requirement in a community rehabilitation order where certain conditions are satisfied. If the person concerned has been convicted of a trigger offence the court shall include a drug abstinence requirement in such an order.

Section 47 of the Powers of Criminal Courts (Sentencing) Act 2000 (obligations of person subject to community punishment order) provides that the court shall or may include a drug abstinence requirement in a community punishment order where certain conditions are satisfied. If the person concerned has been convicted of a trigger offence the court shall include a drug abstinence requirement in such an order.

Section 58A of the Powers of Criminal Courts (Sentencing) Act 2000⁽⁸⁾ (drug abstinence orders) provides that the court may make a drug abstinence order and one of the conditions for the court making such an order will be satisfied where the person concerned has been convicted of a trigger offence.

Section 64 of the Criminal Justice and Court Services Act 2000 (release on licence etc: drug testing requirements) provides that one of the conditions for including a drug testing requirement as a condition of release on licence, is that the person concerned has been released from a sentence of imprisonment imposed for a trigger offence.

⁽⁵⁾ 1984 c. 60. Section 63B was inserted by section 57 of the Criminal Justice and Court Services Act 2000.

⁽⁶⁾ 1991 c. 53. Section 65 was amended by section 63 of the Criminal Justice and Court Services Act 2000.

⁽⁷⁾ 2000 c. 6. Section 42 was amended by section 49 of the Criminal Justice and Court Services Act 2000.

⁽⁸⁾ 2000 c. 6. Section 58A was inserted by section 47 of the Criminal Justice and Court Services Act 2000.